

Proposed Lease (Water Lease) for the Nāhiku, Ke`anae,  
Honomanū, and Huelo License Areas

# Corrected Final Environmental Impact Statement



**September 2021 (Corrected)**

**Prepared For**



Alexander & Baldwin, Inc.  
East Maui Irrigation Company, Ltd.

**Prepared By**



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



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**APPENDIX J:**  
Pre-Assessment Consultation  
Correspondance





# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

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

DEC 21 2016

EM

In Reply Refer To:  
2017-TA-0059

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

RECEIVED  
DEC 27 2016  
WILSON OKAMOTO CORPORATION

Mr. Earl Matsukawa and representatives of Wilson Okamoto Corporation:

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

### *Proposed Action*

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

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

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

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

### *Background*

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

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

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

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

### *Anticipated Impacts*

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

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

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

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

Birds

Band-rumped storm-petrel ( <i>Oceanodroma castro</i> )	Endangered
Crested honeycreeper ( <i>Palmeria dolei</i> , 'akohekohe)	Endangered
Hawaiian coot ( <i>Fulicia alai</i> )	Endangered
Hawaiian duck ( <i>Anas wyvilliana</i> )	Endangered
Hawaiian goose or nene ( <i>Branta sandvicensis</i> )	Endangered
Hawaiian petrel ( <i>Pterodroma phaeopygia sandwichensis</i> )	Endangered
Hawaiian stilt ( <i>Himantopus mexicanus knudseni</i> )	Endangered
Maui parrotbill ( <i>Pseudonestor xanthophrys</i> , kiwikiu)	Endangered
Newell's shearwater ( <i>Puffinus auricularis newelli</i> )	Threatened

Status

Reptiles

Green sea turtle ( <i>Chelonia mydas</i> )	Endangered
Hawksbill sea turtle ( <i>Eretmochelys imbricata</i> )	Endangered

Status

MammalsHawaiian hoary bat (*Lasiurus cinereus semotus*)Status

Endangered

InsectsBlackburn's sphinx moth (*Manduca blackburni*)Status

Endangered

Flying earwig Hawaiian damselfly (*Megalagrion nesiotes*)

Endangered

Orangeblack Hawaiian damselfly (*Megalagrion xanthomelas*)

Endangered

Pacific Hawaiian damselfly (*Megalagrion pacificum*)

Endangered

Yellow-faced bee (*Hylaeus anthracinus*)

Endangered

Yellow-faced bee (*Hylaeus assimulans*)

Endangered

Yellow-faced bee (*Hylaeus longiceps*)

Endangered

PlantsStatusCritical Habitat Unit*Bidens campylotheca* ssp.

Endangered

Montane Wet 2

*pentemera**Bidens campylotheca* ssp.

Endangered

Lowland Wet 1

*waihoiensis**Clermontia samuelii*

Endangered

Lowland Wet 1, Montane Wet 2

*Cyanea asplenifolia*

Endangered

Lowland Wet 1

*Cyanea copelandii* ssp.

Endangered

Lowland Wet 1, Montane Wet 2

*haleakalaensis**Cyanea duvalliorum*

Endangered

Lowland Wet 1, Montane Wet 1,  
Montane Wet 2*Cyanea hamatiflora* ssp.

Endangered

Lowland Wet 1, Montane Wet 2

*hamatiflora**Cyanea horrida*

Endangered

Montane Wet 2, Montane Wet 2

*Cyanea kunthiana*

Endangered

Lowland Wet 1, Montane Wet 2

*Cyanea maritae*

Endangered

Lowland Wet 1, Montane Wet 1

*Cyanea mceldowneyi*

Endangered

Lowland Wet 1, Montane Wet 1,  
Montane Wet 2*Cyperus pennatiflorus*

Endangered

Coastal 4

*Geranium hanaense*

Endangered

Montane Wet 2

*Geranium multiflorum*

Endangered

Montane Wet 2

*Huperzia mannii*

Endangered

Lowland Wet 1, Montane Wet 1

*Ischaemum byrone*

Endangered

Coastal 3

*Melicope ballouii*

Endangered

Lowland Wet 1, Montane Wet 1

*Melicope ovalis*

Endangered

Lowland Wet 1

*Peucedanum sandwicense*

Threatened

Coastal 1

*Phyllostegia pilosa*

Endangered

Montane Wet 1

*Wikstroemia villosa*

Endangered

Montane Wet 2

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

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

#### *Discussion Points*

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

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

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

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

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

- 1) The degree of loss that is sustained through seepage along the system as a whole or in its various components. The EIS should identify those individual ditches or structures with the highest seepage rates, and whether these can be repaired, bypassed, or retired from service in order to render the diversion more efficient, and reserve the maximum amount of water for aquatic ecosystems and their associated native species.
- 2) The environmental impacts of alternative diversion volumes, including the current volume of 25 mgd as stated in the recent A&B contested case opening brief, a higher volume of 50 mgd that is double the current rate, the 80 mgd currently mandated by the BLNR, and the 100 mgd proposed by A&B. The impacts assessed should include the degree to which the diversion structures may represent barriers to upstream or downstream faunal passage of native Hawaiian fishes and other migratory stream biota.
- 3) The actual uses to which the diverted water is being put, and the reasonably foreseeable changes in such demand over varying time spans, as discussed above in regard to diversified agriculture. The Service maintains that proposed amounts of stream diversion should not be predicated on speculative future use at the expense of current ecosystem services and integrity, but should instead be fully justified based on robust data and economic models. If future demand justifies additional off-stream diversion, the current law allows A&B to petition CWRM for further allocations of water at any point in the future. By contrast, the Service does not support locking in excessive off-stream allocations for prolonged periods of time in advance of proven demand. The Service notes that natural resources are defined as a public trust under Article 11, Section 1 of the State of Hawaii Constitution, and that the State Water Code (HRS 174C) specifically mandates that public trust uses such as minimum instream flows for ecological integrity and traditional cultural practices must be fully addressed before off-stream allocations can be granted. The Service also notes that under HRS 174C, agricultural diversions are not considered a public trust use. As stated by the Hawaii State Supreme Court in its Waiahole Ditch decision of August 22, 2000: “Although its purpose has evolved over time, the public trust has never been understood to safeguard rights of exclusive use for private commercial gain.”

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

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

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

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

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

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

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

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

### *Summary*

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

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

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

- 3) Alternative use of pumped well water in place of diverted stream water.
- 4) Alternative geographical diversion scenarios in regard to particular water lease areas, including termination of diversions from the Nahiku and/or Keanae water lease areas.

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

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

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

Sincerely,



*FOR* Mary M. Abrams, Ph.D.  
Field Supervisor

cc:  
NMFS  
EPA  
DAR

*References:*

- Bassiouni, M. and Oki, D. S. 2013. Trends and shifts in streamflow in Hawaii, 1913-2008. *Hydrological Processes* 27: 1484-1500.
- Chu, P. S. and H. Chen. 2005. Interannual and interdecadal rainfall variations in the Hawaiian Islands. *Journal of Climate* 18: 4796-4813.
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- Wilcox, C. 1996. *Sugar Water. Hawaii's Plantation Ditches*. University of Hawaii Press, Honolulu. xii + 191 pp.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Dr. Abrams:

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

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

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

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

CWRM D&O. For each 1 mgd reduction in the amount of surface water permitted under the CWRM D&O, there would be a reduction of some 173 acres of land in crops in Central Maui and 24.51 acres of crops in Upcountry Maui.

9. Some key between the Proposed Action and the no Water Lease alternative (i.e., an alternative whereby water would be diverted only from private lands) would be as follows:
- About 11,570 acres more green open space in the form of farms and irrigated pastures (20,650 acres vs 9,080 acres).
  - About three times as much food production, including greater food self-sufficiency and more exports.
  - About \$206 million per year more in direct and indirect sales (\$329.5 million vs \$123.5 million).
  - About 750 more direct and indirect jobs (1,140 jobs vs 390 jobs).
  - About \$29.7 million per year more in total payroll (\$45.3 million vs \$15.6 million).
  - About \$2.9 million per year more in State and County tax revenues (\$4.6 million vs \$1.7 million).

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

DAVID Y. IGE  
GOVERNOR OF HAWAII



EM

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In reply, please refer to:  
EMD/CWB

12005PNN.16

December 5, 2016

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

RECEIVED  
DEC 09 2016  
WILSON OKAMOTO CORPORATION

Dear Mr. Matsukawa:

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

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

<http://health.hawaii.gov/epo/files/2013/05/Clean-Water-Branch-Std-Comments.pdf>.

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

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

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

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

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

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

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

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

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

Sincerely,



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

NN

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



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Mr. Wong:

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

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

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

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

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

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

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

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

In reply, please refer to:  
File:

EPO 16-399

December 21, 2016

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

RECEIVED  
DEC 27 2016  
WILSON OKAMOTO CORPORATION

Dear Mr. Matsukawa:

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

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

In the development and implementation of all projects, EPO strongly recommends regular review of State and Federal environmental health land use guidance. State standard comments and available strategies to support sustainable and healthy design are provided at: <http://health.hawaii.gov/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](mailto:cleanwaterbranch@doh.hawaii.gov). If your project involves waters of the U.S., it is highly recommended that you contact the Army Corps of Engineers, Regulatory Branch at: (808) 835-4303.

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

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

Mr. Earl Matsukawa  
Page 2  
December 21, 2016

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

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

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

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

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

Mahalo nui loa,



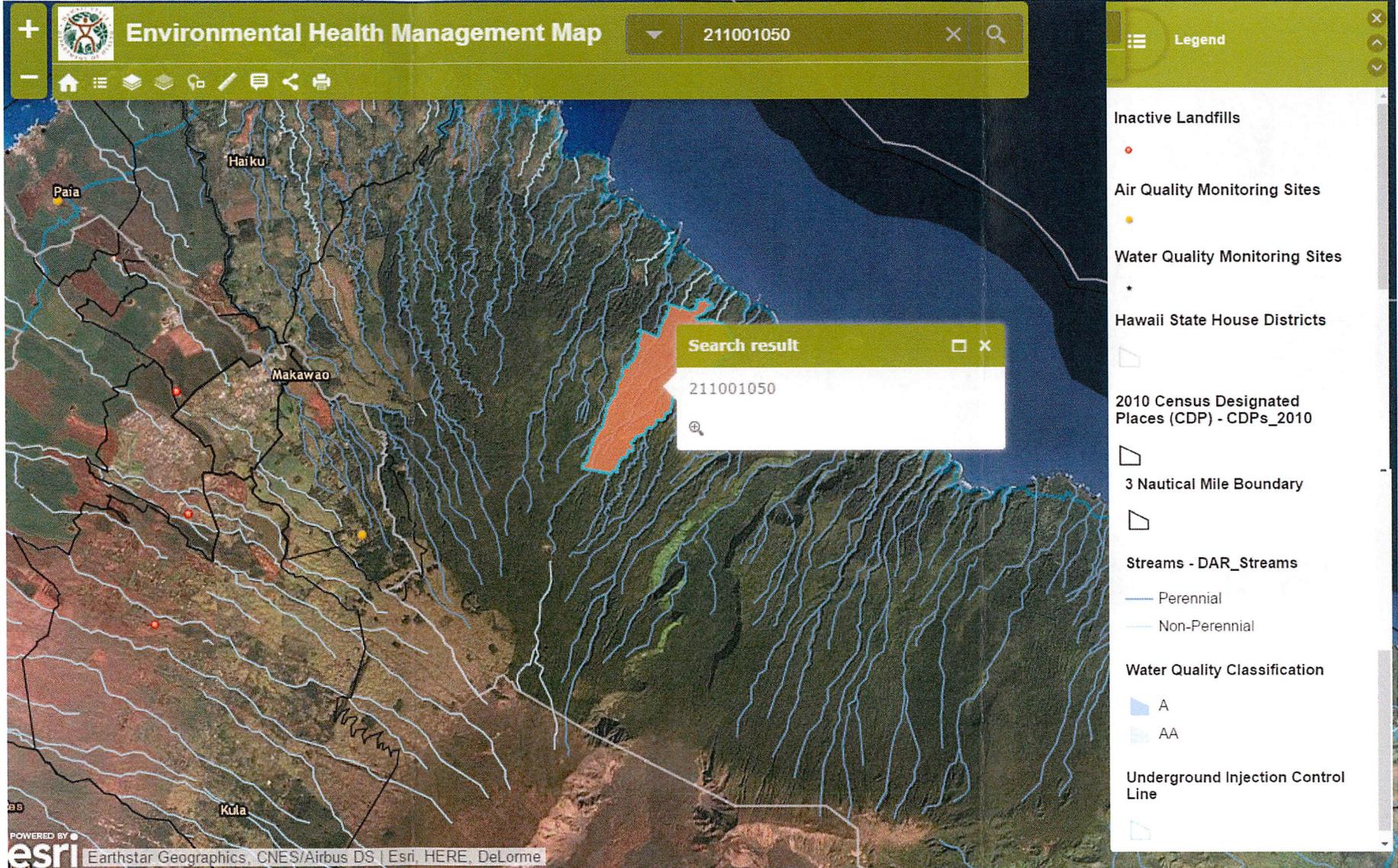
Laura Leialoha Phillips McIntyre, AICP  
Program Manager, Environmental Planning Office

LM:nn

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

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

Attachment 1: Environmental Health Management Web App Snipit of Project Area: <http://health.hawaii.gov/epo/egis>

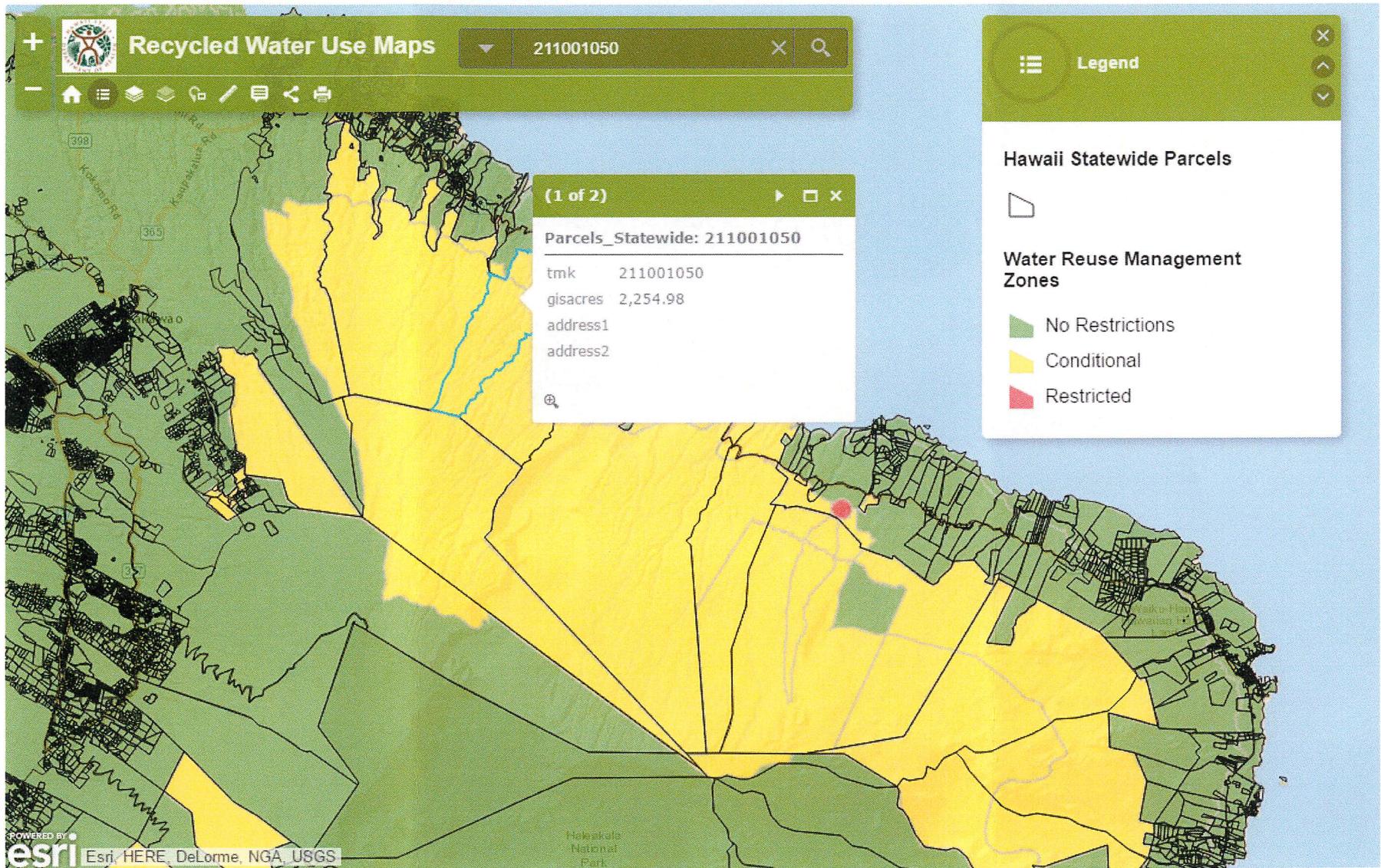




Attachment 3: Wastewater Branch: Act 120 Cesspool Tax Credit Web App Snippet of Project Area



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





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

In reply, please refer to:  
EMD/CWB

12005PNN.16

December 5, 2016

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

Dear Mr. Matsukawa:

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

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

<http://health.hawaii.gov/epo/files/2013/05/Clean-Water-Branch-Std-Comments.pdf>.

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

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

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

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

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

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

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

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

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

Sincerely,



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

NN

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



10238-02  
September 23, 2019

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

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

Dear Dr. Anderson:

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

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

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

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

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

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

10238-02

Letter to Dr. Bruce S. Anderson

Page 2

September 23, 2019

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

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

LORRIN W. PANG, M.D., M.P.H.  
DISTRICT HEALTH OFFICER

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

December 23, 2016

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

RECEIVED  
DEC 27 2016  
WILSON OKAMOTO CORPORATION

Dear Mr. Matsukawa:

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

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

Should you have any questions, please contact me at 808 984-8230 or email me at [patricia.kitkowski@doh.hawaii.gov](mailto:patricia.kitkowski@doh.hawaii.gov).

Sincerely,

Patti Kitkowski  
District Environmental Health Program Chief

c EPO



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Ms. Kitkowski:

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

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

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

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

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

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

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

DEC 19 2016

(P)1431.6

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



Dear Mr. Matsukawa:

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

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

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

Sincerely,

A handwritten signature in blue ink that appears to read "Roderick K. Becker".  
R/RODERICK K. BECKER  
Comptroller

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



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Mr. Otaguro:

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

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

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

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

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

DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
Lt. Governor



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

SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

EM

December 22, 2016

RECEIVED  
DEC 27 2016  
WILSON OKAMOTO CORPORATION

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

Dear Mr. Matsukawa:

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

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

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

Sincerely,

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





**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Mr. Kau,

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

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

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

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

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

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



# OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE  
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235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
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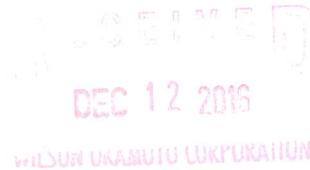
Telephone: (808) 587-2846  
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Ref. No. P-15388

December 8, 2016

EM

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



Dear Mr. Matsukawa:

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

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

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

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

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

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

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

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

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

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

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

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

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

proposed action until an EISPN is submitted for its review.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Asuncion', with a stylized flourish at the end.

Leo R. Asuncion  
Director



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Ms. Evans:

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

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui, which are now owned by Mahi Pono and planned for diversified agriculture.
2. Pursuant to HAR § 11-200-17(h), the Draft EIS discusses the Proposed Action's consistency with various plans and policies in Chapter 5 of the Draft EIS, specifically the Hawai'i Coastal Zone Management Program in Section 5.1.5, the Hawai'i State Plan in

10238-01

Letter to Ms. Mary Alice Evans

Page 2

September 23, 2019

Section 5.1.1, and the State Functional Plans in Section 5.1.2. As you suggested, the analysis is provided in tabular form, followed by discussion paragraphs.

3. The Draft EIS discusses impacts to soils associated with the Proposed Action in Section 4.1.2 of the Draft EIS.
4. The Draft EIS discusses impacts to hydrology associated with the Proposed Action in Section 4.2 of the Draft EIS as well as the reports various technical reports prepared for the Draft EIS, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); and Terrestrial and Flora and Fauna Report (See Appendix C).
5. The Draft EIS includes in Section 4.7 an assessment of the impacts of the Proposed Action to socio-economic characteristics including the agricultural economy. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural and Related Economic Impacts Report (See Appendix I) and an Economic and Fiscal Impact Analysis Report (See Appendix H).

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

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

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

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

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII



JOBIE M. K. MASAGATANI  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

SHAN S. TSUTSUI  
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DEPUTY TO THE CHAIRMAN

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879  
HONOLULU, HAWAII 96805

EM

December 22, 2016

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

RECEIVED  
DEC 29 2016  
WILSON OKAMOTO CORPORATION

Dear Mr. Matsukawa:

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

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

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

Earl Matsukawa, Project Manager  
December 22, 2016  
Page 2

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

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

*Background: DHHL interests in East Maui Waters*

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

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

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

<sup>3</sup> See S.B. Gingerich & D.S. Oki, Ground Water in Hawai'i: U.S. Geological Survey, Fact Sheet 126-00 (2000).

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

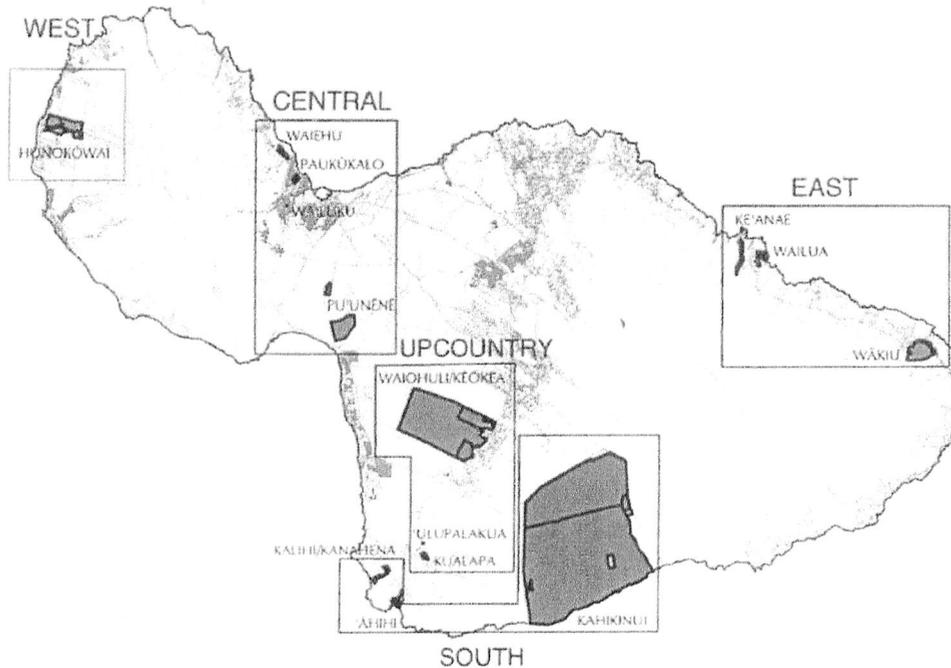


Fig. 1. DHHL Maui Land Inventory, Maui Island Plan, at 1-10.

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

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

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

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

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

*PROVIDED NEVERTHELESS and the continuance of the right here before granted is upon this condition . . . that existing rights or present tenants of said lands or occupiers along said streams shall in no wise be lessened or affected injuriously by reason of anything hereinbefore granted or covenanted . . .*<sup>6</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DHHL also has interests in public trust in-stream uses for its tracts in Ke'anae and Wailua, including native Hawaiian traditional and customary uses. Disclosure of the environmental impacts of the four license area leases strongly implicates the State's duty to analyze "tradition[al] and customary native Hawaiian practices and appurtenant rights and the public trust obligations emanating from the Hawai'i Constitution and case decisions construing it[.]"<sup>10</sup> Alerting decision makers to significant environmental impacts on public trust uses of instream and diverted waters accords with the purpose of Hawai'i's environmental review law.<sup>11</sup> The prioritized water uses of DHHL and other public trust users, including native Hawaiian traditional and customary practitioners, must be appropriately considered in assessing the impacts of the proposed general lease and in formulating alternatives to the proposed action.

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

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

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

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

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

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

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

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

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

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

a. DHHL interests in diverted EMI system waters.

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

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

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

<sup>15</sup> Draft SWPP at 4-26.

<sup>16</sup> Draft SWPP at 4-23, -24.

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

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

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

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

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<sup>17</sup> Draft SWPP at 4-27; Kahikinui Regional Plan at 21.

<sup>18</sup> Draft SWPP at 4-28.

<sup>19</sup> Maui Island Plan, at 6-24.

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

<sup>21</sup> Maui Island Plan at 6-19, -24.

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

Earl Matsukawa, Project Manager  
December 22, 2016  
Page 11

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

*Conclusion:*

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

Aloha,



Jobie M. K. Masagatani, Chair  
Hawaiian Homes Commission

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



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Director Ailā:

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

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

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

auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) that has been studied.

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

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

10238-02

Letter to William Ailā, Jr.

Page 3

September 23, 2019

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

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 3, 2017

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

via email: [ematsukawa@wilsonokamoto.com](mailto:ematsukawa@wilsonokamoto.com)

Dear Mr. Matsukawa:

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji  
Land Administrator

Enclosure(s)  
cc: Central Files



\*16 DEC 01 AM 10:47 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

November 29, 2016

MEMORANDUM

~~TO:~~

**DLNR Agencies:**

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

From:

RECEIVED  
LAND DIVISION  
2016 DEC -7 AM 11:17  
DEPT. OF LAND & NATURAL RESOURCES  
STATE OF HAWAII

FROM: ~~To:~~

Russell Y. Tsuji, Land Administrator

SUBJECT:

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

LOCATION:

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

APPLICANT:

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

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

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

Attachments

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

Signed:

Print Name:

Carty S. Chang, Chief Engineer

Date:

12/5/16

cc: Central Files

**DEPARTMENT OF LAND AND NATURAL RESOURCES  
ENGINEERING DIVISION**

**LD/Russell Y. Tsuji**

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

**COMMENTS**

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

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

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

- 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: 12/5/10



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Mr. Chang:

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

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

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

10238-02

Letter to Mr. Carty S. Chang

Page 2

September 23, 2019

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

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

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
  
KEKOA KALUHIWA  
FIRST DEPUTY  
  
JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER  
  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

December 19, 2016

TO: RUSSELL TSUJI  
LAND ADMINISTRATOR

FROM: DAVID G. SMITH  
FORESTRY AND WILDLIFE ADMINISTRATOR

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

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

DES

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

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

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

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

Mahalo

cc: Kevin Moore, Scott Fretz, Irene Sprecher



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Mr. Smith:

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

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

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

be unrestricted public access to the two Reserves and any State-owned roads and trails. The Proposed Action as described in the Draft EIS is consistent with the May 14, 2001 request for a Water Lease covering some 33,012 acres of land.

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

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

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

4. You indicated that there should be unrestricted public access within the proposed Lease Area and to any roads or trails owned by the State within the Lease Area. Although this approach differs from the Proposed Action as described in the Draft EIS, the alternative of reducing the land area under the proposed Water Lease to a smaller area reasonably necessary to operate the EMI Aqueduct System with appropriate buffers to ensure public safety and the security of the system, while not reducing access to the water under the Water Lease, has been considered in the Draft EIS. See Chapter 3. Access that includes sufficient buffers to prevent members of the public from accessing the system could be consistent with the objectives of the Proposed Action. (objectives of the Proposed Action are discussed in Section 1.2 of the Draft EIS), as long as access to and the safety of the water source and the system is not affected and the water volume remains the same as under the Proposed Action.

5. As discussed in Chapter 3 of the Draft EIS, under this "Modified Lease Area" scenario it is assumed that access to the State lands would be managed solely by the State. Similarly, the roads and trails outside of the modified/reduced Lease Area would be managed and maintained by the State. Potential environmental impacts of this Modified Lease Area alternative was assessed in the Terrestrial Flora and Fauna Technical Report for the Proposed East Maui Water Lease (Appendix C) and the Archaeological Literature Review and Field Inspection (Appendix E), and the analysis determined that increased or unfettered public access into the Lease Area could result in the introduction and spreading of invasive species and damage to historic resources.

6. Chapter 5 of the Draft EIS addresses relationship of the Proposed Action to applicable land use plans and policies. Relevant provisions of Hawaii Revised Statutes Chapters 183 and 195 and related administrative rules are included in Chapter 5.

6. Chapter 4 of the Draft EIS includes an assessment of the existing environment and impacts of the Proposed Action, including native ecosystems, resource management, endangered species, drainage and soil management, cultural resources, public access, and climate change.

7. Various technical studies are appended the Draft EIS and provide detailed examinations or resources and potential impacts, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

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

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

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

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

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIIOOLAWA ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

December 16, 2016

MEMORANDUM

**TO:** Russell Y. Tsuji, Administrator

**THROUGH:** Kevin E. Moore, Assistant Administrator *KE*

**FROM:** Richard T. Howard, Land Agent *rh*

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

RECEIVED  
LAND DIVISION  
2016 DEC 21 AM 8:55  
DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

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

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

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

A Brief description of encumbrances follows:

- EO3351: The set aside of 7,500 acres for the NARS. Fortunately, the irrigation ditch does not pass through the NARS (see attached maps), so no approvals from the NARS Commission will be necessary.
- Governor's Proclamation of 5/2/38: Modifies the boundaries and changes the area of the Ko'olau Forest Reserve. A submittal to withdraw 1.341 acres from the forest reserve and set aside to the DOT, Highways Division for highway improvements was approved by the Board of Land and Natural Resources on November 19, 2004, item D-34. The DOT was to provide the survey maps and description according to State DAGS standards. According to the project status form entry of 6/16/11, Debra followed up with Cynthia Okinaka regarding the status of the maps and descriptions, which were outstanding.
- EO3868: The set aside of .631 acres to the DOT, Highways Division for highway improvement purposes.
- GL S-4593: Grant of term easement to Gregory and Masako Westcott for ingress and egress purposes including the right to construct, reconstruct, use maintain and repair the roadway from 10/1/78 through 9/30/43.

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

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

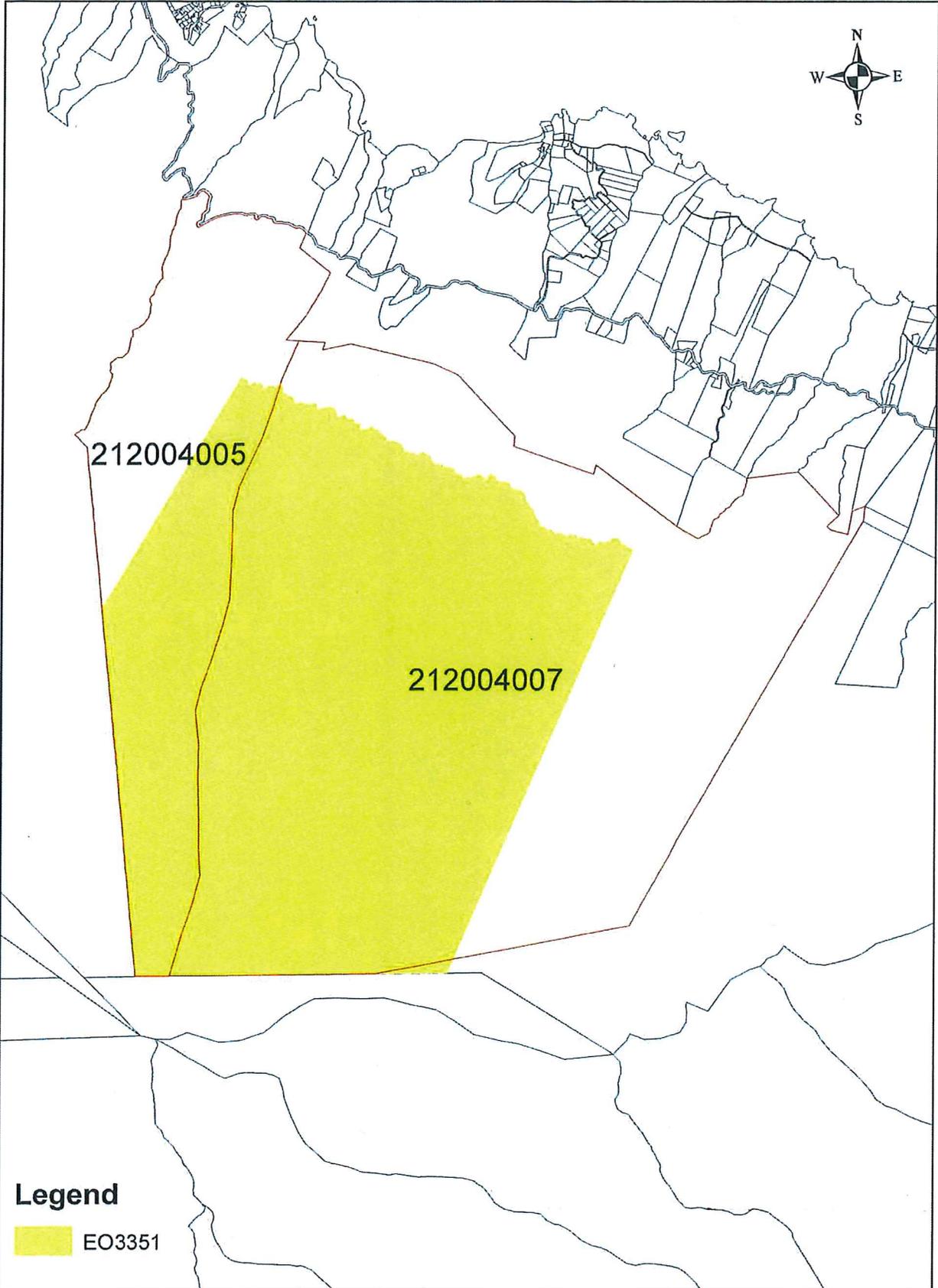
Russell Y. Tsuji, Administrator  
December 16, 2016  
Page 3

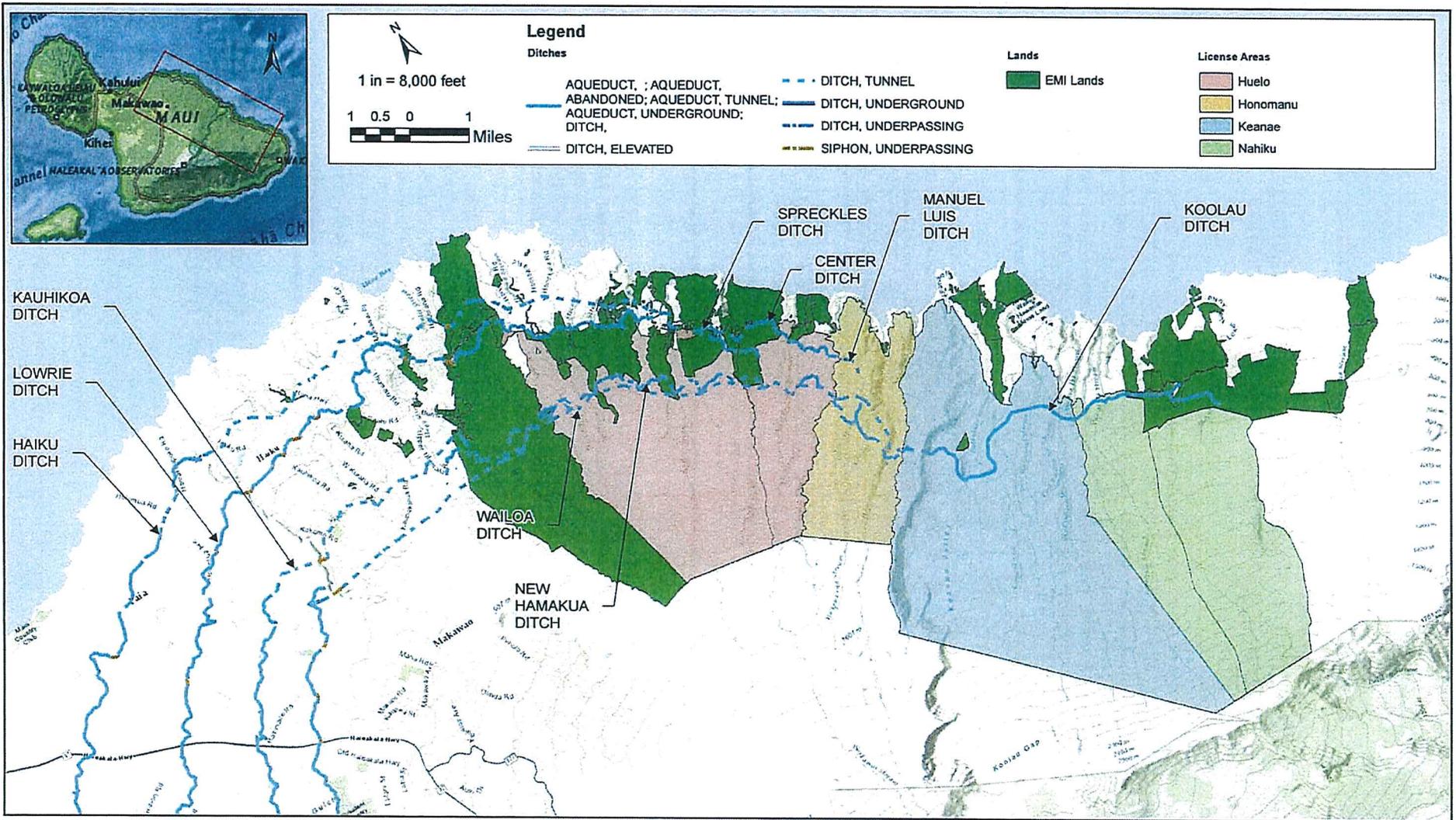
With respect to hiking it says:

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

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

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





**FIGURE 1-1**  
EMI Aqueduct System

*Proposed Lease for the Nahiku, Ke'anae, Honomanu, and Huelo License Areas*



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Mr. Howard:

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

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

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

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

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

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

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

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



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

December 21, 2016

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

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

2016 DEC 21 PM 12:42

RECEIVED  
LAND DIVISION

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

Dear Ms. Case:

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

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

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

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

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

5. What is proposed in the lease is not consistent with the statutory purpose of the forest reserve system and the protection of natural resources including aquatic stream life and riparian ecosystems.
6. Streams in Hawaii have traditionally been used as linear open spaces for connecting recreational, educational, cultural and natural areas and therefore fit the definition of a greenway. Our concern is that these pathways are accessible to the public for the above uses and subsistence opportunities.

Sincerely,

*Russell Reinertson*

Russell Reinertson, Chair  
Maui Island Advisory Council

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



10238-02  
September 23, 2019

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

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

Dear Mr. Reinertson:

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

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

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

System. However, access that includes sufficient buffers to prevent members of the public from accessing the system could be consistent with the objectives of the Proposed Action. (Objectives of the Proposed Action are discussed in Section 1.2 of the Draft EIS). Potential environmental impacts of this Modified Lease Area alternative was assessed in the Terrestrial Flora and Fauna Technical Report for the Proposed East Maui Water Lease (Appendix C) and the Archaeological Literature Review and Field Inspection (Appendix E). Sections 3.4.14 and 4.8 of the Draft EIS discuss recreational resources, as well as access to such resources within the proposed Lease Area.

4. Cultural Surveys Hawai'i, Inc. prepared an archaeological report as well as a cultural impact assessment, which are summarized in Sections 4.5 and 4.6 of the Draft EIS, respectively. These reports are also appended in the Draft EIS (Appendices E and F, respectively).
5. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action and alternatives on indigenous freshwater species, terrestrial flora and fauna, and invasive mosquitoes. The Draft EIS discusses the impacts of the Proposed Action to freshwater species in Section 4.2.1 and impacts to terrestrial flora and fauna in Sections 4.4.1 and 4.4.2. Both reports are appended to the Draft EIS (See Appendix B and Appendix C). Impacts to natural resources are discussed throughout Chapter 4.

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

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

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

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

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

November 29, 2016

MEMORANDUM

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

FROM: *Russell Y. Tsuji*, Land Administrator

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

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

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

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

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

Attachments

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

Signed: *Daniel Ornellos*

Print Name: Daniel Ornellos

Date: 12/23/16

cc: Central Files

*emailed 12/23/2016. 342p*



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

54 High Street, Room 101  
Wailuku, Hawaii 96793  
PHONE: (808) 984-8103  
FAX: (808) 984-8111

December 23, 2016

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

Memorandum

To: Russell Tsuji, Land Administrator

From: Daniel Ornellas, Maui District Land Agent

Subject: Early Consultation, Environmental Impact Statement Preparation Notice (EISPN), Proposed Lease of Government Lands of East Maui, 33,000 acres (more or less); Nahiku, Keanae, Hoomanu, Huelo, Maui; TMK (2) 1-2-004:005 & 007, (2) 1-1-002:002, (2) 1-1-001:044 & 050, and (2) 2-9-014:001

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

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

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

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

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

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

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

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

Enc.

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

Zoom In Zoom Out Pan Hand Get Info Zoom To Parcel Center On Parcel Area Tool Print Page Search Saved Additional Options

**Controls**

Available Layers

- Parcels
- Yearly Sales
- Parcel Numbers
- Pending Parcel Changes
- Roads
- Tsunami Evacuation Zones
- Flood Hazard Areas
- State Land Use Districts
- Special Management Area
- Streets ( Google )
- Satellite ( Google )
- Hybrid ( Google )
- Physical ( Google )
- Public BaseMap



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Maui

Show Scale

Google

Hawaii

Maui County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change.



10238-02  
September 23, 2019

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

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

Dear Mr. Ornellas:

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

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui, which are now owned by Mahi Pono and planned for diversified agriculture.
2. TMK No. (2) 3-8-008:001 (por.) is not within the License Area of the Proposed Action.
3. RP S-7368 has been terminated.
4. We acknowledge your comment that the Department of Land and Natural Resources may request that the BLNR impose a condition on the Water Lease that the lessee provide water to the proposed Kakanilua Business Park. The diversified agriculture farm plan presented in the Draft

EIS was formulated to utilize the amount of water expected to be available for diversion after compliance with the Commission on Water Resources Management's Interim Instream Flow Standards Decision and Order, which was issued in June 2018, and after providing an estimated 7.1 million gallons a day to the County of Maui Department of Water Supply for the Upcountry Maui and Nahiku communities.

5. Regarding comments from the Maui Division of Forestry & Wildlife and the Maui Division of Aquatic Resources, Chapter 4 of the Draft EIS includes an assessment of the existing environment and impacts of the Proposed Action. Various technical studies are also appended the Draft EIS and provide detailed examinations, including: Assessment of Streams and the Ocean Water Chemistry (See Appendix A); Terrestrial and Flora and Fauna Report (See Appendix B); Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix C), Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).
6. Chapter 3 of the Draft EIS includes an evaluation of the reasonable alternatives to the Proposed Action, including discussion of a Water Lease with a more limited geographical scope.

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

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

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

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

DAVID Y. IGE  
GOVERNOR OF HAWAII

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



RECEIVED  
LAND DIVISION

2016 DEC 27 PM 2



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

November 29, 2016

MEMORANDUM

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

TO:

**DLNR Agencies:**

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

FROM:

*[Signature]*  
Russell Y. Tsuji, Land Administrator

SUBJECT:

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

LOCATION:

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

APPLICANT:

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

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

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

Attachments

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

Signed: /s/ Lenore N. Ohye

Print Name: Acting Deputy Director

Date: December 22, 2016

cc: Central Files

RFD 4531.6  
14371



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
**COMMISSION ON WATER RESOURCE MANAGEMENT**  
P.O. BOX 621  
HONOLULU, HAWAII 96809

December 22, 2016

REF: RFD.4531.6

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

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

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

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

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

Our comments related to water resources are checked off below.

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

[http://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH\\_Irrigation\\_Conservation\\_BMPs.pdf](http://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf).

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

- OTHER: The Commission on Water Resource Management (Commission) is requiring Stream Diversion Works Permit Applications be filed for all diversions that East Maui Irrigation Company (EMI) is planning to abandon. The Commission has also reopened Contested Case Hearing CCH-MA13-01 to address the end of sugar farming on Maui and its impact upon the interim instream flow standards for East Maui. Information on CCH-MA13-01 can be found on the Commission's website at: <http://dlnr.hawaii.gov/cwrm/newsevents/cch/cch-ma13-01/>.

Additionally, the Commission had previously attempted to set interim instream flow standards through an administrative process that involved the compilation and analysis of best available information on specific East Maui streams. The historical record of that process is captured on the Commission's website at: <http://dlnr.hawaii.gov/cwrm/surfacewater/ifs/eastmauiifs1/>.

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



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Deputy Director Uyeno:

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

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

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

10238-02

Mr. Deputy Director Uyeno

Page 2

September 23, 2019

4. By Findings of Fact, Conclusions of Law, & Decision and Order in CCH-MA13-01, dated June 20, 2018, CWRM set Interim Instream Flow Standards (IIFS) for numerous East Maui streams. The Proposed Action is in compliance with the IIFS requirements thereunder.

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

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

Sincerely,

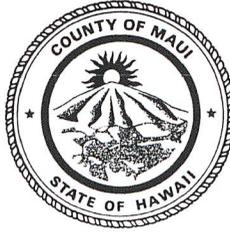
A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

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

ALAN M. ARAKAWA  
Mayor



PATRICK K. WONG  
Corporation Counsel

EDWARD S. KUSHI  
First Deputy

LYDIA A. TODA  
Risk Management Officer  
Tel. No. (808) 270-7535  
Fax No. (808) 270-1761

DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
WAILUKU, MAUI, HAWAII 96793  
EMAIL: CORPCOUN@MAUICOUNTY.GOV  
TELEPHONE: (808) 270-7740  
FACSIMILE: (808) 270-7152

EM

December 13, 2016

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

RECEIVED  
DEC 15 2016  
WILSON OKAMOTO CORPORATION

Re: Proposed Lease for the Nahiku, Keanae, Honomanu, and Huelo License Areas

Dear Mr. Matsukawa,

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

Sincerely,

A handwritten signature in black ink, appearing to read "Caleb P. Rowe".

Caleb P. Rowe  
Deputy Corporation Counsel

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



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**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Mr. Rowe,

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

We acknowledge that you indicated your client, DWS, did not have any early consultation comments. However, we note that DWS subsequently sent two early consultation communications to us on December 15, 2016 and December 20, 2016. A copy of your letter, DWS' letters, and responses to those communications will be appended to the Draft EIS in Appendix J.

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

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

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

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



DEPARTMENT OF  
**HOUSING AND HUMAN CONCERNS**  
HOUSING DIVISION  
COUNTY OF MAUI

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

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

November 29, 2016

EM

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

DEC 05 2016  
WILSON OKAMOTO CORPORATION

Dear Mr. Matsukawa:

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

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

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

Sincerely,

BUDDY A. ALMEIDA  
Housing Administrator

cc: Director of Housing and Human Concerns



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Director Tsuhako,

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

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

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

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

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

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

ALAN M. ARAKAWA  
Mayor

DAVID C. GOODE  
Director

ROWENA M. DAGDAG-ANDAYA  
Deputy Director

Telephone: (808) 270-7845  
Fax: (808) 270-7955



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

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

CARY YAMASHITA, P.E.  
Engineering Division

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

EM

December 9, 2016

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

RECEIVED  
DEC 15 2016  
WILSON OKAMOTO CORPORATION

Dear Mr. Matsukawa:

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

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

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

Sincerely,

DAVID C. GOODE  
Director of Public Works

DCG:RMDA:da

xc: Engineering Division

S:\DSA\Engr\CZM\DraftComments\11001044,050\_11002002\_12004005,007\_29014001,055,011,012,017\_prop\_wtr\_lease\_eis.rtf



**WILSON OKAMOTO**  
CORPORATION  
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10238-02  
September 23, 2019

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

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

Dear Director Rowena Dagdag-Andaya,

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

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

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

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

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

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

ALAN M. ARAKAWA  
Mayor



DAVID TAYLOR, P.E.  
Director

PAUL J. MEYER  
Deputy Director

**DEPARTMENT OF WATER SUPPLY**  
**COUNTY OF MAUI**  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793-2155  
www.mauewater.org

December 20, 2016

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

RECEIVED  
DEC 27 2016  
WILSON OKAMOTO CORPORATION

EM

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

Dear Mr. Matsukawa:

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

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

**Legal Issues**

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

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

*"By Water All Things Find Life"*

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

### **Hydrogeology**

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

### **Economic Impacts**

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

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

### **Changing Economic Conditions**

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

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

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

### County of Maui Plans

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

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

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

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

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

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

Policies: 6.3.3.a Protect and maintain water delivery systems.

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

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

Sincerely,



David Taylor, P.E.  
Director

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



10238-02  
September 23, 2019

Mr. Jeffrey T. Pearson  
Director  
County of Maui, Department of Water Supply  
200 South High Street  
Wailuku, HI 96793-2155

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

Dear Mr. Pearson,

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

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

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

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

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

**From:** Pam Townsend [<mailto:Pam.Townsend@co.maui.hi.us>]  
**Sent:** Thursday, December 15, 2016 2:10 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** A&B/EMI Water License EISPN

Please direct this email to Earl Matsukawa.

Aloha Mr. Matsukawa:

We will be commenting on the EISPN.

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

Mahalo, Pam

Pamela Townsend, Planner VI  
County of Maui Dept. of Water Supply  
Water Resources & Planning Division  
2200 Main St, Suite 102 (One Main Plaza), Wailuku, HI 96793  
808-463-3101  
[pam.townsend@co.maui.hi.us](mailto:pam.townsend@co.maui.hi.us)  
<http://mauicounty.gov>  
Office Hours: M-F 8:00 a.m. - 4:30 p.m.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Ms. Townsend,

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

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

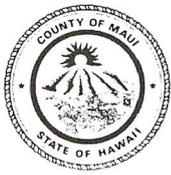
It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

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

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

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



ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE

YOUR REFERENCE

# POLICE DEPARTMENT

COUNTY OF MAUI

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



TIVOLI S. FAAUMU  
CHIEF OF POLICE

DEAN M. RICKARD  
DEPUTY CHIEF OF POLICE

December 21, 2016

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

RECEIVED  
DEC 27 2016  
WILSON OKAMOTO CORPORATION

Dear Mr. Matsukawa:

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

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

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

Very truly yours,

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



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Chief Faaumu,

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

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

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

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

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

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

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



EM

COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

December 22, 2016

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

**RECEIVED**  
DEC 27 2016  
WILSON OKAMOTO CORPORATION

Dear Mr. Matsukawa:

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

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

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

Proposed Action

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

Mr. Earl Matsukawa, Project Manager

December 22, 2016

Page 2

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

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

#### Purpose and Need

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

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

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

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

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

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

Please address how the Proposed Action could affect the following provisions of the *County of Maui 2030 General Plan Countywide Policy Plan* (Policy Plan) that can be found at <http://www.co.maui.hi.us/DocumentCenter/Home/View/11132>.

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

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

I. Improve Physical Infrastructure

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

Objective:

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

Policy:

- a. Ensure that adequate supplies of water are available prior to approval of subdivision or construction documents.
  - c. Ensure a reliable and affordable supply of water for productive agricultural uses.
  - h. Seek reliable long-term sources of water to serve developments that achieve consistency with the appropriate Community Plans.
2. The Maui Island Plan was adopted by the Council on December 28, 2012. The Plan provides direction for future growth, the economy, and social and environmental decisions through the year 2030. The Plan looks

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

Please address how the Proposed Action could affect the following provisions of the *County of Maui General Plan 2030 Maui Island Plan* (Island Plan), which includes the following relevant combinations of goals, objectives, and policies. The Island Plan can be found at <http://www.mauicounty.gov/1503/Maui-Island-Plan>.

Goal:

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

Objective:

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

Policies:

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

Objective:

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

Policies:

- 6.3.3.a Protect and maintain water delivery systems.

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

Water

Goal:

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

Objective:

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

PHYSICAL INFRASTRUCTURE

Goal:

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

Objectives and Policies

Water:

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

Mr. Earl Matsukawa, Project Manager  
December 22, 2016  
Page 6

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

Sincerely,



WILLIAM SPENCE  
Planning Director

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

WRS:JPD:ela

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**WILSON OKAMOTO**  
CORPORATION  
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10238-02  
September 23, 2019

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

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

Dear Director McLean:

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

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

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

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

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

Sincerely,

10238-02

Letter to Michelle Choteau McLean

Page 2

September 23, 2019

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with the first name "Earl" being more prominent.

Earl Matsukawa, AICP

Vice President, Director of Planning

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

RECEIVED  
DEC 12 2016  
WILSON OKAMOTO CORPORATION

PUBLIC ACCESS TRAILS HAWAII  
2525 KAHEKILI HIGHWAY  
WAILUKU, HAWAII 96793-9233

davidhbrown@hawaiiantel.net  
808 244-5721

8 December 2016

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

Dear Mr. Matsukawa:

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

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

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

Sincerely yours,

*David*  
David Henderson Brown

Executive Director, Public Access Trails Hawaii



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

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

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

Dear Mr. Brown:

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

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

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

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

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

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

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

Aloha,

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

Mahalo  
Napua Kuloloio Puaoi



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CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Napua Kuloloio Puaoi  
ppuaoi@gmail.com

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

Dear Ms. Puaoi:

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

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

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

10238-02

Letter to Ms. Napua Puaoi

Page 2

September 23, 2019

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

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



# Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813 • www.nhlchi.org  
Phone (808) 521-2302 • Fax (808) 537-4268



December 26, 2016

Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, Hawai'i 96826  
Attention: Mr. Earl Matsukawa, Project Manager  
[woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

RECEIVED  
DEC 29 2016  
WILSON OKAMOTO CORPORATION

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

Dear Mr. Okamoto,

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

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

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

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

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

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

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

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

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

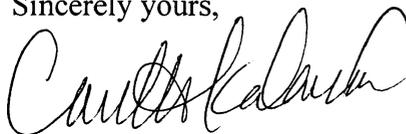
- the degree to which leasing of the land interferes with access to the license area - including a discussion as to who controls the various gates that prevents access to these lands;
- the impact of diverting water from East Maui streams on aquatic life;
- the impact of diverting water from East Maui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

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

Wilson Okamoto Corporation  
December 26, 2016  
Page 3 of 3

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

Sincerely yours,

A handwritten signature in black ink, appearing to read "Camille Kalama". The signature is fluid and cursive, with the first name "Camille" written in a larger, more prominent script than the last name "Kalama".

Camille Kalama  
Summer Sylva  
Staff Attorneys



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Camille Kalama and Ms. Summer Sylva, Staff Attorneys  
Native Hawaiian Legal Corporation  
1164 Bishop Street, Suite 1205  
Honolulu, HI96813

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

Dear Ms. Kalama and Ms. Sylva:

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

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

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

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

3. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, terrestrial flora and fauna and invasive mosquitos. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
4. The Draft EIS includes in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
5. Figure 1-1 in the Draft EIS illustrates the EMI Aqueduct System overlaid on the Department of Land and Natural Resources (DLNR) Division of Aquatic Resources (DAR) geographic information system (GIS) data of streams. An electronic drawing of the EMI Aqueduct System was georeferenced by Akinaka & Associates, Ltd. to depict major diversions on East Maui streams on a United States Geological Survey (USGS) GIS base map. Due to the complexity of the EMI Aqueduct System and the level of detail shown on the map, not all of the minor diversions could be associated with a stream or tributary. The stream names shown are from the DAR GIS database but a few of those stream names may differ from how some East Maui residents may refer to them. Moreover, certain streams that were identified during certain proceedings before the CWRM do not have associated GIS data and therefore could not be precisely located on the map. Table 1-2 in the Draft EIS reconciles discrepancies between stream names used in the February 2017 EIS Preparation Notice and the CWRM D&O.
6. For the purposes of the Draft EIS, diversion quantities from the CWRM D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
7. For purposes of this Draft EIS, the list of streams assessed as part of the License Area is taken from the D&O. The Draft EIS discusses impacts to hydrology associated with the Proposed Action in Section 4.2 of the Draft EIS as well as the reports various technical reports prepared for the Draft EIS, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure

Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

8. The impacts of access into the License Area are discussed in the SWCA report and the Archaeological Literature Review and Field Inspection report (See Appendices B and E, respectively). These impacts are also discussed in the Draft EIS in Section 4.4 pertaining to the natural environment and Section 4.5 on historic and archaeological resources.
9. The Cultural Impact Assessment (See Appendix F) includes a tabulation and evaluation of traditional cultural practices, including those provided through interviews and declarations from the CWRM's proceedings on the IIFS.

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

EM

ISAAC DAVIS HALL

ATTORNEY AT LAW

2087 WELLS STREET

WAILUKU, MAUI, HAWAII 96793

(808) 244-9017

FAX (808) 244-6775

December 27, 2016

Via Email and U.S. Mail

woc@wilsonokamoto.com

Mr. Earl Matsukawa

Project Manager

Wilson Okamoto Corporation

1907 South Beretania Street, Suite 400

Honolulu, Hawaii 96826

RECEIVED  
DEC 30 2016

WILSON OKAMOTO CORPORATION

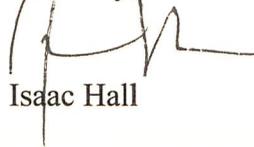
Re: Early Consultation for the Preparation of an EISPN for Proposed Lease for the Nahiku, Keanae, Honomanu, and Huelo License Areas, East, Central and UpCountry Maui, Hawaii

Dear Mr. Matsukawa:

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

Thank you for your attention to these important matters.

Sincerely,



Isaac Hall

IH/gr

Cc: Clients



10238-02  
September 23, 2019

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

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

Dear Mr. Perez:

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

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

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

purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction,

3. Chapter 1 of the Draft EIS discusses the purpose and need of the Proposed Action.
4. Chapter 4 of the Draft EIS discusses the existing environment, impacts of the proposed action and mitigation measures. As relevant and appropriate, the discussion of impacts includes those pertaining to conditions before and after the closure of sugar cultivation in 2016.
5. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including alternative duration and diversion volume, as well as a No Action alternative. Section 3.1.1 of the Draft EIS discusses water source alternatives. Section 3.1.2 of the Draft EIS discusses alternative aqueduct ownership.
6. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
7. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action and alternatives on indigenous freshwater species, terrestrial flora and fauna, and invasive mosquitoes. The Draft EIS discusses the impacts of the Proposed Action to freshwater species in Section 4.2.1 and impacts to terrestrial flora and fauna in Sections 4.4.1 and 4.4.2. Both reports are appended to the Draft EIS (See Appendix B and Appendix C).
8. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full or partial restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of Streams and the Ocean Water Chemistry (See Appendix A); Terrestrial and Flora and Fauna Report (See Appendix B); Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix C), Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment

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

9. Figure 1-1 in the Draft EIS illustrates the EMI Aqueduct System overlaid on the Department of Land and Natural Resources (DLNR) Division of Aquatic Resources (DAR) geographic information system (GIS) data of streams. An electronic drawing of the EMI Aqueduct System was georeferenced by Akinaka & Associates, Ltd. to depict major diversions on East Maui streams on a United States Geological Survey (USGS) GIS base map. Due to the complexity of the EMI Aqueduct System and the level of detail shown on the map, not all of the minor diversions could be associated with a stream or tributary. The stream names shown are from the DAR GIS database but a few of those stream names may differ from how some East Maui residents may refer to them. Moreover, certain streams that were identified during certain proceedings before the Commission on Water Resources Management (CWRM) do not have associated GIS data and therefore could not be precisely located on the map. Table 1-2 in the Draft EIS reconciles discrepancies between stream names used in the February 2017 EIS Preparation Notice and the D&O.
10. Section 2.1.4 of the Draft EIS includes a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on estimates of available surface and ground water. Information from the D&O was used to estimate the maximum amount of water that can be diverted by the EMI Aqueduct System from the License Area. Section 2.1.1 discusses the Department of Hawaiian Home Lands' water reservation.
11. Section 1.3.4 of the Draft EIS discusses the D&O and the authority of the DLNR to issue a Water Lease for non-instream uses pursuant to HRS § 171-58, that is subject to the IIFS set by CWRM.
12. Section 2.3.1 of the Draft EIS discusses the Maui Department of Water Supply (MDWS) system, including water sourced from the EMI Aqueduct System. Figure 2-4 depicts the MDWS surface water supply system.
13. Section 2.1.3.2 of the Draft EIS discusses water needs for the Kula Agricultural Park.
14. Section 1.3 in the Draft EIS incorporates additional historical information from the Archaeological Literature Review and field Inspection report (Appendix E).
15. Section 4.3.1 and 4.3.2 of the Draft EIS discuss climate change and sea level rise, respectively as well as the Assessment of Streams and the Ocean Water Chemistry (See Appendix A).
16. Section 4.9 of the Draft EIS discusses Visual Resources.
17. Section 4.8 of the Draft EIS discusses recreational resources and park facilities.
18. Section 4.14 and Section 4.15 of the Draft EIS discuss how the amount of water available through surface water diversion may impact public services and facilities; and, infrastructure and utilities, respectively.

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

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

10238-02

Letter to Mr. Albert Perez

Page 5

September 23, 2019

Enclosure (NHLC response letter)

**From:** Leina Wender waiokila@gmail.com

**Subject:** Proposed Lease for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas

**Date:** December 26, 2016 at 1:40 PM

**To:** woc@wilsonokamoto.com

**Bcc:** Leina waiokila@gmail.com, alan.murakami@nhlchi.org, camille.kalama@nhlchi.org, summer.sylva@nhlchi.org, idhall@maui.net, laluz@maui.net, wailuanui@exede.net, skippy.hau@hawaii.gov, dickmayer@earthlink.net

LW

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

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

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

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

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

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

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

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

water provisions requiring the restoration, not simply cessation of water diversion, at the end of the lease period. There should also be a requirement that a bond be posted in a sufficient amount to carry out this work.

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

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

Thank you for this opportunity to comment.

Sincerely,

Elaine Wender



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-01  
February 8, 2017

Ms. Leina Wender  
waiokila@gmail.com

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

Dear Ms. Wender:

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

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

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

Sincerely,

Earl Matsukawa, AICP  
Project Manager

Enclosures

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



10238-02  
September 23, 2019

Ms. Elaine Wender  
waiokila@gmail.com

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

Dear Ms. Wender:

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

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

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

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

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

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

Sincerely,

10238-02

Letter to Ms. Elaine Wender

Page 2

September 23, 2019

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

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

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## **APPENDIX K-1:**

February 22, 2017 Scoping Meeting Sign-in Sheet and  
Oral Comments Sign-up Sheet



PUBLIC MEETING:

PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU, KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS - ENVIRONMENTAL IMPACT STATEMENT

FEBRUARY 22<sup>nd</sup>, 2017, WEDNESDAY, 5:00 PM TO 7:00 PM

FEBRUARY 23<sup>rd</sup>, 2017, Thursday, 5:00 PM TO 7:00 PM

PRINT NAME	ADDRESS / EMAIL ADDRESS	PHONE #
(Balthazar) BRENDA Balthazar	103 MAHA Rd MAKAWAO HI 96768 diamondbranchi@aol.com	808 577 8102
James E. COON	1604 Naalae Rd Kula, HI 96790 CAPTCOON@gmail.com	<del>808-878-6176</del> 808-878-6176
"Tomc" Thomas Craig	PO Box 531 Makawao HI 96768 tacraig@hawaii.edu	808 344 1456
(Nalani Kanenani) Nalani Kamran	255 Kaikea St Kihei nalanikamran@gmail	808 268 0942
Joe Chesleda	157 Keoneka Kihei	360 981 3613
Cody Nant	kokoroost@gmail.com	808 276 3456
(Keoki Moku) Keoki Moku	Keokihawa@yahoo	
Magdalena Puri-wood	magdalenapuri@gmail.com	(808) 250-0920
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BRENDAN GEORGE KO	brendangeorgeko@gmail.com	205-8864
Darrell Tanaka	sunshineorchids@gmail.com	250-3776

PRINT NAME	ADDRESS / EMAIL ADDRESS	PHONE #
MICHAEL D PASCOJA	220-A OE STREET KIHEI, HI 96753 MYKLPASCO@HOTMAIL.COM	(808) 214-7073
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Jerold Suarez	230 E. Glenview San Antonio TX 78201	210-860 0816
Susan Halas	wailukusue@gmail.com	(808) 280-9205 MAUI WAH
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Darren Strand	872 Haliwaile Makana	357-5487
Kaunakani Quipota	4 Nani'oa Wailuku	(808) 344-0231
SLICE L. LEE	44 EMOLON PL. Wku.	808 280-0035
Brian W. Ftman	PO Box 791163 Paia	808-283-8693
Kahoke Dubek	87 Pueo Drive Kula	808-984-3346
Kailie Aina	P.O. Box 81713 HAIKU	808-264-8752
Marta Greenleaf	PO Box 880794 Paialani	

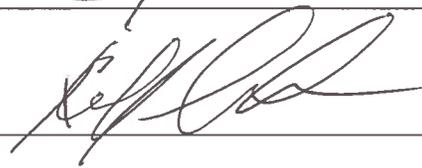
PRINT NAME	ADDRESS / EMAIL ADDRESS	PHONE #
Edwin Young	Bx 2 Pt Hana Maui	2811230
KAHIKINI KAHIMOE	HUELO	250-5674
Jodee Inouye-Aqsalog	PO Box 504 Puhonene, HI 96784   chris.jodee@gmail.com	(808) 298-6440
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EARL Inouye	iqsbest@gmail.com	890-3008
Kelly T. King	kelly.king@maui county.us	
Lorrie Pang M.D.	Panghi71@gmail.com	808 8701637
ALEX BEERS	20 KAIKAI ST. WAILUKU HI 96793	808 264-2007
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Michael Couch	880632 Puhonene 96788	244 3427

PRINT NAME	ADDRESS / EMAIL ADDRESS	PHONE #
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Faith Chase	19A Keolu Dr. Maui 96748	
Eric Kaikala	Hana	
Jocelyn Huou	13705 HANA HWY. HAIKU, HI 96708	248-8031
Michelle Waikiki	Po Box 81475 HAIIKU	270-1543
Cy K. Waikiki	564 KUANAHA	264-4315
John Geert	42 Halelani PLAND Kinehi, HI. 96753	359-2020
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## **APPENDIX K-2:**

Scoping Meeting For the Water Lease for the Nāhiku,  
Ke‘anae, Honomanū, and Huelo License Areas EISPN  
Transcript of Proceedings Wednesday, February 22, 2017



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SCOPING MEETING FOR THE  
WATER LEASE FOR THE  
NAHIKU, KEANAE, HONOMANU, AND HUELO  
LICENSE AREAS EISPN

APPLICANT: ALEXANDER & BALDWIN INC./  
MAUI IRRIGATION COMPANY, LIMITED

TRANSCRIPT OF PROCEEDINGS

February 22nd, 2017

5:00 p.m. - 7:30 p.m.

Maui Electric Company Community Meeting Room,  
210 W. Kamehameha Avenue, Kahului, Hawaii 96732

BEFORE: SANDRA J. GRAN, CSR NO. 424  
Registered Professional Reporter

1	SPEAKERS	
	Page	
2		Berna Cabacungan Senelly, Facilitator
	3, 99	Father John Tomoso
3	8	Earl Matsukawa, Wilson Okamoto Corporation
	20	Joe Chesledon
4	22	Brendan Balthazar
	24	James Coon
5	25	Nalani Kaninau
	27	Darrell Tanaka
6	29	Lloyd Fischel
	31	John Gelert
7	32	Darren Strand
	33	Martha Martin
8	35	Edwin Young
	39	Michael Pasco
9	42	Moke Kahiamoe
	45	Kahikina Kahiamoe
10	46	Alex Franco
	47	Brian Wittman
11	50	Alice Lee
	52	Dianne Shimizu
12	53	Albert Perez
	58	Cody Nemet
13	60	Frank Caprioni
	63	Adriane Raff Corwin
14	66	Tiare Lawrence
	69	Diane Hakamaku
15	70	Justin Tombe
	73	Zack Williams
16	77	Kamalani Pahukia
	79	Alohalani Smith
17	81	Elaine Wender
	85	Tom Blackburn-Rodriguez
18	87	Larry Koss
	90	Stacey Sills
19	92	Joyclynn Costa
	94	Mikiala Puaa-Freitas
20	97	Sesame Shim

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P R O C E E D I N G S :

FACILITATOR SENELLY: Aloha, everybody, and welcome to our meeting on the proposed lease for the Nahiku, Keanae, Huelo, and Honomanu lease areas. And this is a scoping meeting for the environmental impact statement that's being done. Okay? Before -- my name is Berna Cabacungan Senelly and I'm -- I'll be helping to facilitate the meeting.

And Earl Matsukawa here from Wilson Okamoto is -- he's going to be doing a presentation and it's going to be short, not that long.

And two people that you saw when you came in, Rebecca and Keola, they're still working back there. So that's us.

I am privileged to also introduce Father Tomoso, Father John Tomoso, and he will be doing our pule tonight.

FATHER TOMOSO: Just so you know, Berna and I went to Catholic school, so we figured it out that we come from the same strain.

(Statement in Hawaiian.)

Almighty God, in your hands is everything that we see, in your care and blessing for us, all that we see comes from you. Almighty God, we know that you gift us with many things. First of all, the gift of life and within that abundant life, you give us water, an abundance of water, the abundance of water that reflects the perfection that we

1 journey to, which is your perfection. As an island people,  
2 you know our needs of and for water. As an island people, you  
3 have surrounded us with water, water that is reflective of  
4 life that comes from you. Therefore, Almighty God, we know  
5 that water is you, literally water breaths you, literally  
6 water feeds us with your life-giving breath, with your  
7 life-giving presence, with your life-giving abundance.

8 Almighty God, it is within this abundance that we  
9 gather as community. It is within this abundance that we are  
10 thankful for the gift of water, for the gift of who we are  
11 with and in and through that water. And we thank you most,  
12 most graciously, most thankfully for today, for this meeting,  
13 and for all that will come out of it.

14 We ask this in the name of (Hawaiian word), Jesus,  
15 your Son, our Lord and Savior. Amen.

16 AUDIENCE: Amen.

17 FACILITATOR SENELLY: All right. Everybody got an  
18 agenda? The meeting is going to be in five parts. Most of  
19 the meeting is going to be you folks talking. Okay? So the  
20 purpose of the meeting is -- I'm sorry.

21 Okay. The purpose of the meeting is pretty -- like  
22 we have three: One is we're going to talk about the  
23 environmental impact statement, the purpose and kind of an  
24 overview of the process.

25 Second is we're going to talk -- you're going to see

1 "EISPN" all the time and that's what this meeting is about,  
2 it's about the environmental impact statement preparation  
3 notice, and so we're going to talk about that and what's in  
4 it. And that has already been released and we'll talk about  
5 what's in it.

6 And third, we're going to ask you for scoping  
7 comments -- and I'll explain what that is -- that will be  
8 included in the draft EIS and that will actually guide the  
9 draft environmental impact statement.

10 Okay. So the proposed action was published over  
11 here in the "Environmental Notice," in the -- from the Office  
12 of Economic -- Office of Environmental Quality Control. And  
13 they put out bulletins and so this project was -- notice was  
14 in the bulletin, published in the bulletin on February 8th.

15 So it -- what scoping is, scoping starts once the  
16 public -- the preparation notice is released, okay, or is  
17 published and what scoping is it's -- it determines the scope  
18 or the content or what's inside the environmental impact  
19 statement. So the meeting tonight is for you to guide us and  
20 to tell us and to share with us what you think the  
21 environmental impact statement should -- should address. Now,  
22 the law, actually, Chapter 343 HRS really does require scoping  
23 in every process; however, it does not -- the meetings  
24 themselves are optional. And in this project we have two  
25 meetings so -- because we want to sort of optimize

1 opportunities for folks to provide input.

2 Okay. So we've got 30 days from when the -- it was  
3 published and so it was published February 8th, we have until  
4 March 10th to provide comments. And all of the scoping  
5 comments will be documented in the draft environmental impact  
6 study. So there's going to be a draft EIS that's going to be  
7 done and the comments that come out of the scoping process  
8 will be included in that. Okay? There's three ways to  
9 provide comments: First is oral testimony, so you can do that  
10 tonight or this afternoon and, you know, plenty of you guys,  
11 when we asked if you wanted to speak, a lot of people went  
12 kind of (inaudible), yeah. So if you have time, you want to  
13 sign up to speak tonight, you can, okay, or this afternoon.

14 The second way is everybody has a paper for their  
15 comments, okay, you can turn this in tonight if you want. You  
16 can also mail it, because it's a mailer, so you have to put a  
17 stamp on it and send it in.

18 And the third way you can do it is by emailing it.  
19 Now, I have to say this: If you're going to email it, you  
20 really need to -- we're going to let you know that we received  
21 it by email. If you do not receive an email, you've got to  
22 call, there's a number up here, you have to let us know so  
23 that we can make sure we have your comments.

24 So now I'm going to turn it over to Earl Matsukawa  
25 from --

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Yes.

UNIDENTIFIED SPEAKER: I don't see the email address on this.

FACILITATOR SENELLY: It's on the bottom.

UNIDENTIFIED SPEAKER: Thank you.

FACILITATOR SENELLY: You're welcome.

Okay. I'm going to -- oh, you know what -- oh, yeah. Okay, okay. We -- Maui Electric was gracious enough to let us use this room because we needed a place to meet, but they are in no way connected to what we're doing, so just to let everybody know.

And you know what we're going to do, Earl is gonna speak for about 15 minutes, he's going to present what we're here about today. I'm going to ask you to really hold your comments and questions until he's pau, because after that, that's when we're going to open it up. Okay? So if you let him speak, then you kind of get the whole picture of the kind of stuff that's in the EISPN and then after --

FACILITATOR SENELLY: About 15 minutes, yeah?

MR. MATSUKAWA: Yeah.

FACILITATOR SENELLY: Yeah. And so when he's pau -- and he's going to have -- you know, he's going to show you all kinds of maps and stuff, when he's pau, then you -- we'll open it up. However, I'm going to --

Do you mind waiting just a couple minutes? We have

1 some folks coming in, so we're going to wait just a couple  
2 minutes. Okay?

3 UNIDENTIFIED SPEAKER: You know, they may not know  
4 that there's seats up front.

5 FACILITATOR SENELLY: Oh, I've got seats up here.

6 MR. MATSUKAWA: By the way, there is water back  
7 there and cookies, so help yourself. And the restrooms are  
8 out this door and turn left and then it'll be on your right.

9 (Short pause in proceedings.)

10 FACILITATOR SENELLY: Okay. So as I said, so I'm  
11 just going to repeat some things for the people who came in  
12 real quick. This is a meeting for the environmental impact  
13 statement, it's a scoping meeting that -- and what we're doing  
14 is trying to get your comments on what should be included in  
15 the EIS or the environmental impact statement. Okay? And we  
16 have until March 10th to provide comments and we have three  
17 ways: You can email it, you can give us a paper or mail it  
18 back, or you can talk tonight.

19 MR. MATSUKAWA: Thank you, Berna.

20 Okay. I'm just going to overview the EIS, what it  
21 is and how it's processed, and then talk about the EIS  
22 preparation notice which is part of the entire process. So  
23 first I want to emphasize that the EIS is an information  
24 disclosure document that documents the impacts of a proposed  
25 action. So in this case the proposed action is the issuance

1 of a water lease by the Board of Land and Natural Resources.  
2 The EIS is not a permit, it is an information document, and it  
3 is not an approval to go ahead and do something. It allows  
4 the -- it is the information document that will be used for  
5 the processing -- for the decision on the water lease.

6 So acceptance of the final EIS, the last thing  
7 that's done, the acceptance of the final EIS by the Board of  
8 Land and Natural Resources means that the content, and I'll be  
9 talking about content today, and the processing, and I'll be  
10 talking about the processing today, that the content and  
11 processing requirements that are set forth in state law and  
12 the administrative rules have been met and now they can be  
13 accepted and used for the -- making that decision on the water  
14 permit.

15 And I also want to make clear, although we are hired  
16 by Alexander & Baldwin to prepare this EIS, the documents that  
17 we prepare are turned in to the Department of Land and Natural  
18 Resources and they need to find that it is acceptable and they  
19 need to -- this is the DLNR, they need to file it in order to  
20 continue the processing of these documents.

21 So let me briefly go over the -- some of the items  
22 that are in the EIS. This is the content part that I'm  
23 talking about and, again, this is the content part which this  
24 scoping speaks to, so this -- whatever comments we get in  
25 here, we will look at it in terms of how it can fit in the

1 EIS, if it's appropriate.

2 So some of the content of the EIS includes the  
3 general description of the proposed actions: technical,  
4 economic, social, cultural, and environmental characteristics.  
5 So we do talk about what is the proposed action in the  
6 concept -- context of these things and we state what the  
7 purpose and need for the action is and then what are the goals  
8 and objectives.

9 We also have in there, and this is the -- the bigger  
10 part of the EIS, it's a description of the existing  
11 environment. And there are a number of topics and the next  
12 slide will kind of show the number of topics that will be  
13 covered by the EIS, so we will talk about the existing  
14 environment in these topic areas, the impacts of the proposed  
15 action, as well as some of the alternatives, and then  
16 potential mitigation measures that can be implemented so that  
17 it can reduce the significance of impact.

18 There's also a section relating to the -- how the  
19 project relates to land use plans and plans in general, like  
20 the state plans, as well as other policies and controls. It  
21 will also describe and discuss alternatives to the proposed  
22 action -- and I will be discussing this a little later what  
23 the alternatives are -- and it will document the consultation  
24 process for the EIS, which includes this meeting.

25 So I was talking about the topic areas, these are

1 the topic areas that will be covered by the EIS in terms of  
2 the existing environment impacts and mitigation measures.

3 Okay. So the EIS preparation notice has been  
4 formally published, so the purpose of that is to notify  
5 interested parties that an EIS will be prepared for the  
6 proposed action and, again, the proposed action is the  
7 issuance of a water lease. It -- the EIS preparation also  
8 begins the scoping process for receiving comments on the  
9 contents of the draft EIS, as Berna mentioned, so the next  
10 document to be prepared is the draft EIS and the comments  
11 received here will aid us in scoping that document. And it  
12 also includes a general discussion of impacts and it discusses  
13 potential technical studies that may be prepared for the draft  
14 EIS.

15 Okay. Now, this is the process part of the EIS. It  
16 began with early consultation and this is -- this actually was  
17 not required for the type of EIS preparation notice that we  
18 prepared, but it provides an opportunity to notify potentially  
19 interested parties that the process has started and to allow  
20 early comments on the process and the EIS preparation notice.  
21 Then we -- then we prepared the EIS preparation notice, which  
22 was published, like Berna said, on February 8th, and we're now  
23 in the 30-day comment period which ends on March 10th.

24 Now, in taking into consideration comments that we  
25 receive during scoping, we will begin to prepare the draft

1 EIS, but there's another critical thing that we need before we  
2 can actually finish the draft EIS and this is the interim  
3 instream flow standards and these will be issued by the  
4 Commission on Water Resources Management. The IIFS is going  
5 to determine how much water actually can be diverted through  
6 the East Maui Irrigation system, aqueduct system. So that  
7 decision is a separate decision and is actually not tied to  
8 the EIS process, but we need to know what those standards are  
9 so we need to know what's going to be flowing in the streams,  
10 what's going to be flowing in the aqueduct system, so that  
11 information is needed so that we can determine what kind of  
12 impacts are going to occur. So the maximum amount of water is  
13 what the IIFS decision is going to be and then the technical  
14 studies will be conducted based on the IIFS decision and then  
15 they'll be incorporated in the draft EIS.

16 So once the -- once we're completed with the draft  
17 EIS, it'll be up to the Department of Land and Natural  
18 Resources to publish it in the "Environmental Notice" that we  
19 showed you earlier. And once it's published, it starts a  
20 45-day comment period where people may review it and comment  
21 on draft EIS. And then we will take in those comments and at  
22 that stage we will do a point-by-point response to all the  
23 comments that are received and then we'll prepare a final EIS.  
24 And that will be turned into the Department of Land and  
25 Natural Resources and they will review it and if they accept

1 it, then they will publish it in the "Environmental Notice"  
2 again. And once that's done, then it can be taken before the  
3 Board of Land and Natural Resources to formally accept the  
4 final EIS. And once that's done, it can be used as a basis  
5 for the issuance of the decision on the water lease.

6 Okay. So the EIS preparation notice is in the  
7 public now, you can download it from the OEPC website. I'll  
8 just give a brief summary of that, what that document  
9 contains.

10 So this was published on February 8th and some of  
11 the main parts that I think it includes is the proposed action  
12 and in this case the proposed action is the issuance of a  
13 water lease. The maximum amount available through that water  
14 lease will be determined by the IIFS. It also includes the  
15 right to access state land in order to maintain the aqueduct  
16 system and the service roads.

17 And there's two key points, really, with regard to  
18 the proposed action: The amount of water that the Board of  
19 Land and Natural Resources can put in the water lease, the  
20 amount that's in the water lease doesn't have to be the full  
21 amount available through the IIFS decision. The board can  
22 say -- give less than what is in the IIFS.

23 Another part of this is that once that permit is  
24 issued -- well, once they -- this permit, once it's  
25 determined, will go before public auction. So even A&B is the

1 very much involved in this, through the public auction process  
2 it is possible that it is not awarded to Alexander & Baldwin.  
3 So two points on that.

4 Okay. This is the map of the four license areas:  
5 Huelo, Honomanu, Keanae, and Nahiku. It covers about 33,000  
6 square miles of state owned land. 33,000 acres, sorry.

7 (Inaudible.)

8 UNIDENTIFIED SPEAKER: Yeah. I was gonna say, is  
9 Maui that big?

10 MR. MATSUKAWA: And this is the overlay with the  
11 four license areas and it shows the aqueduct system through  
12 the area as well as land owned by East Maui Irrigation Company  
13 which is shown in the green. The water that is presently  
14 collected through the aqueduct system goes to several user  
15 groups. One is the County of Maui DWS which receives the  
16 water at their Kamaole treatment facility, the water is then  
17 treated and becomes potable water and is distributed through  
18 their system to Upcountry Maui. The DWS also treats that  
19 water and services portions of the Nahiku community, the  
20 portion that lies below the Hana Highway. And then untreated  
21 water goes directly to the Kula Agricultural Park for  
22 irrigation purposes. And then there is about 30,000 acres of  
23 former sugar land that will receive that water, that is  
24 presently receiving that water although sugar has now ceased.

25 This is a map basically of the users. The black

1 line, the black dotted line is basically the transmission  
2 mains that DWS operates to provide potable water to the  
3 Upcountry Maui area. This is the lower portion of Nahiku that  
4 is served also by the DWS. This is the Kula Ag. Park and this  
5 is the 30,000 acres of former sugar land in Central Maui.

6 Again, the maximum amount of water that can be  
7 provided through the water lease will be determined by the  
8 IIFS and, again, the amount could be reduced by the Board of  
9 Land and Natural Resources and, again, the permit will go  
10 before public auction. But for whatever amount of water that  
11 is made available through the water lease, there will be a  
12 reservation of that amount that will be dedicated to the  
13 Department of Hawaiian Home Lands, although the amount of that  
14 reservation has yet to be determined.

15 Okay. The objectives as stated in the EIS  
16 preparation notice, the reason for the water lease will be to  
17 continue to meet the domestic and agricultural water needs for  
18 Upcountry Maui, similarly for the portion of the Nahiku  
19 community below Hana Highway, and to continue to provide water  
20 for agricultural purposes, likely diversified ag, in Central  
21 Maui and to protect -- preserve and maintain the EMI aqueduct  
22 system.

23 So this is a map of the license area, the streams in  
24 the license area, and there are 39 identified streams. Forty  
25 by some count, but my understanding is that 40th one is

1 actually a waterfall within a stream, so 39 or 40, most of  
2 which are subject to the IIFS. And of these 39 or 40 streams,  
3 A&B has historically diverted 37 streams. Then in nineteen --  
4 in 2007 Alexander & Baldwin abandoned all diversions in one  
5 stream and they have plans to remove all diversions from  
6 another five streams. These are streams that have been  
7 identified as so-called taro streams because they are used in  
8 the lower reaches to irrigate taro and other crops.

9 Okay. So we also identified in the EIS preparation  
10 notice what we think will be the alternatives that will be  
11 assessed in the draft EIS. And the first one is the amount of  
12 water that can be available if they award the full amount  
13 given by the IIFS, so whatever the IIFS decision, the water  
14 that becomes available with that decision.

15 The second is the no action decision, no action  
16 alternative, where the Board of Land and Natural Resources  
17 issues no water lease, so no state waters would be part of  
18 that license.

19 And the final option is a situation where, we had  
20 mentioned before, the board could provide less water than  
21 allowed by the IIFS. And so we haven't determined exactly  
22 what that point is at this time, we will need that IIFS  
23 decision, but it's sort of the middle between the first two.

24 Okay. That summarizes the EIS. Now I'll turn it  
25 back to Berna.

1 FACILITATOR SENELLY: Thanks, Earl.

2 Okay. So now we're part -- we're part of the --  
3 we're in the section and we have an hour and a half for this  
4 next section, or hour and mostly and a half and the purpose of  
5 this is to receive your oral comments. And as I said earlier,  
6 the oral comments will be included in the EIS, in the draft  
7 EIS. And Sandra here is our transcribing, so when we speak,  
8 I'm going to ask you to speak really clearly and stuff.

9 Okay. So we're going to spend -- can you change  
10 the -- yeah. Sorry.

11 All right. We have -- I'm asking you to follow some  
12 protocol, okay, because we have a lot of people here and stuff  
13 and I -- people are -- feel strongly about this, I know, so  
14 what we'd like to do is really make sure we have safe haven.  
15 So what that means is you feel safe in coming up and speaking  
16 your mind and what you think and that people will listen.

17 Okay. So -- oh, and especially because Sandra is taking  
18 notes, one person at a time, okay, and also we respect each  
19 other. Now, I know sometimes I go to meetings and you clap  
20 for each other, which is cool, but, please, no booing, okay,  
21 so --

22 And so that we can have everybody speak, if you can  
23 summarize your comments and try not -- okay. Because we  
24 want -- we really want a wide range of input, so if you heard  
25 somebody or if you heard a couple people say what you were

1 gonna say and if you can think of something else, then bring  
2 that other stuff up. Okay. But there's no holds on what you  
3 can say either, so it's up to you.

4 Okay. The meeting is scheduled for two hours, it is  
5 now about 5:35, 5:33, the way -- what I will do is -- we want  
6 as much as possible for everyone to stay at the meeting so you  
7 can hear everybody else's manao, yeah. So if it looks like  
8 we're going towards the end and still have a lot of people  
9 that want to talk or some people or a couple people that want  
10 to talk, I will ask you, "Is it okay if we go ten more  
11 minutes?" And we will do that for maybe about a half an hour.  
12 Okay? But just so that -- it kind of respects your time too,  
13 because if you came here expecting it to be a certain amount  
14 and it goes on too long, then, you know, some people, they  
15 just want to go home and they won't get to hear the whole  
16 thing. Okay.

17 Okay. So we had a sign-in order --

18 I need the comment sheet.

19 So we're going to take it in the order that you  
20 signed up and so everybody who signed up gets to speak first.  
21 Now, let's say we have some more time and you have some  
22 thoughts you really want to share, we'll ask you to sign up,  
23 somebody will bring you the sign-up sheet, and then, you know,  
24 we'll just keep going. Okay. As I said, though, when we  
25 reach the time, I will ask you guys if we can keep going. And

1 remember, the other thing is you can always submit written  
2 comments too if you don't speak at the meeting.

3 UNIDENTIFIED SPEAKER: If we submitted a written  
4 comment already and signed up to speak, not to be redundant,  
5 should we just give up our spot to speak since we already have  
6 written comments in?

7 FACILITATOR SENELLY: It's up to you.

8 UNIDENTIFIED SPEAKER: Okay.

9 FACILITATOR SENELLY: We will bring -- now, I don't  
10 know if you noticed, but I really am asking us as a group  
11 to -- there is no time limit because part of it is if you give  
12 a time limit, then you feel rushed or you kind of feel -- so  
13 I'm going to ask everybody at some point to summarize if you  
14 can, so it'll give everybody a chance. And you can still come  
15 back if there's time. Okay.

16 We're going to bring you the microphone because the  
17 place is kind of crowded, so rather than having to move chairs  
18 and everything, we will -- Rachel -- Rebecca, sorry, Rebecca  
19 and Keala will come by, okay, so be patient with us, please.  
20 And when you come up, if you can speak your name, tell us your  
21 name very -- really clearly.

22 All right. So remember, now, scoping is telling us  
23 what should be covered in the environmental impact statement.  
24 Earl showed you a list of all the topics that are going to be  
25 covered -- that are going to be discussed, but what they

1 actually discuss is what we're asking you here. So this is a  
2 sentence: "The EIS should address..." You can say what you  
3 want, but every now and then I'm going to ask you or maybe all  
4 the time I may ask you, "Can you please clarify? Is this what  
5 you want in the EIS?"

6 Okay. So first person, who has been here a long  
7 time, Joe. What's your last name?

8 MR. CHESLEDON: Chesledon.

9 FACILITATOR SENELLY: Okay. Joe Chesledon.  
10 Chesledon.

11 MR. CHESLEDON: Hello, my name is Joe Chesledon, but  
12 I am here presenting this statement on behalf of many  
13 generation Hawaiian neighbor, Alvin Kalehuawehe. Alvin cannot  
14 miss work to be here tonight, but sends this statement as a  
15 message.

16 "As a Native Hawaiian from both family sides, I say  
17 to you aloha. Generations ago big sugar and pineapple  
18 companies including Alexander & Baldwin of the mainland  
19 imposed upon Hawaiians a valuable and irreplaceable water  
20 takeaway which has deprived Hawaiians of water and land to use  
21 for subsistence farming to feed our ohana and greatly improve  
22 our lives and restore what we once enjoyed: stream flow, fish  
23 populations, and our agriculture. As a result we have gone  
24 from a subsistence ohana to a dependent ohana.

25 "In sharing our water resources to big sugar by

1 means of what I understand to be 165 million gallons of water  
2 per day to 33,000 acres, Hawaiians have been shared out of the  
3 ability and right to a self-sustaining way of life. It is my  
4 understanding that Maui currently imports more than 90 percent  
5 of its food; meanwhile, the Hawaiian farmer, at the expense of  
6 big sugar, is deprived of rights to work with the land, to  
7 sustain and feed our ohana. We have lost the right to teach  
8 our young that we can love our Mother Island and she will take  
9 care of us. We need a return of the water rights to us and  
10 our ohana. We do not need another theft of water by big  
11 sugar, Alexander & Baldwin.

12 "Mahalo nui loa, Alvin Kalehuawehe."

13 (Applause.)

14 FACILITATOR SENELLY: Okay. So what -- what my  
15 understanding is, is he wants to see the cultural impact study  
16 in terms of just the water, what happened with the water. He  
17 wants to see it from a cultural standpoint, but he -- I also  
18 heard that he wants to make sure it's available for  
19 sustainable agriculture.

20 MR. CHESLEDON: Like the concept of -- on the -- on  
21 the mainland there's a concept in cities where they share  
22 little pea patches and stuff, but larger maybe on a larger  
23 scale for the locals to have places to have gardens in that  
24 farmlands using the agricultural water.

25 FACILITATOR SENELLY: Okay. Thank you.

1           Brendan Balthazar. Mr. Balthazar, you've been here  
2 a long time.

3           MR. BALTHAZAR: I know. I've gotta go back and pump  
4 water yet, like everybody else.

5           I just wanted to say, you know, my father said that  
6 we all need water. I've been in several of these hearings and  
7 testimonies. I believe that nobody can have it all, I think  
8 it's a shared thing. We really need to know how much water is  
9 needed by the people who want to plant taro. As a kid I used  
10 to stand by the pine fields and granted, yes, things were done  
11 150 years ago that none of us in this room is accountable for;  
12 however, I believe everybody needs the water. Like myself, I  
13 live Upcountry and I depend on that water coming up out of my  
14 pipe, so does my animals, so does my lifestyle. I'm retired  
15 from the fire department, I ranch, and I'm also on the board  
16 of the Farm Bureau and the Cattleman's Association. And to  
17 just (inaudible) what the last gentleman said about us being  
18 able to be sustainable, with all of that land available for  
19 ag. and I -- and I emphasize the word "ag."

20           At the last testimony I did before DLNR, one of my  
21 things that I think was the wrong place, but I did say that if  
22 this water is earmarked for ag, that amount that is now used  
23 for potable water, like Upcountry, should be kept. I don't  
24 think any future subdivision should be coming up and tap into  
25 that ag. water and that's really my concern. I'm here

1 representing ag. and the fact -- the part of ag. that I  
2 represent is the livestock industry.

3 I know some of the things that I heard some of the  
4 people from Sierra Club and some of the friends that I have  
5 from Keanae say, "Yeah, I mean, they want all this water, what  
6 for?" I don't know how much sorghum will take, how much corn  
7 will take, I can tell you how much if -- if we need to  
8 irrigate the pastures, right now the grasses that works down  
9 in that area would take about 4100 gallons per day per acre,  
10 that's what it takes to keep that thing in grass. Pending no  
11 rain now, I'm just saying just on the bottom line. Of course,  
12 it will be less with the rain and, of course, more with  
13 evaporation. Cattle drink 15 to 20 gallons per day, that's  
14 20,000 gallons on a thousand acre pasture. A thousand acres  
15 of irrigated pasture, you can probably a head per acre.

16 So I can only speak from the livestock side, I, on  
17 my end Upcountry, a lot of the kids now that should be in  
18 ranching and farming are not. I'd like to see that land stay  
19 in ag. and I believe the water really should be shared. And  
20 like he was saying, I think once they found out what the  
21 stream flows is, then it should be adjusted as to what  
22 everybody can have so everybody can share the water. I mean,  
23 without water, there's no ag, I mean, nobody can disagree with  
24 that.

25 So I'm saying also that if EMI -- and I'm not

1 partial to them, but if EMI, who has been taking care of the  
2 ditch system for all these years, gets out of it, the county  
3 has no way in hell to take care of that ditch, they don't have  
4 the resources nor the funding. So it is essential for us, for  
5 our environment to have this water come out and have somebody  
6 take care of it.

7 FACILITATOR SENELLY: Okay. So my understanding is  
8 I did hear you say that you wanted to see some quantification  
9 of what the taro, the kalo needs are for water.

10 MR. BALTHAZAR: Exactly.

11 FACILITATOR SENELLY: You want to see the impact of  
12 the proposed action on the agricultural lands from your  
13 perspective, it's from ranching. And you also -- oh, you also  
14 want to see -- to make sure, you want the EIS to show what  
15 some of the future uses might be if it's not ag., because you  
16 don't want to see it developed.

17 MR. BALTHAZAR: I'm really concerned that this water  
18 that is earmarked for ag. stay as ag.

19 FACILITATOR SENELLY: Okay. You want it ag. Okay.  
20 (Applause.)

21 FACILITATOR SENELLY: Thank you, Mr. Balthazar.  
22 James Coon. Okay, Mr. Coon.

23 MR. COON: Aloha. Aloha kakou. My name is Jim Coon  
24 and I'm speaking as a concerned citizen. I've lived on Maui  
25 for almost 45 years and I've lived in Kula for over three

1 decades. My home's on ag. land and I maintain a small orchard  
2 on my land. I believe as time goes on, more and more  
3 individuals need to plant edible crops to help Maui be more  
4 food sustainable. I do believe that EMI is the best entity to  
5 manage the EMI ditch system. In my opinion, it'd be a  
6 nightmare to turn this valuable resource over to the county or  
7 state.

8 I also want to see A&B have enough water to ensure  
9 that diversified agriculture can be viable on their vast  
10 lands. What will happen to Maui if there's no agricultural  
11 there? Not enough water means less ag. How can we ever meet  
12 our needs of energy and food sustainability if there's not  
13 enough water? Will it go to development? What about us  
14 Upcountry residents if EMI somehow gets taken out of the  
15 picture? How will we get our water? EMI must have a lease  
16 from the state that ensures that the rest of us continue to  
17 receive the water we need.

18 As you prepare this EIS, please ensure that all  
19 parties that need water have an adequate supply, keep EMI as  
20 the managing entity, make sure A&B has enough to continue  
21 farming instead of massive development.

22 FACILITATOR SENELLY: Thank you. Thank you.

23 (Applause.)

24 FACILITATOR SENELLY: Nalani Kaninau.

25 MS. KANINAU: Okay. Aloha kakou. My name is Nalani

1 Kaninau. Mahalo for everyone to have my voice heard today.  
2 For me, it is no coincidence that today, a day water  
3 protectors from Standing Rock are being forcibly removed from  
4 the Oceti Camp trying to protect the water, that I, a Native  
5 Hawaiian, am here to testify to protect water. And this is my  
6 first time, so (inaudible).

7 I would like the EIS to address agricultural needs  
8 and that sustainable crops are found with any combination of  
9 co-op farmers. I would love A&B to be transparent in their  
10 plans for whatever mass farming that they're wanting to get  
11 into. I'd also like that there is no action until actual  
12 stream data -- stream flow data is gathered for all of the  
13 streams proposed to be diverted and that the repair and  
14 maintenance of the diversion system is cared for, cared for by  
15 charging of market rates for water to generate sufficient  
16 funds to keep that repair and maintenance going.

17 I'd like the EIS, EIS statement to look at impacts  
18 on aquatic life, native plant species, and traditional and  
19 customary Hawaiian practices, kalo farming, gathering native  
20 plants, and kahua dancers, recreation, et cetera. I believe  
21 we need real farmers, not rich gentleman farmers. If you go  
22 to the A&B website, there's -- you can become an investor of  
23 their gentleman farmers. I need to know that A&B truly has  
24 the interests of Maui at heart. I need A&B to honor the  
25 tradition of taking only what you need and not taking all that

1 you can. Mahalo.

2 FACILITATOR SENELLY: Thank you very much.

3 (Applause.)

4 FACILITATOR SENELLY: Darrell Tanaka.

5 MR. TANAKA: My name is Darrell Tanaka. As far as  
6 the EIS goes, I'd like to -- them to include if there --  
7 there's no water coming from EMI, if EMI is to shut down, if  
8 the existing wells can handle supplying the Upcountry with  
9 water. And in the long term, you know, 10, 15, 20, 30 years  
10 from now, can those wells sustain us? I don't think so.

11 As a fishermen, you know, I'd like to see the water  
12 returned to the ocean, yes, but I would be wholeheartedly  
13 against all the streams being restored, too much has changed  
14 in our climate in the past 150 years. Stream flow needs to be  
15 constant, more or less. So I support the taro streams being  
16 given water, but if the stream is not being used for taro, I  
17 cannot see returning water to that stream when we need it in  
18 Central Maui. In order for diversified ag. to happen, there  
19 has to be water present or no farmer is going to want to his  
20 invest his time, effort, and money into trying to make a farm  
21 when there's no guarantee that there's enough water,  
22 especially if there is a drought.

23 I come from a farming family, I -- ever since my  
24 great grandfather came here we raised vegetables in Happy  
25 Valley. My grandfather was a farmer up in Kula and I can tell

1 you if there's no water, there is no farm. So the water  
2 coming through EMI has to reach Central Maui or we're not  
3 going to see diversified ag. But I can tell you one thing is  
4 that the only people that have money to drill wells and  
5 maintain them are developers and the last crop, in farming  
6 termination, is always called a subdivision.

7 Okay. So bring the water here, keep EMI in place  
8 because our county can't even run our parks, our beach parks,  
9 they can't even run that properly, how are they gonna run the  
10 ditch system? So we need EMI. Thank you.

11 FACILITATOR SENELLY: Okay, sir. I heard to keep  
12 the EMI system and part of it is also that efficiency of the  
13 system in terms of what it's doing now and also getting it to  
14 agriculture. And you said something in the very beginning  
15 about Upcountry and I just --

16 MR. TANAKA: The wells.

17 FACILITATOR SENELLY: Yes. Whether or not the wells  
18 could sustain needs in the future without this -- the system?

19 MR. TANAKA: Yeah.

20 FACILITATOR SENELLY: Okay. So thank you.

21 (Applause.)

22 FACILITATOR SENELLY: Mahealani Wendel.

23 MS. WENDEL: I'm going to waive my time.

24 FACILITATOR SENELLY: Okay. Mahalo.

25 Lloyd Fischel. Lloyd.

1 MR. FISCHEL: Thank you. Thank you, ma'am.

2 Just a few, a few things I'd like to see the EIS  
3 address. Of course, I'm a farmer and we all have to recognize  
4 that most of the food that we eat, maybe even more than 90  
5 percent is imported. And being where we are, given the  
6 problems in the world today, given what could happen to the  
7 cost of petroleum, of oil, of energy, this decision must  
8 reflect an understanding of the importance of small farms  
9 growing food for Maui.

10 (Applause.)

11 MR. FISCHEL: It's insanity to think of giving all  
12 that water to one company, one company that has not been a  
13 good partner with small farmers over the years, one company  
14 that has spewed lots and lots of chemicals into the air, into  
15 the ground. One company that's in partnership with who?  
16 Monsanto. It's insanity to think that they would get this  
17 water and that we would call it the people's water, that we  
18 would think that the water then would be used for growing  
19 crops. As Mr. Balthazar said, it's so important that this  
20 water must be used for agriculture and not developments.

21 And the second thing I want to mention is in the --  
22 in the documents that have been put forward up to this point,  
23 as in the screen presentation earlier, the word "state owned  
24 land" was used. The EIS should address: What does that mean,  
25 state owned land? Who is the state? And where are the

1 Hawaiian rights within that concept of state owned land? And  
2 any of you working on this EIS that can talk about having  
3 Hawaiian friends and loving Hawaiian people and loving  
4 Hawaiian culture that don't then address this issue, it's  
5 really a (inaudible).

6 And the second thing is in this -- words that have  
7 been used here in these papers and in the screen as well,  
8 "government owned waters." It said government owned waters.  
9 I'd like the EIS to define what does that mean, government  
10 owned waters? Thank you.

11 (Applause.)

12 FACILITATOR SENELLY: Okay. You had two things.  
13 The first one was -- the first one was make sure that the --  
14 you want the EIS to address having the water go to small  
15 farmers or, you know, like diversified and small farmers and  
16 not just industrial type; right?

17 And the second thing is define what state owned  
18 lands means and also define what state owned water means.  
19 Okay.

20 MR. FISCHEL: I'd like to add one more thing to  
21 that, please.

22 FACILITATOR SENELLY: Okay.

23 MR. FISCHEL: And I think it should address what is  
24 happening to the water today? From the time that the farming  
25 of sugar cane stopped to today, what is happening to that

1 water? Is it being dumped? In a world where water -- people  
2 die for water, is it being dumped? We should know.

3 FACILITATOR SENELLY: Okay. Thank you.

4 John Gelert. Yes. Yes, sir.

5 MR. GELERT: Hello. My name is John Gelert and I'm  
6 a resident of Kihei. I've been a Maui resident for seven  
7 years.

8 I would like the IIFS to address the needs of Native  
9 Hawaiian farmers and also the environmental concerns. So I  
10 believe that every stream should allow at least some water to  
11 go to the ocean to take care of the needs of these -- so that  
12 the environment is healthy and that the Hawaiians have more  
13 than enough for taro and other needs. As far as the rest of  
14 the water that is diverted, I fully support use for only  
15 agriculture with the exception of what is needed already for  
16 Upcountry.

17 And also the court did say that -- that the water is  
18 not allowed to be diverted any more, but then A&B and their  
19 lobbyist got the legislature to overturn that, so that is --  
20 that is wrong and this water should not be going to A&B. This  
21 is the people's water and we need to have more sustainable  
22 agriculture here in Hawaii, so I would say whatever amount  
23 that is determined by the IIFS, it should be subject to review  
24 as more and more farming is actually done, but never to  
25 totally divert all of the water from any stream.

1 FACILITATOR SENELLY: Thank you. And just for  
2 clarification, the EIS and the IIFS process are parallel  
3 processes. So there's things that found in the EIS, the --  
4 actually, the IIFS will be -- that decision is not going to  
5 depend on what the EIS is.

6 Am I correct?

7 But we also understand the things that you said you  
8 want to see studied in the -- we'll just make sure it's in the  
9 EIS, that portion of it.

10 MR. GELERT: Thank you.

11 FACILITATOR SENELLY: Okay. Darren Strand.

12 MR. STRAND: Okay. Thank you.

13 I'm Darren Strand. I'm one of the owners and  
14 operators of Maui Gold Pineapple Company in a farm of about a  
15 thousand acres below Makawao Town and above Haliimaile. All  
16 of our property, the ditch borders -- the upper ditch borders  
17 every single acre that we farm and we use absolutely none of  
18 the water from the ditch and we haven't since the very first  
19 instream flow standard was set and I guess that's been several  
20 years.

21 And, you know, I worry mostly about the farmers at  
22 the end of the system that are in Kula Ag. Park. And I see  
23 the ditch every day, there's not much water running through  
24 it, it's already in a state of disrepair and it needs to be  
25 maintained already or we're going to lose the capacity to get

1 water to the last reservoir at the end of that that the  
2 farmers in the ag. park use.

3 I -- before I moved to Maui I was -- I worked at  
4 Del Monte Pineapple on Oahu in 2004 and 2005 when the Waiahole  
5 Ditch situation was going on and it was -- I was new to Hawaii  
6 at that time, I'd just finished at UH, and it was a  
7 contentious issue, but they were able to come to an  
8 understanding or some kind of agreement, a compromise. And  
9 there were -- at that time Del Monte closed and there was  
10 Larry Jeff, Saloon Farm, a seed corn company, and no other  
11 farmers using the system, but there was a cooperative that  
12 maintained it. And if you go to that area now, it's been, you  
13 know, maybe 10, 12, 15 years, it's amazing how many farmers  
14 are on that land and using that system. And so I'd like to,  
15 you know, see us come to a balance, a compromise, and have the  
16 foresight to think about what that area might look like in 10  
17 or 15 years and not make a decision that's just based on what  
18 we think we want today.

19 FACILITATOR SENELLY: Thank you.

20 (Applause.)

21 FACILITATOR SENELLY: Martha Martin. Yes, ma'am.

22 MS. MARTIN: Thank you. I appreciate all of the  
23 work that is being done on the EIS. I think it's going to be  
24 a very interesting document. And some of my comments that I  
25 have I think go -- should be directed to the Department of

1 Land and Natural Resources, not to the EIS.

2 I have -- I've lived on Maui for 50 years and I see  
3 that agriculture is changing on Maui. We're not going to have  
4 a big mono crop cultivation of sugar that we -- and pineapple  
5 that we used to have. And so what I would like added to the  
6 EIS is for the EIS to address the condition of the ditches and  
7 the amount of water leases that exists today. It may be in  
8 there, but in my hurried look at it on the computer, I didn't  
9 see anything that reported that, the condition of the ditches  
10 and the amount of leakage in the ditches.

11 Also I would like the EIS to recognize what the  
12 priority is for water use. To me, that land that they're  
13 drawing water from is watershed and the primary use of the  
14 water should first be watershed and stream protection and  
15 forest preserve.

16 And the -- for me, the second priority should be the  
17 farmer taro users of the streams and restoring flow of the  
18 water in the streams which maintains animal and reef life in  
19 the ocean.

20 And then I think the third user that should have  
21 priority should be the county.

22 And then No. 4, I think the small farmers, both old  
23 and new, should get priority because we don't produce enough  
24 of our food locally. And when sugar and pineapple were grown,  
25 they didn't support our state with enough diversity.

1           And then No. 5, the last bidder allow -- the last  
2           bidders allowed to bid I think should be corporations and I  
3           think they should get only short-term leases, not -- not  
4           30-year leases.

5           (Applause.)

6           MS. MARTIN: And I think bidders who are working to  
7           make Hawaii more self-sustaining in food and energy should be  
8           given priority over private profit.

9           And so thank you for this chance to speak and I hope  
10          we're going to make a good decision on this.

11          FACILITATOR SENELLY: Thank you.

12          (Applause.)

13          FACILITATOR SENELLY: Those five things will be  
14          addressed in the EA.

15          Edwin Young. Hi, Mr. Young.

16          MR. YOUNG: Hi. My name is Edwin Young and I agree  
17          with that EMI should have some water, but they cannot take all  
18          of the water. Because I'm a uni fisherman, yeah, and from  
19          1990 is when EMI started taking all the water from all the  
20          ditches. I mean, Makapipi -- I live in Hana. Makapipi was  
21          bone-dry for years all the way up until when the sugar cane  
22          closed and then they let go a little bit of water. And  
23          Honomanu was bone-dry and no akule came inside those bays.  
24          Hana Bay, Honomanu, we used to fish all the way, all the way  
25          to Kaupo. And when EMI took all the water, then the akule

1 would come inside Hana Bay maybe about once every three  
2 months, once every four months. And before that, akule used  
3 to come inside Hana Bay every week when all the rivers were  
4 flowing prior to 1990. And since they let go of the water,  
5 like when EMI -- HC&S closed, when they let go of the water,  
6 we would -- right now we're catching akule like pretty much  
7 every other week in Hana and Honomanu too. Because I used to  
8 fish Honomanu all the way to Kaupo to Nuu.

9           And I went to Honolulu Institute of Marine Biology  
10 for one year as a biologist technician for Makai Pacific,  
11 yeah, and wherever the fresh water enters the ocean, it's  
12 known as an estuary. These are all estuaries and estuaries  
13 are all nurseries for all your baby fishes and all your baby  
14 fishes lives on phytoplankton and zooplankton. Phytoplankton  
15 is one-cell vegetables and zooplankton is one-cell animal.  
16 And that's what the akule like to eat and all your baby  
17 fishes, they come inside to eat that. And since EMI started  
18 taking all the water, about 90 percent of our fish in Hana has  
19 disappeared, 90 percent. And, you know, I can tell you  
20 because plenty people in Hana notice this too, I hardly see  
21 any uu anymore.

22           And the HRS -- the HRS on the water code, yeah, the  
23 water code for the HRS -- and I asked my cousin, who's a judge  
24 in Honolulu, and I said, "What does HRS stand for, Greg?"

25           And he goes, "Hawaii Revised Statute."

1 I said, "Is that law?"

2 He said, "Yeah, that's the law."

3 And I forgot the -- the code for HRS, you know,  
4 which law it is, but it says you can take water from the  
5 stream, yeah, but you cannot take all the water from the  
6 stream, you have to leave water in the stream for hihiwi,  
7 opae, oopu, and stuff like that. But the water commission  
8 gave EMI permission to take all the water from Honomanu  
9 bone-dry and from Makapipi bone-dry and to me that's -- the  
10 law is the law. But the water commission make excuses to  
11 bypass that law to give A&B all the water, to me that's  
12 totally wrong and how can a big corporation with all the money  
13 and everything like that -- well, for one thing, what's her  
14 name, Meredith Ching was on the water commission, that's --  
15 and she's an employee.

16 And then last, but not least, you guys should have  
17 this meeting in Hana for people that (inaudible) --

18 (Audience response.)

19 MR. YOUNG: You know, 'cause the Hana people can't  
20 come out here and -- you know, I was out here, so I was  
21 fortunate to come over here and talk.

22 And one, the -- you know, your EMI man over there,  
23 yeah, first thing he should do is make sure that there is  
24 water in all the rivers and, secondly, to help protect our  
25 environment, you know. I -- the taro farmers, I agree with

1 all what the taro farmers are doing, but nobody's speaking up  
2 for the fishermen. And the people in Hana, we live off the  
3 fish, yeah. When we catch akule, we invite everybody to come  
4 down and help take the fish out of the net, because I'm not  
5 gonna take 5,000, 6,000 fish out of the net, I'll be there for  
6 two days. But the people come down and they take the fish out  
7 of the net and we give the fish away, we don't sell any fish  
8 in Hana, we just give it away to the people. Like you, maybe  
9 for a pretty average size catch, you're gonna get eight, your  
10 husband gonna get eight, you got two kids, they get half  
11 share, they're gonna four each, so that's eight, that's 24  
12 fish you're taking home, that's like about 20 pounds of fish.  
13 And when you don't -- when you don't have this, then that's  
14 why we -- we don't have our supply of fish, yeah, and we gotta  
15 go store. Okay. Anyway, that's all I have to say.

16 FACILITATOR SENELLY: Okay. No, no, no. So my  
17 understanding would be --

18 (Applause.)

19 FACILITATOR SENELLY: What I heard was two -- and  
20 you gave a lot, but the two main things I heard that you want  
21 to see in the EIS is the impact of the stream diversion on the  
22 shoreline, the shoreline environment, and the second thing I  
23 heard was you -- how much water is being taken out of the  
24 stream. Because you said a couple things and so kind of like  
25 having a better idea of how much water is being taken out of

1 each stream or the streams. Is that correct?

2 MR. YOUNG: They take all the water.

3 FACILITATOR SENELLY: Okay.

4 MR. YOUNG: Not leaving any water.

5 FACILITATOR SENELLY: Okay.

6 MR. YOUNG: Only when there's rain, it overflows.

7 When the dams overflow, I've seen the dams, that's the only  
8 time we have water. But now we have water all the time  
9 because -- since HC&S closed, then I guess they opened up some  
10 of the dams, yeah.

11 FACILITATOR SENELLY: Thank you, Mr. Young.

12 MR. YOUNG: Okay. Thank you very much.

13 FACILITATOR SENELLY: Michael Pasco.

14 MR. PASCO: Aloha mai kakou.

15 AUDIENCE: Aloha.

16 MR. PASCO: I'm Michael Pasco. I want to save some  
17 of the comments about the taro farmers and about the  
18 agriculture, those -- those remarks were spoken for it seems  
19 like well today. But touching on a little bit the minimum  
20 flow standards, I know that's part of the CWRM process, but I  
21 just want to make sure that when we're looking at the  
22 ecosystems here, the CWRM process, that it's ecosystem based  
23 and not the needs of A&B based about what can be taken from  
24 the -- taken from the streams.

25 And I echo those comments about maintaining mauka to

1 makai connectivity not just for the health of the fishes for  
2 the fishermen, but, you know, I just want people to make sure  
3 we're keeping track of the fact that the fishes that are  
4 produced on East Maui side, they don't just stay and effect  
5 East Maui, you know, that affects the entire island and even  
6 neighbor islands. And especially when we have like 80 percent  
7 or so of our modern economy based on visitor industry and  
8 stuff like that, a lot of us here have jobs that are connected  
9 to the visitor industry and we need to make sure that we're  
10 protecting those resources also for our economy.

11 The other thing I want to talk about is the  
12 ecosystem-based flow standards, I want to make sure that we're  
13 also keeping enough movement in the water to keep the mosquito  
14 populations down because the mosquitos, when the -- when the  
15 stream flow gets too low, the mosquito populations come up and  
16 that affects the native birds. And we need to make sure we're  
17 protecting all of the native resources, the native plants, the  
18 native birds, you know, with the -- without those native  
19 animals or plants, you have no Native Hawaiian culture and we  
20 need to sure to be protecting those things.

21 The other thing that we're talking about with the --  
22 with the water is we're talking about this being such a --  
23 such a cherished resource, so I want to make sure the EIS is  
24 addressing the management of that resource. We're seeing, you  
25 know, like 20 percent or so leakage and seepage and that

1 doesn't sound like treating this resource like the valuable  
2 resource that it is.

3           And the last thing I want to say, the -- when we're  
4 talking about sustainable local agricultural for food  
5 production, I want to make sure that we're looking at it with  
6 the -- with the aspect of what's happening in the other parts  
7 of the world. Like the other gentleman was saying, there's --  
8 particularly California, you know, we're looking at the  
9 Oroville dam situation and I know that impacts so much of the  
10 food that is produced in Southern California. And they're  
11 talking about -- worrying about that dam failing and what  
12 that's gonna do to all of the food prices that all of us pay  
13 since we're not producing enough food on island. So I hope  
14 that that's factored into this decision-making process about  
15 where we're going to be getting our food if events in the  
16 world make it so that we were not getting as much from across  
17 the ocean.

18           And I guess lastly I just want to state that, you  
19 know, because over the years we've seen that A&B has been such  
20 poor stewards of the -- of the resource, flushing stuff out to  
21 sea when they're not use it, I want to make sure that we have  
22 public access to the -- to the ditches so that way some  
23 verification can take place, because we haven't been able to  
24 count on the words and actions of A&B over time to manage our  
25 resources. So that's all I want to say.

1 (Applause.)

2 FACILITATOR SENELLY: So that last point actually is  
3 related to the -- your second point where you talked about the  
4 condition of the system itself, yeah?

5 MR. PASCO: Yeah, yeah.

6 FACILITATOR SENELLY: Thank you.

7 UNIDENTIFIED SPEAKER: But be more transparent;  
8 right? You got that point?

9 FACILITATOR SENELLY: Okay. More transparent.  
10 Okay.

11 UNIDENTIFIED SPEAKER: Because they have not been.

12 FACILITATOR SENELLY: Thank you.

13 Moke Kahiamopu.

14 MR. KAHIAMOE: Kahiamoe.

15 FACILITATOR SENELLY: Kahiamoe. Moke Kahiamoe.

16 MR. KAHIAMOE: My name is Moke Kahiamoe. I come  
17 from Huelo. I live by the stream. My family all from there  
18 from way back when they started doing the ditches.

19 The thing I like you guys to remember when you  
20 looking at all this, everybody, the county (inaudible). I --  
21 for right now, the -- you trying to take care of your --  
22 there's so much to take care of this world going on, but I  
23 only can take care so much and the first thing is my ohana.  
24 So because now your parents getting older, sick, this, that,  
25 you get pulled away from the actual water situation going on.

1 So the thing that I want to address is that this 30-day  
2 window, we gotta come in and make one decision, you know,  
3 that's pretty quick, yeah.

4 FACILITATOR SENELLY: Actually, it's not to make a  
5 decision, what --

6 MR. KAHIAMOE: But either way --

7 FACILITATOR SENELLY: Yeah, yeah, yeah.

8 MR. KAHIAMOE: We pick out points because what we  
9 talking about, 30 days is nothing, yeah.

10 FACILITATOR SENELLY: So what's going to happen is  
11 what you guys tell us during these 30 days is what they have  
12 to study, which will probably take months. So the things you  
13 bring up, that is the basis for the studies that they're going  
14 to look at. Your comments will be in the EIS and it'll help  
15 frame what is in the EIS.

16 MR. KAHIAMOE: Okay.

17 FACILITATOR SENELLY: Yeah.

18 MR. KAHIAMOE: Okay. That's what I was --

19 FACILITATOR SENELLY: Okay.

20 MR. KAHIAMOE: -- gonna bring you back to here.

21 Because we've been going through this problem for way hell a  
22 long time. And probably me, I'm gonna (inaudible) before this  
23 thing get done, because there's other people, our parents,  
24 going, my grandparents going. Our cousins, they leave Keanae.  
25 They (inaudible) started all this stuff. We're talking about

1 the same kind of things going on. But you know what, the  
2 water has been going. I live by 'em, I go up, I check all the  
3 time, yeah.

4 Things are changing, the environment change, the  
5 trees not growing because they took the water away, you know,  
6 and something else that stay inside the land right now that we  
7 found out -- I went up and I seen something that is -- that  
8 is -- I have never seen in my -- since I was born stay in the  
9 stream. Now, whether or not it came -- if people threw it and  
10 it went in the water or the water wasn't there, that's why it  
11 grew up, I don't know. It's lot of stuff. So one we need to  
12 look at is that not only the streams that carry the water, but  
13 the places where the water do reach, but it's through spring,  
14 not necessarily on that water -- I mean that river itself,  
15 need to look at.

16 And then the next thing is when we dam stuff --  
17 because I see the water come, go, come and goes, so I don't  
18 know where the thing going. I think -- I don't see 'em  
19 coming, yeah.

20 FACILITATOR SENELLY: So we've heard this before  
21 too, you want to know what the flows are and that -- how it's  
22 managed and stuff, yeah, where the flow goes.

23 Are you signed up?

24 MS. KAHIAMOE: No, but I'm his daughter. Can I say  
25 something really quickly?

1 FACILITATOR SENELLY: You gotta talk like him then.

2 (Laughter.)

3 FACILITATOR SENELLY: No, no, no. Tell us your  
4 name. Tell us your name.

5 MS. KAHIAMOE: I can talk like him.

6 FACILITATOR SENELLY: Okay.

7 MS. KAHIAMOE: My name is Kahikina Kahiamoe. I live  
8 in Huelo. And I think the EIS should address the people that  
9 actually gets the water.

10 FACILITATOR SENELLY: Okay.

11 MS. KAHIAMOE: As far as -- I see the environmental  
12 issues as far as the fishermen and the farmers, but I'm  
13 talking about the people like myself, because I -- these  
14 clothes that I'm wearing, I wash them from that water that  
15 comes from that stream. We bathe in that water, you know, we  
16 wash our dishes, everyday use comes from that water. So I  
17 would like them to address the people and their normal daily  
18 lives that they need to do and that water that comes to their  
19 house.

20 FACILITATOR SENELLY: The social part.

21 MS. KAHIAMOE: Exactly. The modern day living.

22 FACILITATOR SENELLY: Okay. Everybody, I diverted,  
23 'cause I let her talk, but we will still try to stay in order.  
24 Okay?

25 MS. KAHIAMOE: Okay. Thank you.

1 FACILITATOR SENELLY: Thank you.

2 (Applause.)

3 FACILITATOR SENELLY: Alex Franco.

4 MR. FRANCO: Right here.

5 FACILITATOR SENELLY: In the back.

6 MR. FRANCO: Thank you.

7 My name is Alex Franco. I'm with Maui Cattle  
8 Company. A number of years ago a group of ranchers got  
9 together to form the company in an effort to try and keep our  
10 cattle home for the local marketplace. For a number of years  
11 our cattle has been shipped to the mainland to supply the  
12 markets there and the local ranchers felt that, gees, we  
13 should try and keep our cattle home to try and develop a local  
14 market. And we were very fortunate that as we got into the  
15 local market, there was quite a bit of demand for our product  
16 and people sought after our local products. Unfortunately,  
17 one of the things that happened five years into our company is  
18 we hit a six-year drought that really impacted the ranching  
19 community here on Maui as well as the rest of the state. And  
20 what that did is it pretty much diverted the market share of  
21 cattle coming into the marketplace back to the mainland again  
22 because we couldn't sustain those animals here.

23 And with water being available to come to the  
24 central valley, it does provide an opportunity for the  
25 potential of irrigated pasture that we could keep more of

1 these cattle here at home. But at the same time, we feel it  
2 is very important to have a shared use for the water and  
3 realize the importance of what the taro farmers need, but,  
4 again, just here expressing the concerns of the drought for  
5 our industry and the need to supply water for all of us that's  
6 in agriculture here in Hawaii. Whether we're small farmers or  
7 larger farmers, we all need the water, so I'm here to try and,  
8 you know, ask for support for water being supplied to bona  
9 fide farming.

10 FACILITATOR SENELLY: Okay. So -- and you want to  
11 see the impacts of the proposed action on the Central Maui  
12 side?

13 MR. FRANCO: That's correct.

14 FACILITATOR SENELLY: Okay. Thank you.

15 MR. FRANCO: Thank you.

16 FACILITATOR SENELLY: Brian Wittman.

17 MR. WITTMAN: That's me.

18 As I'M talking if -- I'm Brian Wittman. I live in  
19 Huelo on Hanehoi Stream near Moke.

20 Earl, could you put up a map that says "Use Area"?  
21 It's about, I don't know, ten slides back.

22 I notice almost all of these comments are about  
23 socioeconomic because we're people and we have to make a  
24 living and we have families. And we care about the individual  
25 species, but we're pretty much all talking about ourselves and

1 our family and our history.

2 FACILITATOR SENELLY: Is this the map?

3 MR. WITTMAN: That's a good map.

4 FACILITATOR SENELLY: Okay.

5 MR. WITTMAN: That's a good map. Thank you.

6 I think that A&B is asking for too much and they're  
7 too big. So I think when you guys are making the EIS, you  
8 should make it with a more reasonable request in mind, not the  
9 request for all that water for 30 years. I think they're  
10 asking for too long a time and I think also, unfortunately,  
11 they're not giving back enough.

12 And I think one of the things that maybe all of us  
13 should realize, all these ditches are up here, right, these  
14 were built by steam shovels back before diesel. Right? They  
15 were built by Chinese labor, German engineers. We still have  
16 German Hawaiians, Chinese Hawaiians. Right? Huelo is a  
17 community that actually came from EMI development, it was a  
18 fringe area in Hawaiian times, but it became kind of a central  
19 part of EMI and it's in Kailua where they maintain the  
20 ditches.

21 And I know some of those ditches, I don't know all  
22 of them, but they go around here, right, and they come over  
23 here and this is all A&B's land. Now, me, I just have about  
24 four acres there, so I'm not even talking about me. I'm on  
25 rain catch, so I'm talking about all you guys, the whole

1 island. I think if A&B wants to make a reasonable request,  
2 they should think about, first of all, where are we gonna put  
3 the water we're asking for? As it is, what they're doing is  
4 they're asking to just have the water, have the water, have  
5 the water, put it in the field and let it run down in the  
6 ocean.

7 Now, wouldn't it be smarter for them to take some of  
8 their 30,000 acres -- that's a lot. I've got four, they've  
9 got 30,000, okay, 30,000 acres. Why not build a reservoir?  
10 Okay? I drive around here like below Haliimaile, it looks  
11 like there's kind of a scoop, below Pukalani there's a kind of  
12 a scoop. I think that they -- if they were smart, they would  
13 say, Okay, we have a lot of land, we should build a reservoir  
14 and we should just ask for the overflow.

15 FACILITATOR SENELLY: Okay.

16 MR. WITTMAN: Instead of asking for the main flow,  
17 we should say, You guys can have all the main flow and when  
18 you get storms in East Maui, when there's too much water,  
19 that's when we take ours and we put our water in a reservoir  
20 and then we can have what we need and you guys can still have  
21 everything you need.

22 FACILITATOR SENELLY: Okay. So it's a matter of  
23 distributing, of storing and distributing differently than  
24 what is -- so it's another --

25 MR. WITTMAN: A&B needs to invest. They haven't

1 invested since the 19th Century.

2 FACILITATOR SENELLY: Okay.

3 Alice Lee. Hi.

4 MS. LEE: Thank you.

5 Good afternoon. Aloha, everyone. My name is Alice  
6 Lee and I'm a lifelong resident and community volunteer in  
7 Maui County.

8 I think it is of the utmost importance that the EIS  
9 be fair, balanced, and representative of a wide range of  
10 interests that will benefit the community as a whole. These  
11 are my concerns.

12 What will be the impact on the over 35,000 residents  
13 in Upcountry who rely on EMI for water? Will Upcountry water  
14 rates be raised if the county cannot get water from EMI? How  
15 will the county be able to provide additional water to  
16 Upcountry due to normal population growth?

17 With Nahiku, will Nahiku water rates go up if the  
18 streams are restored?

19 Flood control is a significant problem now that the  
20 Iao Stream or Wailuku River has been substantially restored.  
21 With water constantly running in the stream, it is difficult,  
22 almost impossible to maintain the streambeds and control  
23 vegetation which allows the water to rise in the stream and  
24 increasingly pose a threat to human lives and property damage  
25 especially in times of heavy rains as we experienced in

1 September. Will the restoration of East Maui streams cause  
2 the same problems?

3 For over 100 years the stream diversions have  
4 contributed to the recharge of Maui's aquifers. What will be  
5 the impact of reducing recharge? What will happen to A&B  
6 land, over 30,000 acres, with and without stream diversion?  
7 If the central plains no longer receive surface water from  
8 East Maui, will this not cause an environmental catastrophe in  
9 Central Maui, such as serious erosion problems, dust storms,  
10 fire hazards? Native birds and animals who thrive in the cane  
11 fields, what will become of them?

12 How will our largest economic driver, the visitor  
13 industry, be impacted if much of the land becomes arid and a  
14 blight on the formerly lush slopes of Haleakala?

15 Finally, I strongly believe diversified ag. is the  
16 best use of the former cane lands.

17 Thank you for your consideration.

18 FACILITATOR SENELLY: Okay. You said a lot, so I  
19 want to make sure I understand. A lot of it was what happens  
20 to the users, the communities, if it's not -- if they don't  
21 have that water, yeah? And what happens to water rates and  
22 things like that?

23 The other thing I heard was if it -- if you don't  
24 irrigate the Central Maui part, is it going to be dry, you  
25 know, and arid?

1           And the third thing I heard -- I mean, you said a  
2 lot of things, but I'm trying to like put it in my head.  
3 Okay? One of them was also flood control, that if -- can we  
4 handle flood control with -- if all the streams were the other  
5 way?

6           Okay. Thank you.

7           Dianne Shimizu.

8           MS. SHIMIZU: Good -evening. My name is Dianne  
9 Shimizu and I'm a concerned citizen and also a member of O  
10 Maui, Inc., a nonprofit organization that advocates for  
11 affordable workforce housing, water, good-paying jobs, and a  
12 healthy economy for Maui County's residents.

13           I've lived on Maui for 66 years. For over 35 years  
14 my husband and I and my two boys lived in Upcountry Maui. We  
15 were able to build our home and raise our family because we  
16 had water for our domestic water needs. The EMI system  
17 supplied water for Nahiku and irrigation water for ag. users  
18 at the Kula Ag. Park. The possibility that these users will  
19 not continue to have that water is frightening. What will  
20 happen to the families, farmers, businesses, and schools in  
21 Upcountry Maui and in the Nahiku if EMI is not allowed to  
22 continue to deliver water? EMI needs enough water to continue  
23 to meet the domestic and agricultural needs of our Upcountry  
24 and Central Maui residents.

25           I would like to see the EIS assess the impacts on

1 housing and on our families who are struggling to find homes  
2 if there's no water, on farmers and ranches in Upcountry and  
3 Central Maui who depend on the EMI system for their  
4 livelihood, on HC&S's lands without the sugarcane, and on our  
5 hopes of food sustainability if the Central Maui lands cannot  
6 be cultivated? Please consider these factors in your  
7 preparation of a well-balanced EIS.

8 FACILITATOR SENELLY: Thank you.

9 Albert Perez. Albert Perez? Oh, okay.

10 MR. PEREZ: Aloha, Albert Perez.

11 FACILITATOR SENELLY: Aloha.

12 MR. PEREZ: I have a lot of comments and I'm not  
13 going to read them all because I'm going to submit written  
14 testimony, but I did want to talk about what I consider to be  
15 A major flaw in the initial premise of the EIS preparation  
16 notice. So there are many places where it says the proposed  
17 action will maintain existing conditions subject to the  
18 pending stream flow decision and those significant impacts are  
19 anticipated for various topic areas of like geology and things  
20 like that. To me, that is a flawed premise, you are -- sorry.  
21 Currently HC&S is using very little water and it may be years  
22 before they use much more. In terms of the environmental  
23 impacts of the proposed action, it does not matter what their  
24 stated future intent is, we have to evaluate from the existing  
25 situation, which is that opae and other stream life are

1 currently using habitat that currently exists. The proposed  
2 action will reduce or eliminate this habitat and that is an  
3 impact that must be analyzed. Kalo farmers currently have  
4 water available that will be reduced or eliminated by the  
5 proposed action and this is an impact that must be analyzed.  
6 So your -- I think if you -- if you go ahead on this basis,  
7 that the entire EIS will be flawed.

8 I also wanted to say that no one is talking about  
9 either/or, you know, it's not either Central Maui gets water  
10 or East Maui gets water, it could be both. There's plenty of  
11 water, but it should be used wisely. I'm hopeful that some of  
12 the people here today will share what positive impacts they've  
13 already seen from the increased water flow, and we have heard  
14 some of that.

15 We need to insist that this EIS has real information  
16 about real impacts and not just gloss over what has happened  
17 in the past, because we can learn from that and incorporate  
18 that into the EIS. And then I'm not going to go into detail  
19 about what should be discussed, I'm going to leave that out,  
20 but I did want to talk about some alternative actions that  
21 could reduce harm to the environment and to cultural users  
22 such as:

23 Leaving more water in the streams than A&B has  
24 requested, using other water sources like wells or streams  
25 that A&B already diverts outside of this lease area. Maybe

1 they have enough already, maybe they don't need this, this  
2 lease.

3 Making sure that the water is used for agriculture.  
4 A&B does not have clear plans for agriculture. They keep  
5 changing it and the land is being sold, so what assurance do  
6 we have that leasing this thing for 30 years, that the water  
7 is going to be used?

8 How about growing crops that are appropriate for the  
9 environment out there in Central Maui that -- I mean, you  
10 don't have to grow mangos in the middle of the arid part of  
11 the island. Using less thirsty crops that would use less  
12 water.

13 Currently 42 million gallons per day is lost from  
14 the ditch system and the reservoirs. How about the  
15 alternative of reducing ditch system and reservoir losses?  
16 How about allowing more access to public lands so that we can  
17 see what's actually going on there?

18 Do you want stop me?

19 FACILITATOR SENELLY: I'm going to -- you said that  
20 you were going to turn something in?

21 MR. PEREZ: I am.

22 FACILITATOR SENELLY: Because it's still gonna be on  
23 record. Is that okay?

24 MR. PEREZ: That's fine.

25 FACILITATOR SENELLY: All right. And here's what

1 I'm saying, here's what I'm saying, we do have limited time  
2 and --

3 MR. PEREZ: I'm almost pau.

4 FACILITATOR SENELLY: Okay.

5 MR. PEREZ: I think it would be very important that  
6 we get actual stream flow data. We just participated in  
7 the --

8 FACILITATOR SENELLY: No, no. I'm acknowledging  
9 that.

10 MR. PEREZ: Okay. I'm just watching that finger.

11 (Laughter.)

12 FACILITATOR SENELLY: No, no, no. Because I --  
13 we've heard that and I'm just acknowledging.

14 MR. PEREZ: Okay. We don't have stream flow data  
15 for each stream that's proposed to be diverted and we should  
16 have.

17 We should explore alternatives and shorter lease  
18 terms, an alternative of just leasing the ditches and roads  
19 instead of the entire 30,000 acres.

20 What about the possibility of state acquisition and  
21 repair and maintenance of the diversion system and charging of  
22 market rates for water to generate enough money for that  
23 repair and maintenance?

24 (Applause.)

25 MR. PEREZ: And then it can be administered in

1 accordance with the public trust instead of -- I mean, let's  
2 face it, the county relying on a private corporation for its  
3 Upcountry water system is really, really risky. What if they  
4 change their minds, what are we going to do Upcountry?

5 And then, finally, I'd like to ask about if the EIS  
6 could analyze -- and I don't know if this is appropriate or  
7 not because A&B is applying for a lease, DLNR is evaluating  
8 the impact of that lease to them, but what about the  
9 possibility of having other bidders for a lease on these  
10 waters?

11 FACILITATOR SENELLY: There -- actually, that is  
12 going to be happen.

13 MR. PEREZ: Okay, Good. And I'll wrap up here.

14 There's also a problem with the analysis in the EIS  
15 preparation notice. It says that the -- the no action  
16 alternative says that no entity, including A&B, would have the  
17 right to use waters derived from state lands if they don't get  
18 the lease, but this is not true. Downstream riparian and  
19 appurtenant users would have that right. The water's gonna  
20 flow and people can use it, so its incorrect to say that  
21 nobody would have the right to use that water.

22 The other thing that I found odd was that the  
23 preparation notice raises the possibility that continued  
24 maintenance of the ditch system outside of the leased areas  
25 might not be economically feasible. I don't understand why

1 that would be true outside, but not inside the leased area.

2 FACILITATOR SENELLY: Okay. I'm going to -- and  
3 we'll make -- we have your oral and you're going to turn in  
4 your written and I -- is that okay?

5 MR. PEREZ: I am actually done.

6 FACILITATOR SENELLY: Mahalo.

7 (Applause.)

8 FACILITATOR SENELLY: Okay. Here's why -- I know  
9 I'm acting of antsy, so here's why. Okay? We have 15 people  
10 who signed up and I'd really like to get through them. And  
11 we're going to try and pau at 7:00. And as I said, what  
12 happens is as we get closer to the time, I'm gonna ask you for  
13 permission to extend, 'cause I really want everybody to hear  
14 each other. Okay?

15 Cody Nemet. Nemet.

16 MR. NEMET: Aloha kakou. I'm born and raised here  
17 and I've been a resident and active member of our community.  
18 I'm here today to express my views and to inquire that we make  
19 sure we are provided with a thorough and proper EIS survey.

20 I do believe in restoring our rivers from mauka to  
21 makai and sustainability for the future of our native and  
22 local farmers. It is also important to me that we revitalize  
23 the life that connects mauka to makai as well for our  
24 sustainable future. We, as a community, have concerns. The  
25 EIS should address full disclosure to see all diversions,

1     roadways, public access areas pertaining to the East Maui  
2     Irrigation, including maps representing the names of streams  
3     and diversion amounts being taken for each licensed area, the  
4     average, maximum, and minimum amount. It is important that  
5     the community has access to this information and that we are  
6     given facts, not generalized ideas.

7             With such a valuable resource at stake, I feel we  
8     need to explore all options besides those proposed. But  
9     alternatives may be using -- uses including one that involves  
10    the use of water from less than all four license areas, a  
11    proposal to look to shorter term leases how much -- as a much  
12    safer way to monitor and manage compared to the proposed  
13    30-year lease. There needs to be access for cultural and  
14    gathering purposes, access for restoration and maintenance,  
15    including what the future impacts will be for the future of  
16    these purposes.

17            I see a window of opportunity to make a great change  
18    to benefit the number one provider, not the corporations, not  
19    the employers, but the aina. Action and reaction is the key  
20    when dealing with so much disturbance and change. Let us be  
21    mindful for the future and learn from our past. Mahalo.

22            FACILITATOR SENELLY: Mahalo.

23            (Applause.)

24            FACILITATOR SENELLY: Frank. Frank Caprioni.

25     Frank.

1 MR. CAPRIONI: Aloha mai kakou. My name is Frank  
2 Caprioni.

3 FACILITATOR SENELLY: Aloha.

4 MR. CAPRIONI: I'll try to keep it pretty simple,  
5 but a couple things I think this EIS should definitely address  
6 is all the history of Alexander & Baldwin and their connection  
7 with the native taro farmers. And I've been fortunate enough  
8 to be out in (inaudible) and work in the fields and hear the  
9 frustration directly from the farmers and to see it and to see  
10 all of these promises that Alexander & Baldwin says that  
11 they're going to do and they never, ever do. I think that  
12 that's crazy, craziness, you know. I can feel the frustration  
13 from them.

14 I also think the EIS should also address alternative  
15 measures to have somebody else maintain that ditch. I mean,  
16 God, East Maui Irrigation, how many times are we gonna let  
17 these guys get away with what they're done? You know, they're  
18 obviously not good stewards, why give -- why are we gonna give  
19 it to them? Why can't the state -- I mean, there needs to be  
20 other options that need to be looked into, you know. And  
21 again, I completely understand that water is life, everybody  
22 needs water. I don't -- I'm pretty sure, I don't think any of  
23 the kalo farmers (inaudible) are asking for all of the water.  
24 I'm pretty sure that they've made that pretty clear, you know,  
25 and so to throw that out there is kind of crazy. I'm pretty

1 positive they're not asking for all the water.

2 And another thing is the uncle talked about, you  
3 know, with the akule and stuff and, you know, the hihiwi and  
4 that's where all the fish spawn and stuff like that, you know.  
5 And I was fortunate enough to go down to the Wailuaiki, it's  
6 the bay east of Wailuanui, that one has two rivers that flow  
7 inside there, one of them on the far side is diverted, the  
8 other one isn't. I mean, it's night and day difference, night  
9 and day difference, the one side there has got hihiwi, which  
10 you rarely see around Maui, all the way up to the shoreline,  
11 the other one has got nothing, no reef right in front, nothing  
12 on the one. It's common sense, it doesn't take a rocket  
13 scientist, you know.

14 Another thing I'd like to say too, I think there  
15 needs to be mediation between East Maui Irrigation and the  
16 Hawaiian community, 'cause, again, there is a lot of -- a lot  
17 of lies that have been told, a lot of things, a lot of  
18 promises that haven't been up kept. And I think in order to  
19 be able to move forward, that stuff needs to be sealed up. I  
20 mean, it's just -- it's crazy. So I really hope that you guys  
21 will look into the history and really go and talk. I know  
22 there is some of the East Maui taro farmers in here and go and  
23 talk to them because they have a lot of manao to share.

24 So thank you guys for your time.

25 FACILITATOR SENELLY: Okay.

1 (Applause.)

2 FACILITATOR SENELLY: You know, I want to say the  
3 EIS will cover those topics, but the mediation effort in and  
4 of itself is -- is parallel.

5 MR. CAPRIONI: Oh, one more thing.

6 FACILITATOR SENELLY: Yeah, yeah.

7 MR. CAPRIONI: What I'd like to say too is that  
8 there's no -- like who -- who oversees East Maui Irrigation?  
9 You know, we -- on the west side where I'm from, we're dealing  
10 with some stuff up in streams and it's -- it's incredible to  
11 try and talk to somebody.

12 FACILITATOR SENELLY: Okay.

13 MR. CAPRIONI: I mean, so really quickly I want to  
14 say there needs to be some oversight. You know, East Maui  
15 Irrigation is kind of -- and, you know, one last thing too  
16 that kind of blew my mind, sorry, is that the East Maui taro  
17 farmers that have gotta get -- they've gotta get permission to  
18 go drive up and they only get the key one day of the month,  
19 this is (inaudible) and they've been there forever. Like how  
20 is East Maui Irrigation able to go up there all the time, but  
21 the local people who are from there, they've gotta ask  
22 permission and they only got a certain window period to go up  
23 there. I think that's ridiculous. I think that is  
24 ridiculous.

25 FACILITATOR SENELLY: Sir, access has been brought

1 up before.

2 (Applause.)

3 FACILITATOR SENELLY: Okay. Adriane Raff Corwin.

4 MS. RAFF CORWIN: Here.

5 FACILITATOR SENELLY: Thank you.

6 MS. RAFF CORWIN: Aloha kakou.

7 AUDIENCE: Aloha.

8 MS. RAFF CORWIN: My name is Adriane Raff Corwin.

9 I'm with Sierra Club Maui Group. We will also be submitting  
10 written comments, but I'll just provide a little bit of what  
11 we want to say here.

12 I'd like to say I agree with Albert Perez's comments  
13 that spoke earlier.

14 One of the main things we want to bring up is that  
15 the community has been asking for this EIS for decades and we  
16 know that that's not your fault as the consulting company that  
17 this hasn't been done, but just that there's a lot in here to  
18 address. Because the EIS should have been done so long ago,  
19 we don't have a track record, an official record of the  
20 environmental impacts that have already happened and so we  
21 need an accounting of that as to the damage that has been done  
22 by the previous diversions over all these years and so we  
23 would like to have that history and that understanding in this  
24 document.

25 Another thing is that, as Albert mentioned, that

1 there's a lot of things that are in the preparation notice  
2 that claims that there aren't environmental impacts, but I  
3 would like to just draw attention and lot of our comments will  
4 come from at the end of the preparation notice -- and I  
5 recommend everyone look at this -- the United States  
6 Department of Interior's Fish and Wildlife Service submitted  
7 comments on this preparation notice that has many, many, many  
8 excellent points as to things that this EIS needs to address,  
9 one of them being currently A&B is only taking 25 million  
10 gallons per day from the diversions when, in fact, they could  
11 take up four hundred something and in the past they took about  
12 170 per day, 170 million gallons per day during sugarcane  
13 growth. So they're only taking 25 right now and we are seeing  
14 many of the streams come back and the wildlife in those  
15 streams. And we need to have an understanding of if we -- if  
16 they start taking more than just 25 and those streams start  
17 disappearing again, that's a major environmental impact  
18 because we've gotten some restoration and we -- so we need  
19 that addressed.

20 There's a lot of other great points and, again, I  
21 recommend everyone read this document that's at the end of the  
22 preparation notice including, yes, different --

23 FACILITATOR SENELLY: You mean the letters?

24 MS. RAFF CORWIN: Yes, the letters. So the letter  
25 from U.S. Department of the Interior, Fish and Wildlife

1 Service.

2 Different lengths of the lease is another thing we'd  
3 love you to address. There's a lot in here, but, yeah, I  
4 would say, again, my major points, because I know everyone  
5 else needs to speak, is we need to have a full understanding,  
6 a true full environmental impact statement with primary,  
7 secondary, tertiary, etc., impacts, cultural impacts,  
8 environmental impact, social impacts, and the current  
9 preparation notice as written is not addressing much. It is  
10 skirting over the majority of these issues and so we would  
11 like you to completely readdress this and look at what your  
12 preparation notice is missing on these factors.

13 FACILITATOR SENELLY: Okay. Just a couple of  
14 clarifications.

15 MS. RAFF CORWIN: Sure.

16 FACILITATOR SENELLY: The prep notice really cannot  
17 come to conclusions about significance.

18 MS. RAFF CORWIN: Oh, I don't mean -- I don't mean  
19 conclusions, but there's many things in the preparation notice  
20 that it looks like you're not even going to address because  
21 you claim there's no significance.

22 FACILITATOR SENELLY: Oh, that's why we're here.

23 MS. RAFF CORWIN: Right. So that's what we're  
24 saying, we want to make sure that doesn't happen.

25 FACILITATOR SENELLY: Yeah. And my only point is

1 that the level or whatever of significance has not been  
2 determined because the studies have -- are not being -- have  
3 not been done. So I take -- I get your point, though, you  
4 want it -- you want it -- I think the gentleman here says you  
5 want it to be transparent and put a lot of stuff in.

6 MS. RAFF CORWIN: Well, for time reasons, I will  
7 leave it at that, but it's a lot more complicated than that.

8 FACILITATOR SENELLY: I know, I know. Okay. Thank  
9 you.

10 Tiare Lawrence. Okay. Are you --

11 MS. LAWRENCE: Aloha. Tiare. Over here. I'll  
12 stand up.

13 FACILITATOR SENELLY: I'm sorry. No, no, no. I'm  
14 the one who -- I'm short too. Sorry.

15 MS. LAWRENCE: Aloha. My name is Tiare Lawrence.

16 FACILITATOR SENELLY: Aloha.

17 MS. LAWRENCE: I'm here from. I'm a lineal  
18 descendent of Keanae. My tutu wahine was from there.

19 I enjoy the bountiful akule that come in when my  
20 friend Healoha gives me bags of akule, so I know that since  
21 the -- since the restoration of some of the streams, that  
22 akule have been coming in more frequently. And it's been mind  
23 blowing for a lot of the residents out there that they get to  
24 experience that. A lot of them thought they wouldn't be able  
25 to experience this bounty that's been happening over the past

1 few months.

2 I'll go into details. I'd definitely like the EIS  
3 to include interviews of kapuna makua and opio from East Maui,  
4 their moku. I'm pretty sure many people in this room are  
5 willing to participate in that.

6 I would also like to request an additional meeting  
7 be held in Keanae and Hana. The kapuna go to work so they  
8 couldn't drive the two hours to be here. I believe that their  
9 voices are being left out and they should be given the  
10 opportunity to speak.

11 I would like the EIS to provide the benefits of  
12 short-term versus long-term leases.

13 The EIS should detail the impacts of the diversion  
14 of each stream, not a generalized view of the entire  
15 watershed.

16 The EIS should consider a range of alternatives.  
17 Besides the no diversions at all alternative it should reveal  
18 the impact of just diverting enough for existing county needs  
19 and the alternative of leaving enough water in every single  
20 stream so that they each receive enough to support 90 percent  
21 of stream life.

22 The EIS should disclose those areas that are pumping  
23 from A&B lands.

24 The EIS should include all past impacts such as  
25 kuleana land titles, quiet titles, and a clear explanation on

1 how A&B acquired these lands with records.

2 (Applause.)

3 MS. LAWRENCE: And present impacts to the streams  
4 (inaudible) they have more water than normal which helped  
5 increase habitat right now. If they are given the lease, the  
6 stream habitat will be killed, that is a fact.

7 As well as the impacts of the various broken  
8 infrastructure and leaks along the system.

9 Also I would like the EIS to include a map of  
10 potential lohi that can be restored. This will provide an  
11 opportunity for more kalo cultivation. Kalo farmers are  
12 unable to keep up with the current demand and the kalo  
13 industry is a multimillion dollar industry with so much more  
14 potential.

15 I would also like the draft EIS to include the  
16 following: past and present impacts on aquatic life, native  
17 plant species, invasive plant species, recreational  
18 activities, aesthetic value such as waterfalls and scenic  
19 waterways, traditional and customary practices such as kalo  
20 cultivation and gathering of oopu, hiihiwi, and opae.

21 I personally believe that no future subdivisions or  
22 gentleman estates should have access to surface water for  
23 development.

24 I also believe the EIS should explore policy, if  
25 passed at the county level, such as allowing gray water use

1 that would allow less use from potable sources.

2 At the very least before any lease is given they  
3 should be required to fix the ditch system and reservoirs  
4 adequately to stop wasting 41 million gallons a day.

5 And I would also like East Maui to get a dedicated  
6 water management area. Mahalo.

7 FACILITATOR SENELLY: Thank you.

8 Diane Hakamatsu. Diane? Oh, over here, over here.

9 MS. HAKAMATSU: Aloha and good evening, everyone.

10 FACILITATOR SENELLY: Good evening.

11 MS. HAKAMATSU: As a lifelong resident of Maui, a  
12 mother of two children, and a member of the Go Maui board, I'm  
13 very concerned about the issue of water for the development of  
14 future affordable housing because we all know that water is a  
15 critical component to providing any future housing. I'd like  
16 to emphasize that what I mean by affordable housing are small-  
17 scale projects that are sold at truly affordable prices, and I  
18 mean all units within the project, so our residents,  
19 particularly those in need, can benefit from home ownership  
20 opportunities.

21 FACILITATOR SENELLY: May I ask you, you're talking  
22 about areas that are already being served by the water?

23 MS. HAKAMATSU: That's correct.

24 FACILITATOR SENELLY: Okay. Thank you.

25 MS. HAKAMATSU: That's correct. And I'd just like

1 to thank you for your favorable consideration of this request.

2 FACILITATOR SENELLY: Thank you.

3 Justin Time. Is that -- Justin Time, is that really  
4 your name?

5 MR. TOMBE: People remember that one.

6 FACILITATOR SENELLY: Okay. Just checking.

7 MR. TOMBE: Okay.

8 FACILITATOR SENELLY: Just checking.

9 MR. TOMBE: Justin Tombe. (Inaudible.)

10 FACILITATOR SENELLY: Okay.

11 MR. TOMBE: Water is life and when we're talking  
12 about it here like a lease and we're making agreements, we're  
13 reviewing ones that have been made like it's an economic  
14 commodity and that's okay, but that process is incomplete if  
15 we don't remember, right, that it's more than that. So this  
16 process, I want to invite everybody participating in this  
17 process here all the way through to remember to stretch  
18 further than just the legal considerations; otherwise, we're  
19 failing our responsibility to the generations. Okay? That's  
20 how I feel it in my heart.

21 The vision of how you steward the land and the water  
22 together has to be considered in this process. Right? So  
23 it's not just water goes to someone for 30 years, they get a  
24 sign off and an agreement and a fee. It's like what's the  
25 land use that it's going to be used for? Specifically how is

1 that vision articulated? I think 30 years, again to echo, is  
2 too long of a process. Five years, one year at a time if  
3 that's what it takes to figure it out. And you can't do that  
4 without accountability of the past, what has happened. Now  
5 someone step away from the awaas in the shape that they're in  
6 and now that it's kind of falling apart and they've made their  
7 money and they've exported all these crops with the water  
8 embodied in it and all that wealth off the island, and now  
9 they're gonna step away, no responsibility to take care of  
10 what's behind? No. That should be addressed, that should be  
11 a part of this as well. Okay? So accountability.

12 And then for me, like I got a little chance living  
13 over in Huelo on the Hoolawa to do a little pilot project, an  
14 eco village in an ahupuaa kind of style. Right? And so what  
15 that was, what is that, it's a vision of how the land should  
16 be organized and used, how to steward the water all the way  
17 through. Okay? So if it's going to end up being in a golf  
18 course and there's nitrate fertilizers being dumped on there  
19 and there's organophosphate pesticides sprayed on it and  
20 they're gonna end up in the ocean and the fish, is that --  
21 like if we can't address that here in the use process, then  
22 we're not really doing the job.

23 And so I want to know from A&B what's their 30-year  
24 vision, what do they see, where is this going, how is this  
25 going to get used much more articulated. And I love

1 hearing -- thank you so much -- like stream-by-stream impact.  
2 That's the kind of granularity, that's the kind of attention  
3 to detail, that's the kind of responsibility that this EIS  
4 process really needs to try and address even though it's  
5 beyond its scope a little bit.

6 FACILITATOR SENELLY: Okay. Future uses, you  
7 mentioned, to my -- there is no golf course. I mean, you  
8 mentioned that and it's just I kind of want for the record  
9 that, you know, we're talking about existing uses in the  
10 central plains and all that kind of stuff.

11 MR. TOMBE: So diversified agriculture.

12 FACILITATOR SENELLY: And diversified agriculture.

13 MR. TOMBE: Right. So that's poly-culture, no more  
14 mono-crop, monolithic institution. I'd like to see some  
15 addressing of what the land use looks like that makes room for  
16 small-time agriculture producers. I'd like to echo that  
17 again.

18 FACILITATOR SENELLY: Okay.

19 MR. TOMBE: For sure. Yep. And put a plug in also,  
20 you know, if there is a place for a pilot project for  
21 industrial hemp to find its place on Maui here as a medicine,  
22 as a food source, as an industrial product, then that's  
23 something that really ought to be part of that looking forward  
24 too.

25 FACILITATOR SENELLY: So different types of

1 agriculture, not monolithic. Okay.

2 MR. TOMBE: Yeah. Absolutely.

3 FACILITATOR SENELLY: You pau?

4 MR. TOMBE: Absolutely. Mahalo.

5 FACILITATOR SENELLY: Okay. Zach Williams. Sir.

6 MR. WILLIAMS: Hi, everyone. Aloha. I'm Zach  
7 Williams. I'm from Lower Nahiku. I'm just here to say a  
8 couple of things really quick about the EMI and what I would  
9 like in the EIS.

10 So starting from the beginning, A&B, their  
11 subsidiaries HC&S and East Maui Irrigation Company have been  
12 very deceitful in what they're saying their uses are. They  
13 said right now they've restored 100 percent of Makapipi  
14 Stream. I walked up, because we cannot drive and I'm a  
15 residence of Nahiku, I walked up to their diversion yesterday,  
16 their eastern boundary diversion because they have multiple  
17 diversion at different layers of each stream so they can take  
18 not water from one place, but multiple places in each stream  
19 and they have pumps as well, they can pump water out of the  
20 streams.

21 So on their eastern most diversion, they said they'd  
22 give us 100 percent stream flow, but I have a video showing  
23 they've opened a little door and it's about four or six inches  
24 deep where the water flows out the door and then their flume,  
25 which is right on the inside of their diversion, has as much

1 water as they could be possibly taking still flowing into  
2 their diversion. And I have video evidence of this from  
3 yesterday. And that's what they call 100 percent stream flow,  
4 they get more than 50 percent of our water. Well, I'm a new  
5 kalo farmer, but I'm a lifelong resident of Lower Nahiku. I'm  
6 struggling to get my rhodes going, but that's just wind, Kona  
7 winds for the last two weeks. And for the first time since  
8 July we've lost mauka to makai connectivity. We've had that  
9 since July of this year. So yesterday I went up to the  
10 diversion, then I went down to the bridge at the bottom of the  
11 road and into the ocean to check the mauka to makai  
12 connectivity.

13 My neighbors, the (Hawaiian name), were getting opae  
14 and because the water stopped flowing at Wahine Mo, which is  
15 about -- a pond 300 yards up from the ocean, they had to go  
16 above there to even get opae in their ponds because it was all  
17 neko, because HC&S and EMI are not giving us our fair share  
18 and they're saying they're giving us 100 percent. So I want,  
19 I guess, the definitions of 100 percent water restored to  
20 actually be 100 percent. They're like falsifying this to  
21 everybody in Maui County and the State of Hawaii saying  
22 they're giving us our water and I still no more water.

23 And as far as Auntie saying, "Oh, we're worried  
24 about (inaudible) guys paying for the water," hey, don't worry  
25 us, we'll take care, so --

1           And one more thing too about the opae, the hihiwi,  
2     the pipiwai, the (Hawaiian word), the moi, all these things  
3     are all interdependent on that fresh water connectivity into  
4     the ocean. But we also need accountability, we need (audible)  
5     to come down and count the opae, count the hihiwi, count the  
6     pipiwai, the oopu. And we need this above and below the  
7     diversions on every single river and then we can decide who  
8     gets to take what. But until we have a precedent to preserve  
9     our animals and our people and everybody who lives in Maui  
10    (Hawaiian word), then I don't -- I don't see -- I don't know  
11    where the future is going with EMI, but they need to come  
12    forward and be way more transparent.

13           And also their water lines are all bust, they call  
14    them broken water lines, they're just leaking water yesterday,  
15    buried under gingers. And the EMI guys are driving by in  
16    their trucks, there's no way they would hear that. I'm  
17    walking by, I heard the thing, I un- -- dug under gingers and  
18    ahui for like ten to fifteen feet with my cane knife to find a  
19    four-inch water line completely ruptured, just busting water  
20    they've diverted from Makapipi Stream straight into the  
21    bushes. Where's the accountability? How long has this been  
22    busted? I just found it yesterday, it was buried a foot  
23    underground. If I wasn't walking, I wouldn't have heard it.

24           And lastly, I talked to Uncle Frank James, who is a  
25    lineal descendent of (Hawaiian name) in East Maui. And I

1 think Kuihewa, Maui Land and Pine, they used to have on  
2 Kuihewa, but they don't take surface water from Kuihewa, but  
3 they do take water, they pump it, because it's one of the  
4 largest aquifers we have in East Maui. And since 1990 when  
5 they put in that pump, Uncle Frank told me that the pond, what  
6 they call Blue Pond, is actually only running for two or three  
7 weeks after a big storm and then it dries up completely dry.  
8 His whole life that never happened, but since 1990 when they  
9 put in that pump, that's been happening. And what effect did  
10 that -- these pumps and these pumps stations have an effect on  
11 other ahupuaas? What about the next ahupuaa in Koolau? But  
12 we're all connected and there's been no scientific study or  
13 research to see how our aquifers are connected. When you take  
14 from one place, people are affected somewhere else. So they  
15 cannot just say, Oh, this and that. We need way more, way  
16 more scientific impact statements and, I don't know, research.  
17 Anyway, that's all I have to say.

18 FACILITATOR SENELLY: You want more data.

19 Okay. It's seven o'clock. We have, I think, 11  
20 more people, so can we go on to 7:10?

21 AUDIENCE: Yeah.

22 FACILITATOR SENELLY: Is that okay?

23 All right. Kamalani Pahukoa. Kamalani.

24 MS. PAHUKOA: Aloha.

25 AUDIENCE: Aloha.

1 MS. PAHUKOA: My name is Kamalani Pahukoa. Mahalo  
2 for everyone for coming and I respect everyone's comments from  
3 our country farmers to, you know, our residents and commercial  
4 users and everybody. I'm from East Maui, I'm from Keanae. I  
5 mainly come here today to give specifics on what I think the  
6 EIS should address, so I'll get to it.

7 So East Maui streams holds one of the worlds most  
8 diverse ecosystems and native species, mollusks to arthropods  
9 and vertebra. I ask that you honor the recommendations of our  
10 state biologists, scientists, Hawaiian practitioners, and Maui  
11 community. It is crucial that habitat mapping would be  
12 incorporated into the environmental study.

13 I'd like to see the estimated amount of water that  
14 is wasted from the diversions. The leakage of the water from  
15 diversions have proven to contribute to landslides in some  
16 areas of the Hana Highway. Without these studies it's hard to  
17 explain to our highways engineer the detrimental effects of  
18 waste water from these diversion pipes, the effects it can  
19 cause to erosion and landslides and whatnot. The erosions of  
20 some areas along the Hana Highway are from natural material  
21 like water; however, they are caused by unnatural waterways  
22 also known as EMI's diversions. Maintaining the natural  
23 patterns of water flow and streams is the single most  
24 important requirement for protection of native Hawaiian stream  
25 animals. So I guess what I'm saying is I'd like you to be

1 very specific and broad in your habitat mapping for the EIS.

2 I'd like --

3 FACILITATOR SENELLY: What do you mean, "specific  
4 and broad"?

5 MS. PAHUKOA: Everything.

6 FACILITATOR SENELLY: Okay.

7 MS. PAHUKOA: I'd like to see that -- I know there's  
8 random -- it's called random --

9 FACILITATOR SENELLY: Sampling?

10 MS. PAHUKOA: -- sampling, yeah, and random insect  
11 monitoring and whatnot, but I'd also like you to consider our  
12 ecosystems, the forests, oopu, hihiwi, and everything that  
13 flows upstream. I'd like you to conduct the EIS not just  
14 below the water diversions, but above.

15 FACILITATOR SENELLY: Okay.

16 MS. PAHUKOA: And so to wrap it up, I hope that  
17 everyone can come out to tomorrow's meeting because I know  
18 there's a lot more East Maui residents that will be able to  
19 attend tomorrow's meeting as opposed to today 'cause it's kind  
20 of far and (inaudible) and whatnot.

21 But I ask that all records of the EIS and data  
22 collection regarding East Maui streams be made public and  
23 updated weekly as important data collection become available.  
24 So if that's something that can be done, I'd like that to be  
25 done, you know, as soon as that data becomes available, as

1 soon as possible.

2 Other than that, I just wanted to state that I don't  
3 support EMI obtaining this lease. I think that the county has  
4 the resources to manage these diversions on our own. I think  
5 that the community has the power to manage the diversions on  
6 our own. And for people to be relying on A&B and EMI is kind  
7 of a -- you know, we should just have more -- we should have  
8 more -- we should more respect to those who have been managing  
9 these ahupuaas since -- for several generations. I mean,  
10 sustainability has been out there since the beginning and in  
11 these streams from Koolau, from Hana to Haiku and Huelo. So  
12 for people to say that we have to only rely on A&B is kind  
13 of -- it's not right, yeah, because Hawaiians have been  
14 managing our water resources since the beginning.

15 So I just wanted to say that and thank you guys for  
16 your time. Thank you, everyone, for coming.

17 FACILITATOR SENELLY: Thank you.

18 (Applause.)

19 FACILITATOR SENELLY: Alohalani Smith.

20 MS. SMITH: Aloha, everybody. I'm Alohalani Smith.  
21 I live out in Kaupo and I have also lineal descendency in the  
22 (Hawaiian name) side, we grew up outside there. I am the Aha  
23 Moku Kaupo representative. I've worked in the national parks  
24 and DOFA in the natural resources management, but as well as  
25 it goes with that, development is needed, you know, I'm not

1 against it. I support it, I was a carpenter too and that, I'm  
2 looking for smart development. But before we even start with  
3 development, we need water and we need to settle the water  
4 issue.

5 Now, it was mentioned on the state owned land in the  
6 40 license areas the EIS study alternative, okay, I want to  
7 them to study, which I'm going to propose a solution: To  
8 cancel the lease, okay, because the DLNR and the state can  
9 take back the water system from A&B. The restoration to the  
10 irrigation system too can be worked on. Now, they can also  
11 work with partnerships. Just like what Kamalani was saying,  
12 is that the people can do it. We have a lot of partnerships  
13 right before us. Also the ohanas, okay, the ohanas can help.  
14 And by doing this we can save money for the state by having  
15 stewardship which was number one in the beginning.

16 Now, for example, we have this aha moku system and  
17 it is every ahupuaa that we take care of our kuleana from  
18 mauka to makai, even to the (Hawaiian word) where fishermen  
19 can also benefit. Now, all of this will benefit everybody,  
20 especially the communities that can take better care of our  
21 own, yeah, resources, our kuleana. So the state in the  
22 meantime will save money and make money back. Now, this would  
23 support our water system as Maui grows, it's that simple. But  
24 if A&B will really wants to take care of Maui, A&B should  
25 donate the restoration of the irrigation system and train the

1 state workers or the partners as a tax write-off for the  
2 deduction and give back to the people. There's nothing wrong,  
3 it's that simple.

4 So thank you very much for your time.

5 FACILITATOR SENELLY: Thank you, Alohalani.

6 Elaine Wender.

7 MS. WENDER: Wender.

8 FACILITATOR SENELLY: Wender. I'm sorry.

9 MS. WENDER: My name is Elaine Wender. My  
10 involvement in this issue began over 35 years ago.

11 Figure 1-1 of the EISPN shows in green what are  
12 deceptively called EMI lands. In fact, many of these lands  
13 have multiple owners. For instance, many people, including  
14 myself, have interests in TMK-1-8-11 by in Waiokamilo Stream  
15 in Keanae. These maps should be labeled accurately.

16 I submitted timely substantive comments for the  
17 early consultation phase for the preparation of the EISPN and  
18 received a letter from Earl stating, quote, Your comments will  
19 be considered and a copy of your comment letter will be  
20 appended to the EISPN, unquote. However, they were not  
21 appended. I have not even received a reply to my written  
22 request made a week ago that an amended EISPN be published  
23 including my comments as well as others that were excluded and  
24 that my comments immediately be sent to all those from whom  
25 you originally solicited comments as well as those who made

1 unsolicited comments. I still have not received a reply. I'm  
2 renewing that request. It is not an adequate remedy to  
3 include in the draft EIS my comments made in the consultation  
4 phase.

5 It's taken us over 35 years to get here. In  
6 November of 1981 residents of Keanae and Hana through their  
7 counsel Isaac Hall first petitioned DLNR to prepare an EIS in  
8 this case. For 35 years A&B has fought tooth and nail to defy  
9 this legal requirement. It took citizen activism and court  
10 action to finally require them to adhere to the law and  
11 prepare an EIS. So here we are, 35 years later. In that time  
12 we've lost two generations of kupuna who fought for water  
13 restoration and our watershed has continued to be degraded by  
14 EMI's failure to exercise proper stewardship.

15 A&B apparently no longer utilizes water from  
16 Waiokamilo, but this is not the same as restoration. EMI  
17 formerly diverted water not only from the main flume at  
18 Kukahiko, but also from numerous tributaries of various sizes  
19 which, before the existence of the ditch, eventually found  
20 their way into Waiokamilo Stream. This water was collected  
21 via over two dozen diversions consisting primarily of concrete  
22 catchment basins with pipes. EMI has cut these pipes so that  
23 the water no longer goes into the ditch, instead it now drips  
24 or flows onto the ditch road, creating a muddy mess and  
25 additional habitat for invasive plants. Most of the water

1 never makes its way off the road, much less back into the  
2 stream. When they built, the ditch and the ditch road cut  
3 into and altered the natural terrain. Nothing has been done  
4 to return this terrain to its original condition or to ensure  
5 that the water not diverted actually gets into the stream.

6 In addition, EMI has abandoned and no longer  
7 maintains the ditch road in the Waiokamilo area, resulting in  
8 its present hazardous condition. They also no longer monitor  
9 the area for miconia which I have frequently encountered there  
10 in recent years. EMI has abandoned any responsibility for  
11 stewardship of the watershed areas they longer utilize. Even  
12 in the areas they still use, banyan trees, pyaemia, and other  
13 invasive plants grow unfettered. These conditions must be  
14 addressed in the EIS.

15 FACILITATOR SENELLY: Okay.

16 MS. WENDER: No. I'd like to finish.

17 FACILITATOR SENELLY: No, no, no. That's what I was  
18 going to ask you and you just said it, so I'm fine. I was  
19 going to ask you what of that you wanted in the EIS.

20 MS. WENDER: Could I please finish?

21 FACILITATOR SENELLY: Please.

22 MS. WENDER: The EIS require rules require, quote, a  
23 description of the environmental setting including a  
24 description of the environment in the vicinity of the action  
25 as it exists before commencement of the action, unquote.

1 Throughout the EISPN the phrase, quote, maintain existing  
2 conditions, unquote, is repeated. This cannot be the starting  
3 point. We have experienced what EMI's lack of stewardship  
4 over these past 35 years while they illegitimately held this  
5 land without an EIS and without a valid lease, not to mention  
6 the previous decades has gotten us a seriously degraded  
7 watershed. There has to be some accountability and discussion  
8 of alternative what true restoration would mean which means  
9 that the condition of the watershed before these diversions  
10 existed has to be considered.

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

18 The EIS should discuss the alternative solutions.  
19 One could be to restore the area to its prediversion landscape  
20 without causing additional environmental damage. If that is  
21 not feasible, an alternative could be to allow the ditch road  
22 to remain and to require that it be maintained and also that  
23 means be provided to ensure that the previously diverted water  
24 finds its way to the stream.

25 Since EMI is no longer using the water from the

1 Nahiku or Keanae areas and since A&B has more than enough well  
2 water and water arising from their own lands to serve their  
3 needs, there's no justification to include all of these areas  
4 in the new license application; however, the EISPN includes  
5 all 388 diversion points. If any new lease is considered,  
6 first restoration of the abandoned areas should actually be  
7 completed and the lease should contain strict provisions  
8 requiring true watershed restoration, not simply cessation of  
9 water diversion at the end of the lease period. There should  
10 also be a requirement that a bond be posted in sufficient  
11 amount to carry out this work.

12 I also endorse the comments made by Forestry and  
13 Wildlife and Na Ala Hele Divisions of DLNR, the Native  
14 Hawaiian Legal Corporation, and the U.S. Fish and Wildlife  
15 Service. And I encourage people here to read the EISPN and  
16 submit written comments. Thank you.

17 FACILITATOR SENELLY: Thank you, Elaine.

18 (Applause.)

19 FACILITATOR SENELLY: Okay. We have eight more  
20 people. You want to go ten more minutes?

21 AUDIENCE: Yes.

22 FACILITATOR SENELLY: Okay. Let's go.

23 Tom Blackburn-Rodriguez. Are you here? Oh, okay.  
24 Thank you.

25 MR. BLACKBURN-RODRIGUEZ: Hello. Thank you very

1 much for the opportunity to speak to you tonight and also to  
2 see so many of my friends and neighbors that I haven't had a  
3 chance to see in a while, so aloha, everyone.

4 My name is Tom Blackburn-Rodriguez. I live in  
5 Kihei. My family has lived in Hawaii since 1870, that's the  
6 Blackburn side of the family, the Rodriguez family got here  
7 before the wall was built and we were refugees from the  
8 revolution in Mexico and it wasn't a pretty process to be a  
9 refugee.

10 I'm representing Go Maui, Incorporated. Go Maui is  
11 a nonpartisan, nonprofit organization with a focus on  
12 affordable workforce housing, water, and a healthy economy  
13 with good-paying jobs and benefits, among other issues.

14 There are many issues to consider in the development  
15 of this EIS and it is a challenging task. There are five  
16 questions I would like to highlight for your consideration and  
17 which should be answered in the EIS.

18 Briefly, first: Will the EIS cover and assess what  
19 would happen to Central Maui if there were no agriculture  
20 there because there's not enough water.

21 Number two, second: Will the EIS cover what can  
22 happen to our hopes of energy and food sustainability on Maui  
23 if the Central Maui lands cannot be cultivated?

24 Third: What about Upcountry residents? The EIS --  
25 farmers, ranches, etc. The EIS should address where they will

1 get their water if there's no state lease.

2 Fourth: I have many friends who are in business  
3 Upcountry. Will the EIS address what will happen to them and  
4 the other businesses in Upcountry Maui if there's no more East  
5 Maui stream water?

6 Finally and perhaps most important: Will the EIS  
7 cover what development might occur if there's no agriculture  
8 in Central Maui?

9 These and other questions you will hear and have  
10 heard tonight are important and the answers will have real  
11 consequences for our community which we all love.

12 And, finally, I would just like to endorse the  
13 concept of having a meeting in Hana. Although the Maui County  
14 Council has facilities where you can do remote meetings as  
15 well, I think it's very important for the people of Hana to be  
16 able to participate fully in a meeting of this nature and  
17 strongly endorse that. Thank you.

18 FACILITATOR SENELLY: Thank you very much.

19 (Applause.)

20 FACILITATOR SENELLY: Larry Koss. Sir.

21 MR. KOSS: Thank you for doing this and for the  
22 manner which you're doing it. It's very supportive.

23 My name is Larry Koss. I live in Wailuku. I'm a  
24 member of the Maui Farmers Union -- the Hawaii Farmers Union,  
25 although I'm not a big farmer. I'm a backyard bachelor

1 farmer. My -- I don't have all the details, the specifics  
2 that some of the people here have, but I would like to draw a  
3 distinction between a couple of things that I think would be  
4 helpful in the process. One is a distinction between  
5 systematic remediation and shifting of context.

6 FACILITATOR SENELLY: Say that again.

7 MR. KOSS: Systematic remediation, which we're doing  
8 here --

9 FACILITATOR SENELLY: Right.

10 MR. KOSS: -- dealing with water. Right? And  
11 addressing the underlying context that's driving this in the  
12 first place.

13 FACILITATOR SENELLY: Okay.

14 MR. KOSS: Because we could be -- we could be  
15 addressing this issue now in February 2017, if we don't deal  
16 with the underlying context, we could be addressing it again  
17 and again and again on the diversions. Right?

18 The other is the notion of sustainability. And when  
19 that concept first came out, I was on Orcas Island in '96 and  
20 I published a journal, a 60-page journal that we delivered to  
21 the entire San Juan Islands of 14,000 people and it draws a  
22 distinction between -- I don't use the word sustainability  
23 anymore. Most people don't know what it means, it's been  
24 manipulated and abused, and truth is: Who gets to be  
25 sustainable? Is it the top 1 percent of 1 percent? And do

1 sustain all the people that are -- all the people that are  
2 homeless or without food, does that number sustain itself and  
3 keep on going? So the term that I use is whole community  
4 well-being.

5 FACILITATOR SENELLY: Whole?

6 MR. KOSS: Whole community well-being.

7 FACILITATOR SENELLY: Thank you.

8 MR. KOSS: There's no wiggle room with that. Either  
9 everybody is cared for and it's all in the funnel, or it's  
10 not.

11 So I have -- there's a couple of things that come to  
12 mind for me. Number one, I think water and electricity ought  
13 to be public trust, period, that handles a lot of issues. I  
14 think that's a good thing.

15 And the other is -- this may sound really  
16 outrageous, but I -- and I might get choked up doing it. But  
17 I have an invitation for A&B that I would like to have it step  
18 up to or be compelled to, to step up to, and that is given its  
19 history and given what it's done, it's time to clean up its  
20 karma and I would like to see that 36,000 acres dedicated to  
21 public trust for the local farming, organic farming, and for  
22 affordable housing. And that may sound too wild and crazy,  
23 but I just need to think that we do one more -- you know, a  
24 whole continuing series of these kinds of things across a  
25 number of issues 'cause we're not dealing with the underlying

1 context that drives it, so --

2 FACILITATOR SENELLY: What do you want to see in the  
3 EIS?

4 MR. KOSS: Pardon?

5 FACILITATOR SENELLY: What do you want to see  
6 addressed in the EIS of all the things you said?

7 MR. KOSS: Well, I don't know if -- any way that  
8 that could fit in there, you know.

9 FACILITATOR SENELLY: Okay. I appreciate --

10 MR. KOSS: I just throw it out as a possibility.

11 FACILITATOR SENELLY: Thank you.

12 MR. KOSS: Thank you very much.

13 FACILITATOR SENELLY: Stacey Sills.

14 MS. SILLS: My name is Stacey Sills and I have been  
15 on Maui for 25 years. And there was -- the two issues that I  
16 think I'd like to address is the six-year drought for the  
17 Upcountry cattle farmers was noted as well as you notice  
18 California had a ten-year drought. The issue I think that you  
19 need to be looking at and that needs to be studied are the  
20 actual particles tested in the water, in the people. I think  
21 the people need to be tested as well because there is a thing  
22 and it is called geoengineering and it's being done over Maui.  
23 It's shut down the Iao Valley. I am the only person in the  
24 world who documented the bombing of Iao Valley and also the  
25 bombing of protest -- of the protesters on the Big Island

1 Hawaii. They drop aerosol down bursts, they're filled with  
2 aluminum, barium, and strontium. I'm sure you're gonna pick  
3 up those particles in the environment. And I think that needs  
4 to be studied because they can create six-year droughts,  
5 ten-years droughts, and now they're creating a flood.

6 I just watched the same down bursts that are  
7 happening right now in Orville that happened in Iao Valley.  
8 They're doing the same thing. They're -- that dam's gonna  
9 blow. Trust me, I know it, because I'm watching them.  
10 They're exploding the same aerosols that they did here in Iao  
11 and this is an issue, it needs to be addressed, and you need  
12 to look at that factor in your environmental impact study.

13 It's not a joke. I know it's top secret, we can't  
14 talk about it, but, you know what, I'm gonna talk about it,  
15 because it affects each and every one of you. It's global, it  
16 happens here, it happens all around the globe. I don't  
17 know --

18 How many people know about global engineering?

19 Anyone.

20 (Audience response.)

21 MS. SILLS: Okay. That is very few. You're just  
22 ignorant. Please educate yourself. It affects you, you're  
23 breathing it. It happened today. It happens every single  
24 day. They're whiting out the planet. You'll never see a  
25 light blue sky again. Please check the particles, that's what

1 I'd like you to do on your environmental impact statement, is  
2 protect the health of these Hawaiian people because they're  
3 being attacked.

4 FACILITATOR SENELLY: Thank you.

5 (Applause.)

6 FACILITATOR SENELLY: Joyclynn Costa.

7 MS. COSTA: Hi. My name is Joyclynn Costa. I'm the  
8 moku representative for Hamakualoa, but I'm a descendant of  
9 Nahiku Mokuula on Makapipi. And my father, I'm sure you're  
10 going to meet him tomorrow, he's 81, he was from Nahiku, his  
11 mother was born and raised in Nahiku, her father was born and  
12 raised in Nahiku, his father was born and raised in Nahiku, he  
13 was taken to Kalaupapa.

14 I would like to see the original lease, I'm talking  
15 from the 1800s, if there even is a legitimate lease, before we  
16 even move forward. I would like to see critical data not of  
17 today, because we've already had too much damage and  
18 dewatering of a lot of the streams for you to even begin to  
19 measure it. So it needs to be from the beginning, not from  
20 the middle, not from the current, but from the beginning so  
21 you get accurate data.

22 I have to disagree a little bit with my good friend  
23 Darrell Tanaka that not every stream should be restored  
24 because there was a reason in Alexander & Baldwin he found it  
25 to be a waste which is why he decided he needed to capture all

1 of this water and send it central.

2 And if you go with the rule of nature, with the law  
3 of nature, it is essential when we worry about if we're  
4 underground springs and catchments underground that feeds  
5 wells are going to be able to hold the carrying capacity for  
6 elsewhere, the percolation that will be created through the  
7 restoration, you know, has anybody done a study on that? Can  
8 we -- can we restore the lands again to a more healthy  
9 environment? It's missing.

10 I find it really ironic that we don't have money, we  
11 don't have the resources for something more critical than a  
12 rapid transit rail, but we can find billions to put a piece of  
13 steel and concrete not even halfway around an island. So we  
14 need to reevaluate what is important. Economically, the water  
15 restored to the taro patches will be better for the state.

16 My father equates a bag of rice, a lot of people in  
17 here eat a bag rice, it'll last you maybe -- depending on the  
18 size of your family, a week, week and a half, cost you ten  
19 bucks. Buy a bowl of poi for the same amount, can't even feed  
20 the whole family. So multiply that to feed the family for a  
21 week and a half equivalent to that bag of rice, you've got a  
22 major economic rally, but nobody talks about it. The fish,  
23 the ocean is key if we look at -- 'cause everyone stops at the  
24 taro patch, that's okay, but if you go all the way to the end  
25 user, then at least you have a more thorough assessment.

1 Nobody talks about that.

2 And as far as environmentally conscious, you look at  
3 endangered species, the state considers a Hawaiian person to  
4 be 50 percent. My father is an endangered species, there's  
5 not many left, so you guys need to protect him too. That  
6 needs to be included in the EIS.

7 I love what this young lady said, you need to put  
8 the people, the sense of place, of the people of this place in  
9 that EIS considered, not just -- not just the river, not just  
10 the stream, not just the pohaku, not just the trees, not just  
11 the birds, but the actual human that cohabitates here.

12 FACILITATOR SENELLY: Thank you very much.

13 (Applause.)

14 FACILITATOR SENELLY: Okay. We have three more, so  
15 let's try it. Okay. Kaleikoa Kaeo.

16 UNIDENTIFIED SPEAKER: He left.

17 FACILITATOR SENELLY: All pau? He left. Okay.

18 Mikiala Puaa. Is that you? Okay.

19 MS. PUA-A-FREITAS: Aloha.

20 FACILITATOR SENELLY: Aloha.

21 MS. PUA-A-FREITAS: Mahalo, you guys, for holding  
22 this meeting and mahalo, you folks, for holding --

23 UNIDENTIFIED SPEAKER: Louder.

24 MS. PUA-A-FREITAS: Mahalo, you guys, for holding  
25 this meeting and, you know, hearing our concerns and ideas.

1 My name is Mikiala Puaa-Freitas. I'm a Native Hawaiian and my  
2 ohana has been on Maui for many generations.

3 You know, this meeting should be held in East Maui  
4 so that, you know, everyone here and you folks as well can  
5 look the people of East Maui in the eye and talk about their  
6 resource that we're trying to do all these other things with,  
7 first and foremost. Maybe consider doing an environmental  
8 impact study on the generations of East Mauians that have lost  
9 of a way of life and continue to be oppressed by these  
10 diversions, so let's start there, you know.

11 After 120 years of diverting the water, it's great  
12 that they're doing an environmental impact statement, but  
13 maybe look a little deeper and really look at what's been  
14 going on out in East Maui and not just argue and bicker about  
15 the water that should be out there and the uses that everybody  
16 wants to use their water with, you know. The people -- the  
17 things that don't have voices, you know, the -- like the  
18 natural environment out there that doesn't have voices, you  
19 know, who's going to be speaking for them? So we need to  
20 consider an environmental impact study to be done on, you  
21 know, these people that have been effected, the people and  
22 environment that have been affected for 120 plus years.

23 Secondly, I think, you know, are you guys adequate  
24 enough to do this study for a 30-year lease, you know? I  
25 mean, is that a recommendation that you folks feel comfortable

1 with, doing a study that's potentially going to influence a  
2 lease for 30 years. Maybe you recommend doing year to year  
3 if -- you know, if you can have any kind of input along the  
4 lines of that, you know. Thirty years is a long time and, you  
5 know, will your study be adequate enough for that?

6 More public involvement, oversight, and transparency  
7 and less privatization, you know, I understand the need for  
8 existing homes and businesses and, you know, ranchers and  
9 everybody that's using the water right now, but, you know, why  
10 does the people of East Maui and, you know, the environment of  
11 East Maui have to put future developments and future business  
12 ideas and expenditures on their shoulders? You should be  
13 looking at, you know, alternative water resource -- I mean  
14 alternative water uses, you know, A&B should be looking at  
15 alternative water uses, you know, whether it be catchments or  
16 swales. Yeah, like uphold their end of the bargain and --

17 You know, as a kalo farmer, you know, the reason you  
18 hear so much about kalo farming and whatnot, is, you know, as  
19 a kalo farmer you use the water and then the water continues  
20 to be used. It's not you take the water, use it for one crop,  
21 and it replenishes a different aquifer from where it came  
22 from. So, you know, that's why you hear about the kalo  
23 farmers and the water is they still have that system of  
24 sharing and using the water for, you know, the things that  
25 don't have voices. So, you know, let's really -- yeah, I

1 don't know how to end it, but that's basically my concerns and  
2 you want to follow up with. You got it?

3 FACILITATOR SENELLY: I got it. Thank you. And  
4 actually, yeah, he's writing it down too. And somebody -- you  
5 remember we have a transcriber too.

6 MS. PUAA-FREITAS: Oh, yeah, I guess you got it.

7 FACILITATOR SENELLY: Are you Sesame?

8 MS. SHIM: Yes.

9 FACILITATOR SENELLY: All right.

10 MS. SHIM: Okay. Aloha. My name is Sesame Shim.

11 FACILITATOR SENELLY: Aloha.

12 MS. SHIM: And pretty much the current state of EMI  
13 is take all and use all, that is not a resource management.  
14 And it has been this way since the ditches were (inaudible).  
15 Resource management is so alien to A&B and there's so much  
16 water being wasted and unaccounted for, we are truly starting  
17 from square one. There's so much to account for to consider  
18 and it affects all the people of East Maui. We shouldn't be  
19 giving all the power to EMI to determine what happens to all  
20 this water. This is a public resource and A&B is a private  
21 entity.

22 There needs to be more transparency and involvement  
23 from the Native Hawaiian community, especially the community  
24 that lives there. The Native Hawaiian community were there  
25 maintaining a communal relationship with the water prior to

1 these ditches. Their lives and future generations have and  
2 continue to be affected by the actions of a private entity to  
3 control the water. The water usage from A&B is the last  
4 priority to any water usage. If there is not enough after  
5 meeting all the kalo farmers needs, the environmental needs,  
6 the current community needs, they should get none. The lands  
7 currently used for sugarcane was never intended to use so much  
8 water. Cultivation farming should return to where it is  
9 naturally intended to be.

10 FACILITATOR SENELLY: Sesame, I must ask you, what  
11 do you want to see the EIS address about that? How do you  
12 want that, what you just say, how do you want --

13 MS. SHIM: To prioritize.

14 FACILITATOR SENELLY: Okay. Thank you.

15 Okay, everybody, we're on the next agenda item. I  
16 really want to thank everybody. I know a lot of you have been  
17 here very early, you've been very patient. You've also been,  
18 I think -- I really appreciate everybody's aloha. I mean, you  
19 folks really did kind of -- we did it. All pau. So I  
20 appreciate that very much. Thank you.

21 And Father Tomoso is going to --

22 Oh, one more thing, you know, if you're gonna email  
23 your comments, just like we said before, make sure that you  
24 get a receipt back in the email, an email receipt; otherwise,  
25 you use the comment sheet and you call us and you let us know.

1 Okay?

2 Father.

3 FATHER TOMOSO: (Hawaiian statement.) Almighty God,  
4 we have heard and you have been with us all night as we've  
5 talked about the gifts that we see all around us, that what is  
6 reflected in those gifts is the abundance we have that is  
7 surrounding all of us. Call us now into true stewardship of  
8 this abundance as we go forth as an island community, as an  
9 island people surrounded by water which is reflective of your  
10 own perfection as the Almighty God. Help us to understand  
11 that abundance is for everyone. Bless this island, bless the  
12 land, bless the waters, bless the sky, bless everything around  
13 us, because we are true stewards in that abundance.

14 (Hawaiian statement.) Amen.

15 AUDIENCE: Amen.

16 FACILITATOR SENELLY: Thank you, Father.

17 (The proceedings were adjourned at 7:32 p.m.)  
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C E R T I F I C A T E

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF MAUI )

I, Sandra J. Gran, Certified Shorthand Reporter for the State of Hawaii, hereby certify that on February 22nd, 2017, at 5:00 p.m. the proceedings was taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 13th day of March, 2017, in Maui, Hawaii.



Sandra J. Gran, RPR  
Hawaii CSR 424

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## **APPENDIX L-1:**

February 23, 2017 Scoping Meeting Sign-in Sheet and  
Oral Comments Sign-up Sheet



PUBLIC MEETING:

PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU, KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS - ENVIRONMENTAL IMPACT STATEMENT

FEBRUARY 22<sup>nd</sup>, 2017, WEDNESDAY, 5:00 PM TO 7:00 PM

FEBRUARY 23<sup>rd</sup>, 2017, Thursday, 5:00 PM TO 7:00 PM

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## **APPENDIX L-2:**

Scoping Meeting For the Water Lease for the Nāhiku,  
Ke‘anae, Honomanū, and Huelo License Areas EISPN  
Transcript of Proceedings Thursday, February 23, 2017

1 SCOPING MEETING FOR THE  
2 WATER LEASE FOR THE  
3 NAHIKU, KEANAE, HONOMANU, AND HUELO  
4 LICENSE AREAS EISPN

5  
6  
7 APPLICANT: ALEXANDER & BALDWIN, INC./  
8 MAUI IRRIGATION COMPANY, LIMITED  
9

10  
11 TRANSCRIPT OF PROCEEDINGS  
12

13 Thursday, February 23rd, 2017

14 5:08 p.m. - 8:56 p.m.

15 Haiku Community Center

16 137 Hana Highway, Paia, Hawaii  
17  
18  
19  
20

21 BEFORE: DARCY J. BROKAW, CSR #371  
22 Registered Professional Reporter  
23 Certified Realtime Reporter  
24  
25

1 **SPEAKERS:**

2       **Berna Cabacungan Senelly, Moderator/facilitator**

3       **Father John Tomoso**

4       **Earl Matsukawa, Wilson Okamoto Corporation**

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1 PAIA, HAWAII; 5:08 P.M.

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3  
4 MODERATOR SENELLY: Aloha, everyone.

5 Thank you for coming. So good to see you all here.

6 You are here for a scoping meeting for the  
7 proposed Keanae, Nahiku, Honomanu, Huelo License  
8 Areas for the proposed water lease.

9 An Environmental Impact Statement is being  
10 done. It has not been done yet. This is the first  
11 step for it. Because there was a Preparation  
12 Notice, and this is called scoping, what we're doing  
13 here.

14 My name is Berna Cabacungan Senelly. I'll  
15 be the facilitator tonight.

16 This is Earl Matsukawa from Wilson  
17 Okamoto. Wilson Okamoto & Associates is doing the  
18 Environmental Impact Statement.

19 This is Keola. You'll see him running  
20 around.

21 And you met Rebecca when you came in.

22 And I also have the privilege of  
23 introducing Father John Tomoso, and he will be doing  
24 our pue tonight.

25 FATHER TOMOSO: Thank you, Berna.

1 (Whereupon, the opening prayer was given  
2 by Father Tomoso.)

3 MODERATOR SENELLY: Thank you, Father.

4 Okay. So here's the purpose of the  
5 meeting. As I said, my name is Berna Cabacungan  
6 Senelly, and there's basically three things we're  
7 doing.

8 Okay. We're going to talk about the  
9 Environmental Impact Statement, about what it's for  
10 and how it's going to go, the process for it.

11 We're going to talk about the Preparation  
12 Notice, which actually starts this whole process,  
13 and what that's for and then what's in it. So  
14 you're going to hear some of that tonight.

15 And then you'll also hear -- the main  
16 thing we're here is we're asking for input on what  
17 should be in the draft EIS.

18 So the Preparation Notice was published in  
19 the Office of Environmental Quality Control  
20 publication on February 8th. And what that does  
21 is when it's published, it starts the EIS process.

22 Essentially what scoping is -- and you're  
23 going to hear me ask you sometimes when you talk,  
24 I'm really going to try and clarify.

25 What scoping does is it tells what should

1 be in the Environment- -- what should be studied or  
2 addressed in the Draft Environmental Impact  
3 Statement.

4           The law actually requires it. Chapter 343  
5 of Title 11 requires scoping as a process where you  
6 go out and you ask the community what do you think  
7 should be in this document, should be addressed in  
8 the document.

9           However, the meetings themselves are  
10 optional. And in this one, we have two just to kind  
11 of optimize what people -- to give people  
12 opportunities to provide the input.

13           So once it was published, we have -- you  
14 have 30 days to provide comments, and that will end  
15 on March 10th. There's three ways.

16           All the comments that we get will be  
17 documented in the Draft EIS. So Darcy here is  
18 patiently transcribing; so that's why, you know,  
19 when you speak and when we speak, we're going to ask  
20 you to go one at a time and speak so that she can  
21 take all the notes.

22           And at one point, by the way, we're going  
23 to break for the -- I'm just saying this to  
24 remember.

25           At one point, we're going to break from

1 the agenda, probably about 6:15 or so, between 6:00  
2 and 6:15, for about five minutes so that she can  
3 rest her fingers.

4 So one is that you provide oral comments  
5 tonight. And as we've told you, you know, people,  
6 when you came in, we said if you want to speak, you  
7 sign another paper.

8 The other thing is we gave you -- when you  
9 came in, you had a -- you got a comment sheet. So  
10 you can turn this in tonight or you can mail it. If  
11 you look in the back, you can mail it or turn it in  
12 tonight. And the third way is you can e-mail it.  
13 You can e-mail us your comments, and the e-mail  
14 address is on the bottom.

15 The one thing we ask, and I will stress  
16 this, if you do e-mail it, you're supposed to  
17 receive something back in the e-mail that says we  
18 got it. So if you don't get it, you need to call  
19 us, and the number is at the top of this page.

20 So now I'm going to turn it over to Earl.  
21 He's going to spend about 15 minutes describing,  
22 doing the EIS and the EISPN description, as I was  
23 talking about.

24 I will ask you to hold your comments while  
25 he's speaking, because once he's pau, we're going to

1 open it up to everyone. Okay?

2 MR. MATSUKAWA: Good afternoon. I'm Earl  
3 Matsukawa with Wilson Okamoto Corporation, and we've  
4 been contracted to prepare the Draft EIS or the EIS.

5 So first question is what is an EIS. And  
6 the purpose of the EIS is to disclose impacts for a  
7 subsequent decision, and that decision is the water  
8 lease permit that is going to be made by the Board  
9 of Land and Natural Resources.

10 It is an information document. The EIS is  
11 not a permit, and it is not an approval to allow  
12 something to go forward. It is always used in  
13 conjunction with decisions to go forward with the  
14 project so that there is good information on which  
15 to base the decision.

16 And again, this is for the water lease  
17 permit. And although we were hired to prepare the  
18 Draft EIS by Alexander & Baldwin, the documents we  
19 prepare are actually all submitted to the Department  
20 of Land and Natural Resources; and the Department  
21 has to accept those documents and has to file it  
22 with the OEQC for those publication requirements.  
23 So they will actually process the EIS.

24 And in the end, the Board of Land and  
25 Natural Resources must accept that final EIS before

1 they can take the deliberations for the water  
2 permit.

3           The EIS content. So there's two things to  
4 this. So when an EIS is finally accepted, there are  
5 two things that have to be met. It is the content  
6 and processing requirements, and those have to meet  
7 State law. Berna mentioned chapter 343. And then  
8 the administrative rules under Title 11.

9           So the EIS has to meet both content and  
10 purpose. And I'll be talking a little bit about  
11 both.

12           So this is the content part. And this is  
13 what this meeting is about. It's to add scope, to  
14 determine scope for the content of an EIS.

15           Listed here are some of the major topics  
16 that are covered in an EIS. It is not all of it,  
17 because there are other things that we need to put  
18 in the EIS, but these are the major ones that relate  
19 to impact, including the general description of the  
20 proposed action's various technical components,  
21 including social, cultural and environmental.

22           It has to state the purpose and need of  
23 the proposed action, which is the issuance of the  
24 water lease, and the objectives.

25           There's also a description of existing

1 environment impacts and mitigation measures.

2 And not yet, but on the next slide, I'll  
3 show you all the topics that are covered under this  
4 section of the existing environment.

5 There needs to be a discussion of the  
6 action's relationship to the plans, policies and  
7 controls, whether they are consistent and where they  
8 may not be.

9 And in the case of EIS, it doesn't have to  
10 say everything meets those plans because there could  
11 be some discrepancies.

12 The purpose of the EIS is to bring up all  
13 the information, positive, negative. So it doesn't  
14 matter. As long as it does, then it meets the  
15 requirements for content.

16 It also talks about the alternatives that  
17 can achieve the objectives. Are there alternative  
18 ways we can achieve the objective.

19 And then it documents the consultation  
20 process, including this meeting today, that we dem-  
21 -- we document that this input was received on the  
22 scoping.

23 And then there's steps that I'll go  
24 through later.

25 Next slide. And these are the resource

1 topics that are generally covered in an EIS. And  
2 we'll be going through all of these to see how they  
3 fit in with this particular proposed action.

4 Next slide. Okay. The EIS preparation  
5 that was published on February 8th is the first  
6 thing that's published, and that was actually filed  
7 by the Department of Land and Natural Resources, and  
8 it basically gives notice that -- to interested  
9 parties that an EIS will be prepared for the  
10 proposed action.

11 And again, I keep repeating this, it's the  
12 issuance of the water lease.

13 The Preparation Notice begins this scoping  
14 process that we are in the midst of right here, to  
15 receive comments on scoping the Draft EIS, which is  
16 the next document that's prepared.

17 It also includes a general discussion of  
18 impacts, but much less than what would be in the  
19 Draft EIS.

20 It also discusses some of the technical  
21 studies that will be done for the Draft EIS, and  
22 we're still working on trying to figure all that out  
23 and how we approach the technical studies. So that  
24 is also what we are receiving is input on.

25 Okay. This is the process. So we went

1 over content. This is the process.

2 So early consultation, the process began  
3 with early consultation. And this actually is not  
4 required for the type of EIS Preparation Notice  
5 we've prepared, but it is basically to give the  
6 opportunity for potentially interested parties to  
7 learn that we are starting the process and to allow  
8 anybody to give early comments.

9 Then we prepared the EIS Preparation  
10 Notice, which was published on February 8th, and  
11 we are receiving comments on until March 10th.

12 When we get all of that information, then  
13 we have to figure out, with all that scoping  
14 information, how we approach what will be included  
15 in terms of what will be covered by the EIS. And  
16 again, we are looking back at the law, what is  
17 required to be in the EIS.

18 So we will start that process and then --  
19 but before we can actually finish the Draft EIS, we  
20 need a separate decision to be made, because the  
21 Commission on Water Resources Management will need  
22 to make a decision on the interim instream flow  
23 standard. That will determine how much water can be  
24 diverted through the East Maui irrigation system,  
25 aqueduct system, that can be diverted out of the

1 streams.

2           So we need to know how much that water is  
3 before we can figure out how much water might be  
4 available through the permits. So that decision has  
5 to be made.

6           And then based on that decision, technical  
7 studies have to be prepared using that information  
8 so that we can prepare the Draft EIS.

9           So once we complete that process and we  
10 finish the Draft EIS, we'll turn it into the  
11 Department of Land and Natural Resources. They will  
12 review that document. If they feel that the  
13 document meets the standards for the contents, then  
14 they will file it with the Offices of Environmental  
15 Quality Control; it will be published in the  
16 Environmental Notice, and that starts the 45-day  
17 comment period where we will be soliciting comments  
18 on the Draft EIS.

19           And then for those comments, too, we will  
20 do a written response to each of the comments and  
21 each of the points raised by comment letters. And  
22 that, we will all document, and we will revise the  
23 final EIS accordingly, and then submit that to the  
24 Department of Land and Natural Resources for  
25 acceptance.

1           And when we file that, they will then  
2 publish that document. Before it is accepted, they  
3 will publish that final EIS, and that will be  
4 available for public review.

5           And after that, the Board of Land and  
6 Natural Resources can then accept the document. And  
7 once they accept the document, then it is to be used  
8 for the basis for issuing the water lease.

9           Make sure I've covered everything here.

10          Okay. Now I'll just kind of go over the  
11 --summarize what was in the -- what is in the Draft  
12 EIS.

13          First of all, there is a proposed action.  
14 The proposed action is the issuance of the water  
15 lease. The maximum amount that will be available  
16 through the water lease will be determined by the  
17 interim instream flow standard, the IIFS. The  
18 maximum that they can award through the permit will  
19 be determined by the decision made by the Commission  
20 on Water Resources Management.

21          The proposed action also allows access  
22 through the State land in order to maintain the  
23 aqueduct system and to service roads and other  
24 pertinent things that relate to maintaining the  
25 aqueduct system.

1           Now there's two key points regarding the  
2 proposed action. First of all, although the maximum  
3 amount that can be awarded through the lease is  
4 determined by the IIFS, the Board does have the --  
5 you know, that's part of the deliberation. They can  
6 change the terms of that permit.

7           So if the board feels they want to award  
8 less, that's a separate decision. So that's a  
9 possibility also.

10           And once the permit is determined, the  
11 actual issuance will be done through public auction.  
12 So, you know, technically, I guess whoever bids on  
13 that and wins that bid will get the permit. So it  
14 will not necessarily be Alexander & Baldwin. It's  
15 just a point to be cleared. It'll be auctioned,  
16 offered by public auction, awarded by public  
17 auction.

18           Okay. So this is the -- these are the  
19 license areas. There are four license areas:  
20 Huelo, Honomanu, Keanae and Nahiku. So for  
21 33,000 acres of State land that's covered by the  
22 license area.

23           And this is another map that shows the  
24 license area, the four license areas. This one also  
25 shows the ditches that are part of the aqueduct

1 system. There are several ditches and several  
2 elevations capturing water from the streams.

3 And then these green areas are EMI lands,  
4 which the -- and so the aqueduct system passes  
5 through the EMI land as well as the State land. So  
6 the permit would be for the portions in the State  
7 land.

8 Okay. What is the water currently used  
9 for?

10 So these are the four areas that use the  
11 water. One is the Maui Department of Water Supply.  
12 DWS gets water, receives water from the aqueduct  
13 system at their Kamole treatment facility. And it  
14 is treated there so that it becomes potable water;  
15 and then they distribute it to upcountry Maui for  
16 both domestic and agricultural use.

17 They also supply, similarly -- the  
18 Department of Water Supply takes water, treats it,  
19 and supplies water to the portion of the Nahiku  
20 community below Hana Highway.

21 And then there's a direct draw that is  
22 nonpotable water, untreated water, that is delivered  
23 to the Kula Agricultural Park.

24 And then the rest of it would go to the  
25 approximately 30,000 acres of former sugar land that

1 was in sugar cultivation.

2           So this is just a map of these user areas.  
3 This dark line shows the distribution of the water  
4 by DWS. Nahiku is over here and would receive  
5 water. And then this is the Kula Agricultural Park.  
6 And then this is the roughly 30,000 acres of former  
7 sugar land.

8           Again the maximum amount of water that can  
9 be awarded through the lease would be determined by  
10 the IIFS, and it is issued by public auction. And  
11 it could be less than the amount that's determined  
12 by the IIFS.

13           But there's a normal provision, and that's  
14 whatever amount of water that is finally issued  
15 through the water lease, there is a reservation for  
16 the Department of Hawaiian Homelands that they are  
17 entitled to, and they will get that reservation,  
18 although that actual amount hasn't been determined  
19 yet.

20           Okay. So we developed these objectives of  
21 the proposed action, the objectives of issuing the  
22 lease, the lease for the purposes of the EIS. And  
23 there are four objectives.

24           The first is to supply the water that the  
25 upcountry Maui relies on for domestic and

1 agricultural water. So continuance of that would be  
2 very important.

3 Similarly for the Nahiku community, that  
4 we continue to serve Nahiku.

5 And then to provide sufficient water to  
6 the approximately 30,000 acres of sugar land to  
7 develop diversified agricultural to perpetuate  
8 Maui's agricultural economy and lifestyle.

9 Finally, an objective is to continue  
10 operating and preserve and maintain the EMI aqueduct  
11 system.

12 Okay. This is a map of the license area  
13 streams. There are 39 or 40 streams, depending on  
14 how you count. Apparently one of the streams, the  
15 40th stream, is actually a waterfall within a  
16 stream.

17 And out of these -- and most of these  
18 streams are regulated by the IIFS. And of these 39  
19 or 40 streams, Alexander & Baldwin has historically  
20 diverted 37 of those streams. And then in 2007, A &  
21 B abandoned diversions on one of the streams and is  
22 committed to removing all diversions from five more  
23 streams. And these are the so-called taro streams  
24 that in the lower reaches of the stream are used for  
25 taro cultivation and other agriculture.

1           Okay. Moving to the alternatives to be  
2 considered. So these are the main alternatives that  
3 we'll be considering for the Draft EIS. And these,  
4 in this initial phase, after scoping, this could  
5 change.

6           But the first would be to assume that the  
7 permit, the water lease permit will allow the full  
8 use of the amount available through the IIFS  
9 decision.

10           The second, second alternative is no  
11 action. So if there is nothing awarded through the  
12 water lease, meaning no state water will be awarded  
13 through the water lease, what will happen as a  
14 result of that.

15           And then the third one, like I said, the  
16 Board of Land and Natural Resources can award less  
17 than the full IIFS amount. What would be the impact  
18 of that. So that's sort of the middle ground  
19 between 1 and 2.

20           So that basically summarizes what the EIS  
21 Preparation Notice contains.

22           And I'll turn it back to Berna.

23           MODERATOR SENELLY: Thanks, Earl.

24           Okay. So now we're in the part where this  
25 is yours. Okay. And so we will basically -- as I

1 said earlier, the purpose of this meeting is to look  
2 at what should be covered in the -- or addressed in  
3 the Draft EIS.

4 We are -- your oral comments -- you can --  
5 as I said, you can do paper comments, e-mail  
6 comments, but your oral comments also will be  
7 documented, and so just to keep that in mind as you  
8 speak.

9 Before we go on to the actual comments,  
10 okay, this should be a safe haven for everybody. So  
11 everybody should feel comfortable to speak and to  
12 speak in a way that they know others will be hearing  
13 them.

14 One person at a time, please. It's also  
15 very practical so that Darcy can, you know, catch  
16 all of the stuff.

17 And please respect each other. You know,  
18 I know last night we had clapping, but I always tell  
19 people you can clap but don't boo, okay?

20 And help us get every -- help us so that  
21 everybody can speak. So summarize as much as you  
22 can.

23 If you want to turn in written to  
24 supplement, you can, but I'm just saying summarize  
25 to give time.

1           And also try not to repeat. Now people  
2 have different -- they look at the same things and  
3 they see it in different ways. That's cool, too.  
4 But try not to repeat, because the more people speak  
5 about different things, the more different things we  
6 have to look at.

7           We have two hours scheduled for the  
8 meeting, okay? So that means -- I think we started  
9 like ten minutes late or something. So, you know,  
10 technically, we should go to 7:10.

11           As I said earlier, we're going to take a  
12 short five-minute break at around 6:15.

13           But we really would like everybody to stay  
14 as much as possible. I think last night most people  
15 stayed.

16           And so if we need to extend, when it comes  
17 to like 7:05, 7:10, I will ask you if it's okay.  
18 And we're going to do that every ten minutes, up to  
19 30 minutes, okay? So we're going to really try and  
20 get as many people to speak.

21           We're going to provide -- you're going to  
22 speak in the order you signed up. And we have the  
23 sign-in sheets. I mean, you know, that one special  
24 paper.

25           And so I would ask that everybody who did

1 sign up, to let them speak first; and if you have  
2 stuff you want to add afterwards, if we have time,  
3 you can.

4 We will bring you the microphones. So  
5 there's two people. Keola and Rebecca will bring  
6 the microphones to you.

7 So you guys are going to divide up the  
8 room, yeah?

9 Okay. And before you speak, please tell  
10 us your name. So two things before we start your  
11 comments.

12 One: The bathrooms are out the door over  
13 there, you know, right over there.

14 And two, I really want to thank you guys.  
15 I should have said it earlier. I realized -- as I'm  
16 sitting here, I realized this room came up -- the  
17 room was put together like "poof" because everybody  
18 helped. So thank you very much.

19 Oh, okay. So this is a question. When  
20 you talk, after you -- you know, if I don't -- I'll  
21 always ask you, if it's not really clear, what  
22 should the EIS. So you're going to talk about  
23 something and you're going to have feelings and  
24 stuff, but the end part really is: So this means  
25 that the EIS should cover this.

1 I'm sorry, yes?

2 UNIDENTIFIED SPEAKER: I have a general  
3 question about the presentation.

4 MODERATOR SENELLY: Yes.

5 UNIDENTIFIED SPEAKER: My main question  
6 is -- as the presenter said, that after the EIS  
7 process is done, there will be a public auction  
8 process.

9 So my main question is: If A & B might  
10 not win that public auction process, why is A & B  
11 the one that is in charge of commissioning you to do  
12 this EIS versus having DLNR, Department of Land and  
13 Natural Resources, to actually hire the consultant  
14 company to do this?

15 MR. MATSUKAWA: Okay. Again, I did not  
16 read all of the court-ordered documents and how this  
17 was set up.

18 But my understanding is that because they  
19 needed to get an EIS prepared, they asked A & B to  
20 commission the preparation of the EIS.

21 Now, my understanding is that if somebody  
22 else wins the permit through the auction, they will  
23 need to reimburse A & B the amount of this EIS. I  
24 don't know exactly if it's a hundred percent. I'm  
25 not really familiar. But there is a reimbursement

1 that will go on if they do not win it.

2 MODERATOR SENELLY: All right. First  
3 speaker, Dr. Pang.

4 DR. PANG: Thank you.

5 There's nothing special about speaking  
6 first. I was -- there was a glitch. I wasn't  
7 speaking last night. Not their fault, not my fault.  
8 So I'm really last from last night, I'm not first  
9 from tonight.

10 MODERATOR SENELLY: It actually was my  
11 fault.

12 DR. PANG: Okay. That's all right.

13 The EIS, you know, I think they should  
14 address some real, how shall we say, radical things,  
15 things that we think are impossible, for a couple  
16 reasons that really are good and they're a little  
17 bit far out.

18 But we shouldn't just look at what we do  
19 now and say, well, you know, these ten guys, let's  
20 give more to him, he'll be happier, he'll be mad,  
21 and throw a bone to the fighting dogs. You  
22 shouldn't look at your status quo and argue about  
23 the money and the water right now.

24 And to put this in perspective, you know,  
25 I have to give you my background. I'm not from this

1 side. I'm not fighting for East water. I fought  
2 for the Na Wai 'Eha water.

3 So this -- I have no conflict of interest  
4 in here. So sometimes people will say, well, then  
5 shut up, you're not a stakeholder. Sometimes the  
6 best people are those who have no conflict of  
7 interest and are interested enough to give a fair  
8 assessment.

9 You don't think that's true? I have  
10 reports from Big Island people, Kauai people, who  
11 look at this and say, we have no stake in this game,  
12 so let us give an opinion.

13 My background opinion is, already last  
14 night, they said "share the water," "share the  
15 water," "share the water." You want to know what  
16 share is? Really? To the Big Island people, the  
17 Kauai people and the Na Wai 'Eha impacted people,  
18 they said here's what share is, somebody took our  
19 water for 120 years, they took 95 percent at some  
20 cheap cost. So that's your time. Now it's time to  
21 share. The East Maui guys get it for 120 years, and  
22 then when it's 120 versus 120, let's --

23 (Audience clapping.)

24 DR. PANG: Stop that clapping, because  
25 people who don't get clapped for feel bad.

1           So now when it's 120 versus 120, then we  
2 talk about sharing.

3           But with that in the background, let me  
4 give something kind of practical, some far-out  
5 things which you think are impossible because we  
6 haven't done them for so long, it must be  
7 impossible.

8           First of all, can we feed ourselves? And  
9 I don't mean ag, ag, ag. I mean food, food, food.

10          Now if you want to say Maui, Maui. If you  
11 want to say can we kind of feed Oahu, ship some  
12 stuff over there, fine. But Hawaii has to be food  
13 self-sufficient. Okay? That means chemical --

14                   (Incomprehensible due to clapping.)

15          DR. PANG: The minute we say, oh, look, I  
16 made so much, I shipped it out, and I'm on the world  
17 market; and then the world market gets undercut,  
18 then all the macadamia nuts get buried, et cetera,  
19 et cetera. So feed ourselves first.

20          Now I know you're going to go through the  
21 details, and, oh, that's so expensive. Well, food  
22 security, security costs a little more money.

23          Okay. So that's what I wanted to address.

24          Next thing -- there's only three things.

25          Next thing I want to say is when we feed

1 ourselves, can we do it based on smaller farmers,  
2 startup, diversified, no spray.

3 And if you say, well, gee, I just saw the  
4 report where that's just unfeasible, well, I'm  
5 sorry, I've prepared a report, I'll give it to you.

6 2011, I visited the Big Island guys called  
7 Wild Tomatoes. That was just a practice to show  
8 that homestead land guys had a terrific operation.  
9 It was published in the on-flight magazine. And  
10 that was just a test to show they could do tomatoes.

11 They're going to convert to taro,  
12 high-fiber carbs. The guy's wife is off insulin  
13 because she helps a little bit in the garden. They  
14 can do it. The financial is sound. They're hiring  
15 their own family to distribute on Oahu. It can be  
16 done. The technical part is in the report, four  
17 pages.

18 So look at that. Don't just say, well,  
19 we're going to feed ourselves and the big corporate  
20 guys say we can't do it, so we can't do it. There  
21 are alternatives. We used to. We used to do this.

22 And the final thing is -- I really have to  
23 say this. And here's something, you say, well,  
24 that's impossible, we never did that before, here's  
25 one we never did before. But outside of Hawaii,

1 water, fresh water, potable water, water for ag, is  
2 like gold, it's like liquid gold.

3 And people look at Hawaii, and they say,  
4 oh, look, every time it rains here, the muddy water  
5 chokes the reef, the muddy water chokes the reef.

6 Why don't you guys catch it. So the  
7 Na Wai 'Eha -- that's the other side, right. The Na  
8 Wai 'Eha report said you catch the 17 rainiest day  
9 of Wai 'Eha -- I'm not talking about just the water  
10 on the east side -- you put it in a big -- I call it  
11 the dam, and my wife said call it the reservoirs.  
12 You put it in three big reservoirs. You don't let  
13 the water dirty the reef.

14 I checked this with the Sierra Club.  
15 Maybe we should go natural. The water is so muddy  
16 and dirty, it's hurting the reef. Hold it, and  
17 that's more than enough water for everything you can  
18 imagine for the near future.

19 But you have the 800-pound gorilla. You  
20 got that much water? There's no fighting? I'm  
21 going to move in. I cannot solve the 800-pound  
22 gorilla, but this has some beautiful concepts to it.

23 Locate the reservoirs where you want, near  
24 the ocean, so when they break, like, you know, the  
25 California dams, you don't flood out people. Put it

1 low, pump up the water with solar energy. No  
2 battery. Just pump it. When the sun shines, you  
3 pump it up. And you control the damage to our reef.

4 And what happens to this? How we talking  
5 about the east side water? Technically, now it  
6 comes into play. Now to share your chance to get  
7 it, I feel bad about diverting clear water. Clear  
8 water should flow in the streams when it's driest  
9 and needed.

10 But if your side here generates dirty  
11 water -- say Haiku is developing, every time they  
12 flood, wow, look at that, look at what we did to the  
13 reef in Haiku.

14 Divert that. Maintain enough EMI system  
15 so that all the dirty waters about to choke the  
16 reefs, whatever, goes into these holding reservoirs,  
17 settle it, pump the water high to the Kula when you  
18 need it.

19 Now all this stuff is like, yeah, great  
20 pie in the sky. But, you know, that's how things  
21 get started.

22 I'm not asking for tomorrow, where the  
23 Kula guys say, well, no water. Give them the status  
24 quo. But I want to see some progress moving to some  
25 things that are worthwhile.

1           For 35 years, all we do is fighting and,  
2 oh, that's your stream, that's your stream, and we  
3 never move at all.

4           I can guarantee you to fund the  
5 reservoirs, I think there's \$350 million per  
6 billion-gallon reservoir. You can float a bond. If  
7 you can float a bond for the Super Whale that's  
8 never going to be self-supporting, you can surely  
9 float a bond out of state, because fresh water  
10 that's potable, that's usable for ag, is like gold.

11           But I only like this if your EIS says  
12 long-range plan. I want to see every three years,  
13 we're moving forward, moving forward a little bit  
14 more towards the idea that we choose. Otherwise,  
15 it's so frustrating. And I'm a patient guy, but I  
16 like to see a little progress, sincere progress.

17           Thank you.

18           MODERATOR SENELLY: Thank you, Dr. Pang.

19           Edward Wendt.

20           Oh, can you go, Keola?

21           Mr. Wendt. Thank you.

22           MR. WENDT: Aloha.

23           MODERATOR SENELLY: Aloha.

24           MR. WENDT: My name is Ed Wendt. I am  
25 president of Na Moku.

1           Our community has been involved with this  
2 water contested case for many years.

3           In these years, DLNR and (inaudible) have  
4 never displayed their leadership in enforcing the  
5 laws, protecting our native rights and the public  
6 trust doctrine, which are our constitutional rights.

7           Who will enforce these laws? Each stream  
8 and river that is diverted has a major impact on our  
9 environment and our constitutional rights, when we  
10 have never had accurate measurements of the volume  
11 of water that is being transferred out of the  
12 watershed.

13           We need gauges in the ditch systems and  
14 regular intervals to determine how much water is  
15 actually being diverted.

16           We are also concerned about invasive  
17 species, such as Miconia, Gardenia, and African  
18 tulips, which are overtaking the watershed and  
19 claiming our native plants.

20           From Maliko to Honopou, which are outside  
21 the permitting areas, streams and rivers are  
22 diverted by East Maui Irrigation for free. The  
23 State has allowed them to take this water also.  
24 This should be accounted for. It is in the public  
25 trusts interests.

1 Well water. A & B has 15 wells on its  
2 property. The amount of water available to A & B  
3 from these wells needs to be accountable.

4 Gray water. We need to know if gray water  
5 from the treatment plant can be used for Alexander &  
6 Baldwin irrigation needs.

7 USGS studies were done on the streams and  
8 rivers, it took three years to do this, specifically  
9 for East Maui watershed. Their recommendations  
10 should be considered. Water needs to flow  
11 uninterrupted into the ocean. It is critical for  
12 our health, a healthy environment.

13 Based on USGS studies, we have noticed  
14 since the recent release of water that our native  
15 species, such as the Koloa bird, Hawaiian stilt and  
16 species of the dragonfly, found only in East Maui  
17 and Halawa Valley, are returning.

18 OHA should have a say in the wording of  
19 the 30-year lease. Honomanu, Keanae, Nahiku are on  
20 so-called ceded lands. We'd also like to know how  
21 much water Hawaiian Homes is entitled to.

22 My last comment, for the people of  
23 upcountry, Kula Farms and Alexander & Baldwin, you  
24 have enjoyed the privilege of receiving water from  
25 these four areas. As Father Tomoso stated, water is

1 for life and water is for everybody. And we agree.

2 While you all were enjoying this  
3 privilege, we in the four areas went dry. Dewatered  
4 completely. This does not match (Hawaiian). This  
5 is called sacrifice and culture genocide.

6 Mahalo.

7 MODERATOR SENELLY: Next speaker,  
8 Mahealani Wendt.

9 MS. WENDT: Mahalo.

10 Before I give my testimony, I'd like to  
11 ask if the facilitator would consider allowing our  
12 East Maui ohana to go earlier on the agenda because  
13 the drive home is very far. It's like two hours.  
14 Just something to think about.

15 I was also going to ask if there was any  
16 possibility of convening a third consultation in  
17 Hana. Many of our people want to come, want to  
18 participate, but are unable to. It's really a  
19 hardship for them, especially with big families.

20 So you don't have to answer now. Just  
21 something to consider.

22 MODERATOR SENELLY: Regarding -- how's  
23 about this, we were going to take a break between  
24 6:00 and 6:15.

25 So why don't we take -- if it's okay, take

1 the speakers up until then. And then after the  
2 break, whoever is -- whoever from East Maui who  
3 wants -- if that's okay with everybody. Yeah?  
4 Okay.

5 So during the break, you come and tell me,  
6 and we'll make sure that we put you on. So I'll  
7 make the break sooner than later.

8 MS. WENDT: Thank you.

9 My name is Mahealani Wendt. I'm a board  
10 member, I'm also a board member of Na Moku Aupuni 'O  
11 Ko'olau Hui.

12 As a founder and executive director of the  
13 Native Hawaiian Legal Corporation for 32 years, I  
14 filed the petitions to set interim instream flow  
15 standards for all the streams within Koolau on  
16 behalf of Na Moku. This was in 2001.

17 In a free and Democratic society, we  
18 should all have a reasonable expectation that the  
19 rule of law will apply and result in a fair and --  
20 fair outcome, a fair and just outcome for all  
21 disputants. This is how we have been taught things  
22 operate in a free and Democratic society.

23 A & B's last long-term lease expired in  
24 1986. From 1986 until 2016, when the legislation  
25 passed, when the legislation passed the so-called

1 permit, A & B operated outside the law for 31 years.  
2 From 1986 until 2016, it had no valid permit.

3 And you know, it's, you know, kind of an  
4 outrage. But more than that, I think when things  
5 like that happen, as people, as citizens, we lose  
6 respect for the law. They lose heart. They feel  
7 like they cannot trust.

8 So, you know, as yourself, as consultants  
9 and other decision-makers go through this process,  
10 please consider this. Because, you know, honestly,  
11 I feel like we're being herded into another process  
12 with a predetermined outcome. A lot of us feel that  
13 way.

14 You know, you tell us that, you know, it's  
15 going to open bid and all of that, but there is  
16 every appearance, especially given the history,  
17 that, you know, A & B is going to get the lease and  
18 that the politicians and the people at DLNR Board  
19 are inclined to push it through, the same way they  
20 did at the legislature.

21 So this is kind of like editorializing a  
22 little bit, but I think these are things that we're  
23 all feeling.

24 Nevertheless, operating outside the law, A  
25 & B siphoned every drop of water from the East Maui

1 watershed, while A & B, HC&S, upcountry and other  
2 county users enjoyed water, our families went  
3 without.

4           You have no idea. We never did not want  
5 to share. We always wanted to share. Nobody shared  
6 with us. And it was really, really, really, really  
7 hurtful, because the origin was right there. We  
8 could look at the water, we could look up mauka and  
9 see the water, but we couldn't use it. It wasn't  
10 for us.

11           And so, you know, it was really, really  
12 hurtful. And we went through these processes, and  
13 we would hear, you know, the other people who have  
14 access to this water accuse us of being selfish and  
15 not wanting to share. That was not the case. We  
16 didn't have anything.

17           So, you know, so this was the situation  
18 and, you know, we were for so many generations, the  
19 taro from -- you know, generationally, traditional  
20 taro farming went out. There was no water to farm  
21 taro. The fishing grounds were depleted.

22           The doctor probably knows, Dr. Lorrin Pang  
23 probably knows that in our area, the empty  
24 streambeds were nesting places for mosquitoes. It  
25 was a very unhealthful situation that we lived with

1 every day.

2           Several speakers from East Maui did know  
3 that the EMI ratcheting up is a diversion. So that  
4 you took everything in 1990, just happened to  
5 coincide with a water conference that was held at  
6 Keanae around the same time.

7           And it seemed like on EMI's part, it was  
8 maybe perhaps a preemptive move or something to send  
9 a signal to the people over there don't try  
10 anything.

11           You know, the water conference was  
12 attended by a lot of attorneys from both sides. The  
13 attorneys who were sympathetic to the East Maui  
14 farmers were saying you have rights, you really do  
15 have rights. They don't have a right to come in  
16 here and take everything. And these are what your  
17 rights are.

18           And I think it came to a shock and  
19 surprise to some of the EMI operatives on the ground  
20 who were accustomed to behaving in the old way, you  
21 know, where, you know, like an Imperial, somebody  
22 from outside that comes in and tells you: This is  
23 how it's going to come down, and you have nothing to  
24 say about it.

25           This is how they treated the people, very

1     disrespectful, very condescending.

2             So the EMI process should actually have  
3     started a long time ago.

4             A lawsuit was filed. And in 2005, EMI and  
5     A & B were ordered to do an EIS, and they did not.  
6     They fiddle-farted around, you know.

7             And actually, in the interim 30 years  
8     since they -- since the other long-term lease  
9     expired, they have what amount to a de-facto  
10    long-term lease, because it's been 30 years, and  
11    they have had continuing access to the water.  
12    That's exactly what happened.

13            So there is this -- I mean, I know you're  
14    only interested in knowing what's supposed to go  
15    into the EIS, but this is a really important  
16    historical framework for people to understand.

17            So I actually do have some comments on the  
18    Environmental Impact Statement, but I just have  
19    another point about that, that all of this would not  
20    have been possible but for the collusion of DLNR.

21            The DLNR attorneys with the A & B  
22    attorneys were working together and came up with  
23    these wonderful legal strategies to issue these  
24    so-called temporary interim leases, I mean temporary  
25    permits, which did not exist, which were false, and

1 which were finally declared to be illegal.

2 So given that framework, it's really hard  
3 to trust that this process is going to go, you know,  
4 in any other way but in A & B's direction.

5 But here are some comments for the EIS.

6 The degraded watershed, which has resulted  
7 from decades of A & B's unlawful occupation, should  
8 not be the standard. You know, that point was made  
9 last night, that they have, you know, all of these  
10 many, many, many decades to go out there and wreck  
11 the watershed.

12 And that is not the starting point or, you  
13 know, the standard toward which we should aspire in  
14 terms of the EIS.

15 Never again must aina be transformed into  
16 killed areas, disturbed so severely that the people  
17 are deprived of their constitutional rights and  
18 human rights to live the subsistence traditions of  
19 their kupuna, including growing taro, fishing and  
20 gathering from the streams and shoreline areas  
21 nourished by fresh water. These also include rights  
22 of access to these areas.

23 We have had to humble ourselves and beg  
24 and go through a monthly permitting process just to  
25 be able to go up mauka and clean the streams so that

1 the water can flow.

2 Streams must flow continuously and  
3 uninterrupted from the mountain to the ocean shores  
4 so that aquatic animals can live.

5 Gauges to collect accurate water, transfer  
6 and collect, collection data are critical.

7 Regulatory oversight and enforcement are  
8 also critical.

9 Without enforcement, EMI has run roughshod  
10 over the people, you know.

11 The public can say whatever they want, but  
12 EMI really does whatever they want. You know, they  
13 think whatever they want, we go up there, we say,  
14 hey, you know, we're supposed to be getting water,  
15 but you've completely closed, you know, closed your  
16 gate and nothing is coming to us.

17 And they say, oh, well, you know, take it  
18 up with our attorney. And then their attorney calls  
19 our attorney, and their attorney says, oh, well, my  
20 client is in full compliance.

21 And that's the kind of BS our people have  
22 been going through for decades.

23 I have one last point. DLNR should  
24 seriously consider alternatives to awarding A & B a  
25 30-year lease. I'm totally opposed to A & B

1 receiving the 30-year lease.

2 MODERATOR SENELLY: Thank you very much.

3 Michelle Waikiki? Michelle Waikiki.

4 We have a lot of people speaking tonight  
5 that signed up, and so we're going to try to change  
6 the order a little bit. So as I asked earlier, if  
7 you can summarize as much as you can. Thank you.

8 MS. WAIKIKI: My name is Michelle Waikiki.

9 And this is a message from my husband to the EIMS --  
10 or EIS tonight.

11 The Department of Water Supply, County of  
12 Maui, released their statements of cash flow audits  
13 done by M & K CPAs. In their audit, cash received  
14 from the public trust and others, from 2013 to 2017,  
15 equal \$200 million.

16 Payments to suppliers, A & B, HC&S, EMI  
17 and Wailuku Water Company from 2013 to 2017  
18 surpassed \$100 million. All suppliers are ditch  
19 operators. They are all selling state-owned water  
20 to the County and charging the public trust at a  
21 33 percent or more increase.

22 The public trust pays water bills to the  
23 County, who then pays A & B, EMI, HC&S and Wailuku  
24 Water Company to transport the water to the County  
25 grid.

1           The public trust doctrine simply has no  
2 representation. This is theft and fraud and other  
3 crimes because these operators are in violation of  
4 expired water licenses, expired leases, EIS audit  
5 violations, violation of HRS 167, failure to public  
6 auction, year to year revocable permits, violation  
7 of HRS 271G, Hawaii Water Carriers Act, violation of  
8 HRS 271G-10, violation of 271.12, under the PUC,  
9 PUC, PCN. And the County of Maui is an accessory  
10 to these violations.

11           Only a federally regulated public water  
12 utility company, publicly traded stock corporation,  
13 bonded and insured, providing water, can meet all of  
14 these requirements and lawful demands by  
15 representing and enforcing the public trust  
16 doctrine.

17           Maui Electric Company is a public utility  
18 company, providing electricity to the public trust.

19           In final, all of you, meaning the board,  
20 should be arrested for fraud, plundering and  
21 pillaging.

22           And then I would like to also say for  
23 myself, like, I would like to propose that the  
24 Hawaiians get together and we figure out how we can  
25 figure you guys out through blood quantum.

1 I know my husband is 100 percent Hawaiian.  
2 They threw him in prison for 20 years over this  
3 water, over \$141,000. So I hope -- before he went  
4 to prison, he put videos out, which are on my  
5 Facebook page.

6 The 1863 water course agreement, with my  
7 husband's two grandfathers' names on it, he created  
8 an EIN for Maui water utility company. So we need  
9 is the public to come together, and we use this Maui  
10 water utility company to put the water in the  
11 public's hands, not HC&S, EMI.

12 And then we also have a document that is a  
13 Supreme Court order right here for -- from 1914 to  
14 present, the American government owes the Kingdom of  
15 Hawaii, it's 74 billion on this paper, but it's  
16 about 125 billion now.

17 And in court, Judge Nishimura ruled that A  
18 & B water permits are invalid.

19 I have 11 file boxes full of information.  
20 I've proved my husband innocent beyond a reasonable  
21 doubt and this state guilty of fraud. And I want my  
22 husband out of prison. He don't belong in prison.

23 Thank you.

24 MODERATOR SENELLY: Okay. Here's what  
25 we're going to do.

1           Wait. We're going to take a break. Can  
2 we, please? I want to take a break.

3           The folks -- Mahealani suggested that the  
4 people who are like -- live far away, a couple hours  
5 away, if you have signed up to speak, will you come  
6 and see me, and I will change the order around. And  
7 I'd like to do this.

8           So we have a five-minute break. Thank  
9 you.

10           (A brief recess was taken.)

11           MODERATOR SENELLY: We're going to have  
12 the East Maui people talk first. Okay. Just like  
13 we said, we're going to have Isaac talk before them  
14 because they said that it was okay.

15           I'm going to do something real quick  
16 before we go. Everybody sit down, please.

17           Come on, you guys. Come on.

18           Okay. Here's what we're going to do. I'm  
19 going to go over the protocol again, because we  
20 really do want to let everybody stay here for a  
21 reasonable amount of time. And so we want to -- we  
22 really want to be pau about 7:30. We've got a lot  
23 of speakers.

24           So again, safe haven; okay? So we all  
25 respect. You guys are doing really good at that.

1           One person at a time. You're doing good  
2 at that.

3           You guys are clapping, but don't clap as  
4 loud. It's good. I like it, but, you know.

5           Summarize, summarize, summarize, please,  
6 so that your fellow -- so the rest of the folks can  
7 talk, please. Try not to repeat.

8           Okay. So that's it.

9           Actually, hold on.

10          MR. HALL: Isaac Hall.

11          MODERATOR SENELLY: Wait. Actually, you  
12 know what happened, when he was here talking to me,  
13 the other Hana people, the East Maui people said  
14 it's okay. So they said it's okay.

15          MR. HALL: I want to thank the East Maui  
16 people for letting me speak now.

17                 My name is Isaac Hall. I live in Haiku.  
18 I'm an attorney, and I've been working on this case  
19 for 40 years.

20                 The preliminary comments on the EISPN have  
21 been submitted. I want to cover some points that  
22 may not be addressed by others.

23                 One, the proposed leases of public lands  
24 must be disposed of at a public auction. I know  
25 this point is being made. The assumption is being

1 made, unfortunately, that the ultimate lessee is  
2 going to be A & B.

3           Even though it's been stated by Wilson  
4 people that it's not, they're still talking about  
5 what we're going to examine in this is the  
6 30,000 acres and that we should address the impacts  
7 of those 30,000 acres.

8           That would render this EIS inadequate.  
9 You have to address other alternative lessees.  
10 Let's, you know, think about who else might be  
11 interested in getting this land and address those  
12 impacts. Those are alternatives that have to be  
13 addressed in this EIS.

14           Two, when A & B applied for this lease  
15 many, many years ago, it was for a fully functioning  
16 sugar cane plantation. The plantation closed, the  
17 lands are mostly fallow. There's no need for --  
18 there's no current need for anything like 115  
19 million gallons a day.

20           The current application is stale and  
21 should be withdrawn and replaced by an up-to-date  
22 application.

23           Three, the lease is for all four license  
24 areas. This is an antiquated concept designed to  
25 provide all of the water to one prospective lessee,

1 A & B.

2 DLNR is required by law to lease lands in  
3 economic units, minimum-sized areas that could be  
4 served by the water. That's HRS 171-33.3 in the Big  
5 Island Small Ranchers case.

6 The alternative of separate leased license  
7 areas. Let's say for the Keanae-Wailua community,  
8 carving off an area that could be leased to them  
9 alone, for their purposes alone, is an alternative  
10 that has to be addressed.

11 The alternative of a separate leased  
12 license area for the Huelo area. Carve that off.  
13 Let them go in and bid for it.

14 And likewise, a separate leased license  
15 area for say the Haiku area. Let the Haiku  
16 community go in and bid for a lease.

17 These are smaller units that by the  
18 statute that applies to DLNR have to be discussed as  
19 alternatives. If they are not, this EIS is going to  
20 be inadequate again.

21 Again, as others have said, No. 4, these  
22 are 5(f) lands. They're part of the public lands  
23 trust and part of the seed lands trust. Native  
24 Hawaiians are the beneficiaries of these trusts.

25 Now there are three aspects of this. One

1 is that the first priority to this water belongs to  
2 the native Hawaiian homes. That means the current  
3 and future needs of Hawaiian, of people on Hawaiian  
4 home lands must be carved out first. That has never  
5 been done, it's never been studied, and that has to  
6 be done in this EIS or it again is going to be  
7 inadequate.

8 Also, 30 percent of the revenues from the  
9 leases must go to Hawaiian homes to be spent for the  
10 benefit of native Hawaiians.

11 20 percent of the revenues from the leases  
12 must go to OHA to be spent for the benefit of native  
13 Hawaiians.

14 That's 50 percent of the revenues from  
15 these leases is owed to native Hawaiians.

16 DLNR, BLNR has never paid -- well, they  
17 have paid attention to it, but they've paid tiny  
18 amounts in lease amount -- in leases, for the  
19 leases.

20 BLNR has never appraised the value of the  
21 water that it has provided to EMI and HC&S.

22 HRS 17133.5 requires that before any  
23 notice of an intended disposition is given, BLNR  
24 must determine an upset price for that lease based  
25 upon the fair market value of the resource being

1 leased.

2 BLNR has never done that. It's leased  
3 everything from way below the fair market value.

4 So in this EIS, as part of it, a study  
5 must be done, studies must be done, and one of those  
6 studies must be an appraisal of the fair market  
7 value of these lease lands. They cannot possibly  
8 satisfy their trust obligations to native Hawaiians  
9 unless they do this.

10 This is a point that other people have  
11 touched on tangentially. This is 6. Any lease of  
12 water rights requires a watershed management plan.  
13 That's in their statute 17158-E and F. That's being  
14 done to prevent degradation of surface water,  
15 prevent degradation of ground water quality.

16 So what has to happen here in an EIS is  
17 that the EIS must address the current conditions of  
18 the watershed and address steps that are required to  
19 restore the condition of the watershed to an  
20 adequate level. That's never been done.

21 As everybody's said, they've essentially  
22 had the equivalent of a 30-year lease but they've  
23 never done a watershed management plan. And you've  
24 heard testimony about what the condition of the  
25 watershed is. That has to be addressed in the EIS

1 or it's inadequate.

2           Number 7, I was disappointed to see the  
3 list of water users and that the people with  
4 riparian and appurtenant rights were totally left  
5 out. Those people downstream of these diversions  
6 weren't even mentioned.

7           And I did notice that there was a lot of  
8 misinformation that I hope will get corrected later  
9 by those that know about the number of streams that  
10 are diverted, the number of streams that are in the  
11 petition area, the number of streams, that sort of  
12 thing. The numbers I heard were wrong.

13           Finally, No. 8, the alternatives  
14 considered were three. I've already mentioned four  
15 or five more, but there way many more alternatives  
16 need to be considered or else this will be  
17 inadequate.

18           Thank you for the opportunity to speak.  
19 And I'll submit more detailed comments by  
20 March 10th.

21           MODERATOR SENELLY: Thank you.

22           Okay. Cheryl Kekahuna?

23           MS. KEKAHUNA: Aloha everyone.

24           MODERATOR SENELLY: Aloha.

25           MS. KEKAHUNA: Unfortunately, I was not

1 really prepared that we have to come to a meeting  
2 and give points to the EIS process. I guess the  
3 invitation is really not that clear. However, I  
4 would like to share and hopefully you can take that  
5 with you.

6 My name is Cheryl, also known as Pohe,  
7 Kekahuna. I'm the safety director for the Nahiku  
8 Community Association, as well as a resident of  
9 Lower Nahiku.

10 I am here today to oppose a 30-year lease  
11 proposed by A & B. I would like to start with a  
12 couple questions.

13 Why after HC&S was officially done in  
14 December 2016, the water wasn't restored to all the  
15 rivers, being there's no sugar cane in production?  
16 And where is the water that was irrigated for the  
17 sugar cane?

18 Now, it seems almost coincidental that the  
19 same month HC&S was done, A & B sold 300-plus acres  
20 in Paia.

21 The message I got from that was, here we  
22 go, progress. And it was clear to me that A & B  
23 can't be trusted. They have their own agenda.

24 In A & B's Environmental Impact Statement,  
25 your EIS for February, you need like a lawyer or a

1 dictionary to kind of understand this.

2           However, there was something that caught  
3 my attention. Under the proposed action, there's a  
4 statement that:

5                       "Aqueduct system continues to  
6                       serve a critical role in providing  
7                       upcountry Maui and Nahiku community  
8                       with water, and should the delivery of  
9                       water from EMI aqueduct system be  
10                      curtailed, upcountry Maui and the  
11                      Nahiku community would be left without  
12                      a reliable source of water."

13           Now, I had to Google the definition of  
14 "curtail." It states:

15                      "To reduce in extent or quantity,  
16                      impose a restriction on, or deprive  
17                      someone of something."

18           Makapipi, Hanawi, Haipuaena automatically  
19 runs through our island blood. I ask: Are you God?  
20 Who gave you the right to deprive us of our right to  
21 live?

22                      Back in the day when our great  
23 grandparents, uncles, grand uncles, grandparents  
24 used to work for EMI, the streams and rivers were  
25 properly managed. The rivers never ran dry and all

1 -- and was well maintained. Is that the case now?

2 We, as kanaka'ole, have to fight for our  
3 water. Our kava farmers in Keanae for over a decade  
4 have been fighting for the rivers to be restored to  
5 their (Hawaiian). And here comes A & B with their  
6 proposals and greed for more water.

7 State and county representatives, are you  
8 going to allow A & B to deprive and be unjust to the  
9 people and county you represent?

10 And lastly, I would just like to end my  
11 testimony by simply saying: Remember our rivers are  
12 sacred. There's (Hawaiian) in these rivers. Don't  
13 let the hewa follow you.

14 MODERATOR SENELLY: Thank you, Cheryl.

15 Mapu Kekahuna.

16 MR. KEKAHUNA: Mahalo to all our kupuna  
17 for being here. Thank you for being here.

18 Today I'm very disappointed as -- I'm  
19 going to (inaudible) the vice chair tonight of the  
20 community association.

21 And I'm insulted that A & B, your  
22 organization, to bypass Hana and involve East Maui,  
23 all of East Maui, from Kaupo, Kipahulu, Hana,  
24 Nahiku, and everybody else. This is big  
25 geographics, yeah. And not have them participate in

1 this EIS, whatever you want to call this. Okay?

2 It's not pono.

3 You know, people, our people here in Maui  
4 are seeing the desecration. We see it every day.  
5 Gradually we have to keep our Maui, all of us in  
6 this room. People, wake up. Because Maui will be  
7 gone. It will protect this island.

8 Seven generations, my family -- I'm a  
9 seventh-generation from Nahiku.

10 You know, like you guys said, that EIS,  
11 you guys, I was reading through it, that you could  
12 probably compromise our domestic drinking water if A  
13 & B don't get this 30-year lease. That's what I was  
14 reading. Is that a threat?

15 You know, for me, as a kanaka, I feel  
16 like, wow, if A & B don't get what they want, we  
17 don't get drinking water, my kupuna have to go to  
18 the river and haul water from the river, as they did  
19 when they were growing up? Is that what the answer  
20 is?

21 I think the County of Maui has a fiduciary  
22 responsibility. We have three County water tanks in  
23 Makapipi.

24 Like the lawyer said before, carve it out,  
25 take Hanawi, Kapaula, Makapipi, carve it out, take

1 out that diversion, let the County of Maui take care  
2 of their aqueduct that feeds the county to provide  
3 us domestic water, which is our right too, yeah.

4 And then take us out of your palapala.  
5 Take the word "Nahiku" out. Take it out, take it  
6 out. We don't want it.

7 You know, our people of Maui can see this,  
8 right, plain as day. I drive to Paia every day,  
9 Monday through Friday, going back to Nahiku. The  
10 traffic is nasty. Selling land quietly, use the  
11 term "quietly," they sell it to a businessman in  
12 California to supplement that development.

13 People, we're not stupid. We're not  
14 stupid. The sooner A & B realizes all the illegal  
15 actions -- and I thank the kupuna people that  
16 started this battle. It shouldn't be a battle. Not  
17 for the kanaka, not for the people of Maui, born and  
18 raised, bred, to have to sit in a meeting when we  
19 have to work, work, to come listen to this nonsense.

20 It's expensive to live here in Maui, in  
21 our homeland, our only home. Expensive to live  
22 here, but we have to take that -- our passion for  
23 our island is important to all of us.

24 Even for you malehinis that moved here to  
25 Maui, you guys can see the desecration going on.

1           Keep Maui Maui. Oahu is already messed  
2 up. Leave Maui alone.

3           Take Nahiku out of that equation. That's  
4 my recommendation. Cut it out, like the attorney  
5 said, cut it out. Take the diversion, feed on the  
6 other county tanks, that's it, and let our rivers,  
7 rivers flow.

8           Mahalo.

9           MODERATOR SENELLY: Mahalo. Thank you.

10          Kumu Tamalu Taho'otele.

11          MS. TAHO'OTELE: I don't feel comfortable  
12 speaking to all of you from the back, so I'm going  
13 to walk up front, if you don't mind, so you all  
14 don't have to twist.

15          Okay. Anyway, aloha once more. Before I  
16 say what I need to say, mahalo, I would like to do a  
17 little ole for all of us. And I think we need it.  
18 Let us remember this.

19          (Hawaiian chanting).

20          Mahalo. I would like to start by reading  
21 something that disturbed me very much. This is a  
22 proposed action from A & B. The proposed action  
23 constitutes the issuance of one long term of 30  
24 years, water lease from the DL, BLNR for the  
25 continued right -- now follow me, my people -- the

1 continued right, privilege and authority to enter  
2 and go upon the Nahiku, Keanae, Honomanu and Huelo  
3 licensed areas for the purpose, for the purpose of  
4 developing, diverting, transporting, and using  
5 government-owned waters. The water is owned by God.  
6 Excuse me.

7 Through the existing EMI is Maui  
8 irrigation aqueduct system, which supplies water to  
9 domestic and agriculture water users. I just  
10 thought I'd share that.

11 And by the way, (Hawaiian name), founder  
12 and president for the past 11-plus years for the  
13 Lower Nahiku Community Association, why was this  
14 information not sent, e-mailed, mailed, to the  
15 Nahiku Community Association or the residents of  
16 Lower Nahiku, informing them on the proposed  
17 application, EISPN, for A & B's 30-year water lease.

18 Mahalo to Dick Mayer, Alliance of  
19 Community Associations, for sending this information  
20 to us or we would not have known of this matter  
21 earlier on.

22 Why was the Hana District not included in  
23 these public meetings involving East Maui streams?

24 Speaking on behalf of my ahupuaa of Lower  
25 Nahiku, and for our streams and diversions from

1 (Hawaiian), remember what I just said. The true  
2 name of Makapipi is (Hawaiian), better known today  
3 to everyone as Makapipi River.

4 Kopiliula and Hanawi, of which currently  
5 flows from the Koolau, down through our (Hawaiian).  
6 You don't hear that no more, because today they call  
7 it the landing, the Lower Nahiku landing. This is  
8 where these streams (Hawaiian.)

9 There should be no more diversions,  
10 people. All waters should be returned to each and  
11 every ahupuaa, for it is their streams; it is their  
12 livelihood; it is their battle of survival; it is  
13 their (Hawaiian) of healing.

14 Requesting a 30-year long-term lease would  
15 be very damaging to our community. We all know that  
16 since the closing of the sugar cane plantation, no  
17 firm decisions have been released or open for public  
18 review on their so-called diversified ag.

19 There was talk about in the absence of  
20 sugar. Just talk? Instead they are selling sugar  
21 cane land to developers from anywhere. For what, I  
22 ask.

23 As I review the EIS information -- here,  
24 hold this; you need a podium, honey -- provided by  
25 the County of Maui Water Supply could become

1 promised and that the 30-year lease will enable A &  
2 B to continue to maintain the aqueduct systems that  
3 is currently maintained by EMI.

4           The County should maintain it to provide  
5 domestic water to Nahiku and not have a third party  
6 dictate the control of this water source for our  
7 community of Nahiku.

8           Remove all metal gates -- which I know  
9 what they look like, I've been up there, walked the  
10 road -- and have all streams returning to its full  
11 capacity.

12           Also cap, close, remove all diversion  
13 systems that moves water from Makapipi to Hanawi and  
14 so on.

15           The County Water Supply should lease or  
16 maintain the aqueduct that supplies water to the  
17 County, water tanks that currently supply Lower  
18 Nahiku with domestic water, farming water,  
19 (Hawaiian) animals, yeah. They gotta drink water  
20 too, not only from the rain.

21           In closing, A & B, the applicant, needs to  
22 be fully transparent on their intent, their needs,  
23 their wants, and not smoke-screen and quietly do  
24 things to further divide the communities as they did  
25 with HC&S.

1 I believe that our kupuna (Hawaiian) will  
2 guide our pathway, to be sure that our precious  
3 resource isn't solicited for their money gain, while  
4 our entire livelihood and quality of life is  
5 jeopardized. We must protect, preserve and  
6 perpetuate for the future generations to come.

7 Our voices now and forever will be heard,  
8 as we cannot sit here no longer and watch our island  
9 become more overly developed, culturally desecrated,  
10 and our lahui is left behind, and not have a voice  
11 to our island.

12 We will stand for what is right, and the  
13 right thing is to maintain truth and not deception.

14 Just to add, it's not just the water that  
15 is life; it's the mana that the (Hawaiian) hold from  
16 the days of our not alii, (Hawaiian), for it holds  
17 that strong (Hawaiian) of our ancestors.

18 I close by saying much of our (Hawaiian)  
19 throughout East Maui is (Hawaiian) with debris,  
20 fallen trees and not maintained for proper flow from  
21 mountain to sea. What are we going to do about  
22 that? Is it only about power, money, and greed?

23 Let us think about it. Mahalo.

24 MODERATOR SENELLY: Maluhia Stoner.

25 MR. STONER: My name is Maluhia Stoner,

1 and I've lived in Lower Nahiku all of my life.

2 Now before I begin, I would like to inform  
3 you that this is specifically for the East Maui  
4 Irrigation Company and A & B and does not portray my  
5 opinion of the council before me.

6 This is a Hawaiian proverb handed down for  
7 generations: When the earth is ill, what is its  
8 medicine? Rain. Because when the heavens cry, the  
9 earth is healed.

10 By this saying, it is easy to understand  
11 the Hawaiian connection of water and health. The  
12 rain that falls from the heavens causes the waters  
13 to flow; and they, in turn, gives life to the earth.  
14 The earth in turn sustains the people.

15 The waters of life which flow from the  
16 mountains and which will sustain our generation and  
17 future generations are of great importance to me and  
18 people who love and care for the land and culture.

19 The initial development of the ditch  
20 system was authorized as a part of the Hawaiian  
21 Kingdom's program to promote prosperity for all the  
22 people of the Kingdom.

23 Of importance to the native Hawaiian  
24 families of the land, each of the water licenses  
25 issued under the Kingdom included clauses which

1 protected the water rights of native tenants of the  
2 respective lands through which the ditch system was  
3 developed.

4           The original license stated: The  
5 continuance of the right herebefore granted is upon  
6 this condition, that existing rights of present  
7 tenants of said lands or occupiers along said  
8 streams shall in no wise be affected injuriously by  
9 reason of anything herein before granted or  
10 covenanted.

11           Now before I continue, I would like to  
12 point out that during the time of February 2015,  
13 during the drought on the other side of the island,  
14 you cut off not only the rivers but the aqueduct  
15 that supplies Lower Nahiku with water.

16           May I inform you that we had children  
17 under the age of three at the time, and this  
18 threatened not only our health but the health of the  
19 land, the native plants and animals, and the native  
20 fish, both fresh water and salt water.

21           It took having the County workers of our  
22 community go all the way to the water blockage and  
23 turn it back on. This is a clear violation of the  
24 license issued under the Kingdom of Hawaii and is  
25 ineligible to pass in court.

1           But regardless of the laws and regulations  
2 stated above, you don't only break the laws of the  
3 state but the laws that nature itself has set for  
4 every man, woman and child who sets foot on these  
5 sacred lands; and you are in no position to  
6 determine what is and isn't sacred.

7           You're making us pay for our water that  
8 you take too much of; and you don't even have the  
9 courtesy of doing it within the legal boundaries of  
10 the laws you agreed upon years ago.

11           You take 450 million gallons of water a  
12 day and waste a huge percentage on releasing it on  
13 the ground. When will you realize there's no more  
14 cane fields to feed and that the industrial  
15 progression which you support is the very reason why  
16 you feel you must take that much water.

17           You are the reason that there's no water  
18 in certain sections of the island. Nature has taken  
19 the waters of life from you because you had the  
20 nerve to abuse such a sacred element.

21           You have already deprived our culture of  
22 the once abundant source of life, and you dare take  
23 more.

24           I testify that the East Maui Irrigation  
25 Company and A & B is guilty for the theft of our

1 culture, the endangerment of native and indigenous  
2 species, the choice to ignore the claims of the  
3 Hawaiian people, the people of this island, and the  
4 destruction of the home in which we will always and  
5 have always resided in.

6 Thank you very much.

7 MODERATOR SENELLY: Thank you, Maluhia.

8 Can I say -- excuse me.

9 You know, actually, you guys are providing  
10 scoping input, and -- because I've heard the word  
11 "testify" and stuff, and I know it has that power,  
12 but I'm just saying technically, it's not testimony.  
13 But we take it -- I mean, we do consider it very  
14 valuable input. Okay? Because this is in itself  
15 not a required meeting.

16 No, no, it's fine. But I'm just saying I  
17 don't want people to think that it is testimony,  
18 because technically, it's not. That's all.

19 (Audience speaking.)

20 MODERATOR SENELLY: Yeah, it is for you.  
21 That's right.

22 Mavis Oliveira-Medeiros.

23 MS. OLIVEIRA-MEDEIROS: Aloha. I'm from  
24 Hana. And I decided to come during work, so I don't  
25 really have a really good prepared testimony.

1           But my name is Mavis Oliveira-Medeiros,  
2 and I come from Hana, Maui, Hamoa. But my mom and  
3 dad was -- my dad actually came from Nahiku, and my  
4 mom came from Olahino, both places that we were  
5 water people.

6           So my mom was a gatherer. I don't know if  
7 anybody said that yet, but the gathering people need  
8 to be on that EIS. She taught us how to gather all  
9 the stuff growing in the fresh water ponds and  
10 rivers, and that's what we ate, that's what we ate  
11 to subsist.

12           And then A & B took the water, and then we  
13 had our kids, and our kids had their kids, and it  
14 was never able to be passed on to the next  
15 generations.

16           So two generations, including me because I  
17 was a little girl when she used to take me in the  
18 rivers, so it's like three generations of people  
19 that were robbed of gathering, gathering food in the  
20 rivers.

21           I cannot tell you how awful that feels.  
22 What was taught to us, we haven't been able to teach  
23 our kids. It feels like genocide, cultural  
24 genocide, when you cannot teach your children and  
25 theirs how to survive from the aina that they grow

1 up around. That is a terrible, horrible thing.

2 So I hope that you put that in your EIS,  
3 the gatherers. There's also -- in Hana, there's  
4 tons of fishermen. So I wish you guys come to Hana  
5 too, on the list of wishes.

6 Lots of fishermen, hula dancers, they rely  
7 on the water. And gatherers, we still have people  
8 who actually go in the EMI's ditches. I don't feel  
9 comfortable because it says "keep out, no  
10 trespassing." But there's people who still go in  
11 there and gather opai. So, you know, we still eat  
12 that stuff.

13 In Hana, a lot of people in Hana still  
14 fish to subsist, to survive, to help put food on the  
15 table. That's another thing that you can add to the  
16 EIS. Subsistence.

17 And if you ask me, I think you should put  
18 the people first and the corporation last.

19 MODERATOR SENELLY: Thank you. Thank you  
20 very much.

21 Lany Young.

22 MR. YOUNG: Aloha everybody.

23 Well, this one, it comes from knowledge.

24 (Hawaiian.) As we help others, we will  
25 find help for ourselves.

1           Hawaiians lived in two distinctive areas  
2 of the islands: Those who lived near the shoreline,  
3 those who lived in the uplands. Goods traded with  
4 one another, those goods only available in their own  
5 area, this system created a mutually beneficial  
6 relationship that supported sustenance, living.

7           This one comes from the heart.

8           Like the veins that flow your blood  
9 through the human body and feeds the limbs is the  
10 water that flows through the valleys and feeds life  
11 among us. You stop the blood flow, the arm, the  
12 leg, the brain goes dead. You stop the streams from  
13 their natural flow, life around us suffers. The  
14 only native (Hawaiian) will diminish. The only true  
15 native opai will be sacrificed. For what?

16           The river mouths, or (Hawaiian), as it is  
17 called, is a place of birth. Like the wound, you  
18 stop the flow to the wound, you stop the beginning  
19 of life for many, many species, species that bigger  
20 species depend on for survival. Species like us.

21           But who cares about all this when you can  
22 have money in the bank? Is this right? Is this  
23 pono?

24           I oppose redirecting 150 million gallons  
25 of water per day from East Maui.

1           By the mile marker 10, Waihine Bay once  
2 had a water fountain that was an underground spring.  
3 You and the other money-hungry corporations took  
4 that for your profit. Everybody who drives on that,  
5 everybody that lives on the island and the visitors  
6 use that water to sustain their life.

7           The County and State government, they all  
8 fall in the same corporation. So the reason why  
9 they wanted to destroy it is because the road needed  
10 to be more wide, and also for their profit.

11           Give back what the corporations stole from  
12 the community. So I say no to the 30-year lease.  
13 We don't need development and added progress, nor  
14 diverting or transporting of our water.

15           It's not the government's water. It's  
16 ours.

17           Aloha. Thank you.

18           MODERATOR SENELLY: Thank you.

19           Tammy Luat.

20           MS. LUAT-HUEN: Thank you. My name is  
21 Tammy Luat-Huen. I am from Keanae. I live on the  
22 peninsula. And we try to farm taro in our yard, but  
23 we're the last taro farm to receive the water.

24           So in your EIS, I would like the  
25 temperature of the water to be tested. You guys

1 keep taking water out, the water is going very low;  
2 the sun is so hot, it makes the water hot. By the  
3 time it gets to me, all my taro was like horrible.

4 We tried to save the -- you know, when we  
5 harvested, we tried different patches to see how it  
6 is. Oh, my god, it was terrible, and it was like  
7 spongy. So definitely I think that the EIS should  
8 include the temperature.

9 And also, before I even started, I was  
10 supposed to tell you guys this. I tripping out that  
11 you guys are talking about our water and handing out  
12 permits to the highest bidder, like you're talking  
13 about stocks and bonds.

14 We're not talking about stocks and bonds.  
15 We're talking about life. We're talking about water  
16 for all of us to live, because I don't know about  
17 you, but I cannot drink money. So without water, we  
18 cannot survive.

19 EMI has had control of East Maui's waters  
20 for way too long, also stewards of these lands.

21 In your EIS, I demand that EMI be ordered  
22 to restore these rivers and streams, especially the  
23 ones that they're not using. They leave all their  
24 cement, their metal, their crap. Take it out.

25 Like if they were my tenants, I would be

1 like, you know what, you're out, you're not going to  
2 get another lease from me. You let go our place,  
3 you're out.

4 So I think we should demand that they  
5 restore our rivers and streams to how it was before  
6 they got it.

7 And on that note, also in your EIS, it  
8 should say they took so much water -- when I was  
9 little, my grandpa used to work for EMI, so I know.  
10 He took me up there. There was plenty of water  
11 flow. I'm not that old.

12 You know, I don't want to tell you guys,  
13 but I have a big birthday the other week.

14 But I know how much water there was  
15 flowing.

16 When I drive home to Keanae, there's so  
17 much rivers that used to flow all the time. Now  
18 only trickles coming down. And I'm trying to  
19 remember the story about that water that used to  
20 come up the side of Waikoloa. And we always used to  
21 pull over, wash the baby bottle if something  
22 spilled, drink water. You know, we used to use  
23 that, and it's gone. I remember that.

24 But anyway, where they took a lot of  
25 water, and now they let the rivers run bone dry.

1 Not even like a little bit. We went all the way up  
2 to the top, dry bone. As wide as you can imagine,  
3 this river was dry. So now what's in there? Just  
4 so happens that invasive trees, bushes, vines, all  
5 kinds of weird stuff started growing in there.

6 Now they go, oh, we are ordered to release  
7 the water, what does EMI do? Instead of they go  
8 clean the rivers and the beds because it's all grown  
9 with invasive stuff, open the water, water is  
10 flowing, no more place to go, where does it go?  
11 Every which way but loose. Not in the flow that  
12 it's supposed to be.

13 So I honestly believe a lot of these  
14 landslides that we've been experiencing on the east  
15 side of Maui, all A & B's fault. They should  
16 have -- they were so worried about their employees,  
17 their 400 employees. They could have had their  
18 employees stay on for one more year while they go  
19 clean up all our rivers and streams. It's their  
20 responsibility.

21 So for the EIS, I highly recommend that  
22 you guys have them -- not ask them -- demand that  
23 they go clean up our rivers and streams to where --  
24 to the point where they got it. And I'm sorry about  
25 that, but it makes me so mad.

1           Because now, you know, those landslides  
2 has caused us so much havoc. We have people that  
3 are putting their lives in danger just to go to the  
4 doctor, you know. We have roads that's completely  
5 shut down for seven hours; and then what happens if  
6 there's an emergency?

7           This is the kind of stuff that EMI  
8 personally caused. And I know that for a fact. So  
9 that's one more thing that I wanted your thing to  
10 say.

11           And, you know, like if it was clean, the  
12 water would flow the way it always flowed centuries  
13 ago. But when the thing is all plugged up, where  
14 does it go? It's got to go to the outside; now it's  
15 going wider and wider, and it's bringing down  
16 everything.

17           And we're not talking small rocks. We're  
18 talking rocks as big as trucks. And now we're going  
19 to be driving home, all unaware -- especially  
20 tonight; it's dark already -- now we're driving  
21 home, and let's go play Frogger and try and jump on  
22 this side, oh, no, let's go to this side, and then  
23 here comes the rocks, you know.

24           So you guys didn't do us no favors by  
25 giving them the lease. They literally put our lives

1 in danger, and I'm over it. So it's time for  
2 somebody else to -- I understand that everybody on  
3 this side needs water. I do understand that. But  
4 you're talking about our water as if it's a  
5 commodity, and it ain't.

6 Thank you.

7 MODERATOR SENELLY: Thank you.

8 David Prais.

9 MR. PRAIS: My name is David Prais.

10 The first thing would be that I understand  
11 that this is not for testimony. It's you want to  
12 know what's for the EIS.

13 That right there is a flag telling you,  
14 here is your blocks, this is what we offer you, take  
15 it or leave it.

16 Our kupuna, they have been honest all the  
17 way. All the way, you've done it correctly by their  
18 standards and their ways, but we are the new  
19 generation, the generation right here right now. We  
20 are on the rise.

21 I do have one thing I can add to the EIS.

22 The first thing I want to say is there's a  
23 strong presence of police here. Very strong. In  
24 the 30-plus years, have you ever seen this strong of  
25 a presence? And that is because they are afraid.

1 They're afraid of us because we are intelligent, we  
2 know how to think, and we can act upon it.

3           There's a lot of people who want to speak.  
4 I'm going to make it quick. The one thing that I  
5 add to the EIS is do not come back before our people  
6 without every concern and demand met.

7           That's all. Mahalo.

8           MODERATOR SENELLY: Thank you.

9           Dan Clark.

10           By the way, these are all the East Maui  
11 folks. I'm really trying to get them -- let the  
12 Hana and Keanae and Nahiku side go home.

13           MR. CLARK: Yes. Good evening.

14           I had a very pleasant ride coming out to  
15 the meeting today. I was with two of my close  
16 friends, that are farmers in Keanae and Wailua.

17           (Audience and speaker interchange.)

18           MR. CLARK: Okay. Now at any rate, they  
19 spoke of all of the streams and the mountains  
20 springs all throughout -- from Nahiku on out.

21           I'm still a student there in Keanae. I've  
22 been fortunate to be taught by a lot of the elders  
23 about farming. I raise taro. I have an affinity  
24 for taro in my family from Nualolo Valley on the  
25 Napali Coast of Kauai.

1           And though I might not seem that much  
2 cocoa, but I do have.

3           I wanted to -- I guess you wanted the  
4 specifics as to what you can use in your EIS. Of  
5 course I want to -- I'd like to say that I'm opposed  
6 to, first off, the issuance of a license for  
7 Alexander & Baldwin for the continuance of diversion  
8 of water. There needs to be an incline of this -- a  
9 removal, a plan.

10           This is recorded or --

11           MODERATOR SENELLY: She's taking it down.

12           MR. CLARK: Yeah, okay.

13           MODERATOR SENELLY: And we have a video.

14           MR. CLARK: Thank you.

15           Anyhow, it has been 120 years of  
16 construction and diversion. I've been up in the  
17 mountains, I've seen where all the water, every drop  
18 of water that they can actually take from the side  
19 of a hill by putting little PVC pipes hidden at --  
20 you know, to a particular stream, that ends up in  
21 the ditch itself, diverting it out here.

22           Now in times of a lot of water, a lot of  
23 rain, the water is brought out so far and then  
24 dumped into a river out here. That doesn't make  
25 sense to me, you know. The ditch is running full,

1 they'll dump the water all the way out here, as  
2 opposed to discharging the water back to the streams  
3 from which they took the water.

4           Second off, at times I have to sponge my  
5 water off the awai, yeah, fronting our kalo patches,  
6 sponge pretty much the water into the patch. I'm  
7 serious. The water is hugging the bottom of the  
8 ditch, you know. I've been working with, you know,  
9 the Waialua people in trying to clear our pipeline  
10 from Waikane down to Waialua to, you know, get water  
11 to feed the Hana side for the past four years.

12           And we will get there, we will get the  
13 water distributed. But what I've found is that  
14 attending these meetings with the Water Resources  
15 Commission, they were looking for reasons why to  
16 deny these people their water.

17           First they went in and they tried to  
18 confuse the farmers as to where the geographic  
19 location of their water was coming from, feeding  
20 their loading system. Right?

21           And then the Water Department steps in and  
22 says, where do you think your water comes from? I'm  
23 listening, why the heck is the Water Department  
24 asking this?

25           Do you have a water meter, they say?

1 Well, shucks, of course we have. We're fortunate.

2 We paid for that well system, right?

3 We may not have paid for all of it, but we  
4 as stepchild way out there, that's how the system  
5 goes. The community assists the rest of the  
6 communities in, you know, providing moneys that make  
7 it possible for us to dig that 400-foot well.

8 That water belongs to us in the district,  
9 yeah. It feeds the Keanae-Waiialua Nui area.

10 Same thing with Nahiku. I was listening  
11 to the lady talking about the water from above.

12 Now I would like to see the water metered  
13 that comes into the Parshall flume that feeds the  
14 Keanae loading system. Okay. I want to know, not  
15 by guess and by golly. I want to know what water is  
16 being fed us, because the water is warm in the kalo  
17 patches. We have root rot and all kinds of diseases  
18 that come off from that, you know, failure to  
19 provide cool, clean water, which is what the kalo  
20 require for a good harvest.

21 And Keanae was not issued an amount of  
22 water necessary for our -- you know, all the loading  
23 in there.

24 And they said, well, you've got all --  
25 you've got all Buffalograss or California grass in

1 there. And there's a system. The Hawaiians have  
2 been raising taro in there for 800 years. They know  
3 certain patches got to go fallow, right, you've got  
4 to regenerate it.

5 So they're saying, well, because the kids  
6 coming behind you guys are not interested in the  
7 taro, we're going to take the water. No, I'm sorry,  
8 that's not the case. You let the water run to the  
9 sea, yeah.

10 And there is 14 vertical shaft wells all  
11 along the isthmus, in between the two mountains  
12 here, if A & B is not telling you that, yeah,  
13 400 feet deep, right, down into the basal land's  
14 crystal clear water.

15 My field was water and wastewater. 40  
16 years, I put in there, in operating wastewater  
17 plants and water treatment systems. I know about  
18 water.

19 But when I brought that to the attention  
20 of Dr. Miiki, you know, he immediately shut down,  
21 that I didn't have the right to bring that up in  
22 that particular meeting, the Water Resources  
23 meeting.

24 All I'm saying is -- I talked to some  
25 young lady that was working agriculture with MCC, or

1 now it's called Maui College, and I was explaining  
2 to her, you know, how the systems were all managed  
3 and the ponahiki of the district determined, you  
4 know, what amount of water went where and nobody cut  
5 anybody short.

6           That water was allowed to flow cool to all  
7 these farmers so that they can farm the land. And  
8 I'm sorry, but I lost trust in the Water Resources  
9 Commission. I'm concerned that they're going to be  
10 making the ultimate decision on this particular EIS  
11 request.

12           And I'm happy for the meeting that you're  
13 putting on here, yeah. All I'm saying is that give  
14 us the water that we need to farm.

15           Also meter the water. So if you tell us  
16 that 3 mgd is what our allotment is, until they can  
17 deconstruct that whole ditch system, then I'd like  
18 to know, put that Stevens meter back that A & B had  
19 inside of that -- what do you call it? -- right  
20 there at the Parshall flume, okay? Right there  
21 above Keanae with the spring water.

22           That spring comes from the ground. If  
23 it's not fed from above, the water is diverted, it's  
24 not going to come up on the spring through the  
25 stream. Okay?

1           So, I'm sorry, but I'm frustrated that,  
2 you know, not all is going to be heard. The meeting  
3 is, by design -- this young lady told me it's by  
4 design to have the meetings out here as opposed to  
5 inside of Keanae, at the Keanae school for the other  
6 families that were directly affected. By design,  
7 she told me.

8           I said, okay, but I'm not going to fault  
9 Wilson Okamoto for that. I worked with you in  
10 wastewater and a lot of the design over the years,  
11 so I know that your intent is good. The thing is  
12 that I think, as the lady said, it needs to be  
13 everything transparent and clear, you know, so  
14 everybody's comfortable with the decision going  
15 forward.

16           And thank you very much this evening for  
17 your time.

18           MODERATOR SENELLY: Thank you, Dave.

19           Okay. Kawika Stone.

20           MR. STONE: Hi, how's it going? My name  
21 is Kawika Stone. I am from Lower Nahiku.

22           And I know you guys only want to hear  
23 about the EIS and what it should address. But, you  
24 know, first off, I think there's kind of an agenda  
25 behind the EIS and just the way you guys got it,

1 step one, step two, step three.

2 And maybe next time you guys should hold  
3 the meeting or you should maybe hold another meeting  
4 out in Hana side, because most of the people -- if  
5 you look on the list of places, Haiku is not on that  
6 list, and most of the people affected by these  
7 decisions actually live out there.

8 Some of them is kupuna. They can't just  
9 go and drive this long road. Some people have  
10 babies, kids, they can't just drive this long road,  
11 like I said. They gotta work, all this kind of  
12 stuff.

13 But also I see that you guys -- I see that  
14 you guys are on top -- if I can go to the slide show  
15 real fast, I see you guys mentioned -- there's some  
16 things you guys mentioned in here. Where is it?

17 Okay. Right here. "General description  
18 on the proposed action," you guys put "economic,  
19 social, cultural and environmental" characteristics  
20 on there.

21 But what you guys gotta understand is  
22 economic -- if we're talking about Hawaiian and  
23 Hawaiian culture, you put "cultural" on there.

24 Hawaiians, economics is cultural.

25 If you think about it, the mauka to makai,

1 that's from the mountains to the ocean, that's just  
2 the way things go.

3 But you guys', EIS, it's based off of --  
4 you guys said that it has to meet the laws, right,  
5 of the State; it has to meet certain requirements of  
6 the law. But that's the law of the state, but  
7 there's also the law of nature, which doesn't really  
8 get mentioned.

9 Even though you guys mentioned cultural  
10 and environmental, it's a contradiction, because  
11 economic is what? Money, right? But in the ancient  
12 days, the Hawaiians, they never used money.

13 So if you think about that for a second,  
14 the Hawaiians used to trade. The people who lived  
15 by the ocean, makai, they would trade food with  
16 those who live in the mountain, according to what  
17 they have. Like if you're by the ocean, you have  
18 fish; people by the mountain, they have other things  
19 that isn't right next to the ocean.

20 So they would trade, and they would --  
21 that's how -- that's our economics, as Hawaiians.

22 So you can take that "economic" out of  
23 there because that's a contradiction, because  
24 cultural -- how you guys gonna talk about cultural  
25 when economics and all that is in there?

1           And then how the EIS is supposedly -- this  
2 is just a prep, right, like a preparation for you  
3 guys' main decision. This is just like -- this  
4 isn't for us to testify, but where do we testify?  
5 Where do we testify?

6           MR. MATSUKAWA: The decision is by the --  
7 for the permit, there will be proceedings, I  
8 imagine.

9           So again, I'm not the attorney, I don't  
10 know the exact process, but I would think there  
11 should be.

12          MR. STONE: Well, if it was me -- I'm not  
13 trying to -- but if I was the one running this  
14 meeting, you know, I would definitely know  
15 everything that's going on, especially what's going  
16 on in the future.

17          Okay. Where's the other page, though?

18          MR. MATSUKAWA: We should clarify that.  
19 We are doing the EIS. You know, I'm still -- in  
20 order to do the EIS, I have to learn things.

21          I don't know all of the legal -- this  
22 thing has had a long history. I got into this not  
23 that long.

24          MR. STONE: I'm not saying you personally.

25          MR. MATSUKAWA: I don't know everything.

1 That's why I don't answer some of the questions. I  
2 don't know.

3 MR. STONE: Okay. You know, I'm not --  
4 you know, it's not a personal thing.

5 MODERATOR SENELLY: Can I say one thing?

6 MR. STONE: It's not a personal thing or  
7 anything like that.

8 MODERATOR SENELLY: By the time the EIS is  
9 pau, we will know. Okay?

10 But coming out here, part of it is when  
11 you, people like you --

12 MR. STONE: Yeah, you guys are hearing our  
13 testimony.

14 MODERATOR SENELLY: Yeah.

15 MR. STONE: You guys are hearing us speak.

16 MODERATOR SENELLY: What you guys are  
17 saying. And so that helps --

18 MR. STONE: That helps you make the  
19 decision.

20 MODERATOR SENELLY: Right. That helps us  
21 put what's going to be in it.

22 MR. STONE: I understand your process.

23 MODERATOR SENELLY: So that by the time  
24 we're pau, we're gonna get.

25 MR. STONE: Okay. I understand you guys'

1 process and stuff like that, but like I said, you  
2 guys might need to remake a whole new PowerPoint,  
3 just by -- whoever made it, that's cool. But just  
4 think about where you're at, Hawaii. Who are the  
5 people who's native to this place? Hawaiians. So  
6 when you talk about the actions of anything, you  
7 guys should base it off of that first.

8           And also when you talk about culture,  
9 people get religions and this and that. Hawaiians'  
10 religion is our culture. So if I was to bring up  
11 another religion, people's ears would perk up. But  
12 they don't see Hawaiian as a religion, but Hawaiian  
13 is a religion.

14           It's not a religion, but it is because you  
15 know what I mean.

16           MODERATOR SENELLY: Kawika, we're going to  
17 move on, okay? You know, I have two more people  
18 from East Maui.

19           MR. STONE: I'm going to wrap it up with  
20 what you guys should address in the EIS.

21           MODERATOR SENELLY: Okay.

22           MR. STONE: You guys should address the  
23 area, think about the areas that you're talking  
24 about, think about the people, and maybe you  
25 should -- oh, yeah, address the gatherers and the

1 providers, which are the same thing.

2           Okay. So if I can't go out to the other  
3 side to get food or anything like that -- some  
4 people go to the store, that's how they get their  
5 food. Some people rely on nature, things around  
6 them to get their food and to provide for their  
7 family.

8           So you guys should address, mainly on the  
9 gatherers and the culture -- you guys put the word  
10 in there, "cultural." And "environmental." That's  
11 the two big words right there.

12           Social and all that can go right now. And  
13 cultural and environmental, that should be you guys'  
14 main basis, but, you know, it's -- this is words and  
15 these are documents and stuff like that.

16           But when it comes down to it, it's not  
17 words and documents and signatures that will  
18 determine how the river is going to flow, because  
19 that's nature.

20           So when it comes to nature -- oh, yeah.  
21 When you talk about meeting the laws of the State,  
22 just think about meeting the laws of nature before  
23 anything.

24           MODERATOR SENELLY: Mahalo.

25           Mr. Young, you've been so patient.

1 UNIDENTIFIED SPEAKER: You know, I would  
2 just like 10 seconds.

3 Glyphosates, Roundup used on the ditches,  
4 could we have people that drink from the ditches get  
5 free testing of their urine to see how much the  
6 effect has been by phosphates? Please study it.

7 MODERATOR SENELLY: What's your name?

8 UNIDENTIFIED SPEAKER: That's my  
9 testimony.

10 MODERATOR SENELLY: Did you note that?

11 Okay.

12 UNIDENTIFIED SPEAKER: Thank you.

13 MODERATOR SENELLY: Mahalo.

14 We're taking a break. I'll tell you why.

15 No. You know why? Because the folks from  
16 East Maui are staying. And if they've already gone  
17 home home -- I just want to make sure I take them  
18 first, and so if they want to go home during the  
19 break, that's it.

20 Also, Darcy will need a few minutes.

21 UNIDENTIFIED SPEAKER: Please don't use  
22 that as an excuse not to go out to Hana.

23 MODERATOR SENELLY: I understand.

24 Okay. Mr. Young, go ahead.

25 MR. YOUNG: Now I lost my thought.

1                   MODERATOR SENELLY:   Sorry.

2                   MR. YOUNG:   I want to talk about Makapipi  
3 going bone dry from 1990 up until they the their  
4 sugar cane; and then when they closed the sugar  
5 cane, they opened up Makapipi again.

6                   But for 27 years, Makapipi never flowed.  
7 Because in 1990, East Maui Irrigation took all the  
8 water from Makapipi.

9                   There's two big dams up there, one called  
10 Poke's ditch, and I don't know what that bottom dam  
11 was, but it stopped all the water, and everything  
12 went into the ditch system to Wailuku.

13                  And as for the Environmental Impact  
14 Statement, the government that's supposed to  
15 overlook the stream flows, there's -- Makapipi is a  
16 perennial stream, which means that the thing is  
17 supposed to flow all the time, but it wasn't. It  
18 was bone dry.

19                  And what happened is that all the springs  
20 in Hana all dried up down on the ocean and  
21 everything like that, and 90 percent of our fish has  
22 disappeared, because 90 percent of the seaweed has  
23 disappeared.

24                  And the fish live off of the seaweed, and  
25 also the baby fish, like the ocean, where the river

1 enters the ocean is known as an estuary. And  
2 estuaries are all nurseries for all your baby fishes  
3 and crabs and lobsters and everything like that, and  
4 they live off of zooplankton and cytoplantin. One's  
5 a vegetable, one's an animal, and these -- this is  
6 like milk, mother's milk to them.

7           And when a lobster gets a little bit  
8 bigger, then they will feed off the bottom, off of  
9 solid food. But when they're little, they just  
10 float in the water column, and they have to bump  
11 into the food, because they cannot swim up to the  
12 zooplankton and catch it. They have to just bump  
13 into it.

14           So when there's no fresh water going into  
15 the ocean, there's no food to bump into. So all our  
16 fish is gone. 90 percent of the fish in Hana has  
17 disappeared. 90 percent.

18           Now, as for the environmental or the part  
19 that's supposed to watch the environment, they've  
20 been doing a real poor job, because I can show  
21 you -- you can come into Hana Bay, and I can show  
22 you there's no seaweed anymore, no turtles, because  
23 no turtles are -- the turtles eat seaweed, and  
24 there's no turtles anymore. And there's no  
25 (Hawaiian), and that has all disappeared.

1           And I say don't give East Maui Irrigation  
2 or A & B that 30-year lease, yeah. Stop it.

3           Thank you.

4           MODERATOR SENELLY: Thank you, Mr. Young.

5           Okay. Bob Marta.

6           MR. MARTA: See if my voice holds out and  
7 if you can hear me.

8           Aloha everyone.

9           MODERATOR SENELLY: Aloha.

10          MR. MARTA: My name is Bob Marta. Born  
11 and raised in Hawaii. I'm a 57-year resident of  
12 Kuau and Paia and have spent 75 of my 88 years  
13 involved in some form of agriculture.

14          Because of my background, some of what I  
15 share may be complex, unconventional, new or even  
16 unique.

17          Alexander & Baldwin, Incorporated, once a  
18 very local company, is rapidly changing. Through a  
19 stock distribution, it gave its wholly owned Matson  
20 Navigation, now Hawaii's fourth largest corporation,  
21 to A & B stockholders on a share-for-share basis.  
22 It then merged its agricultural divisions into A & B  
23 properties.

24          According to Pacific Business News, it is  
25 considering a change in its corporate business

1 structure into that of a real estate investment  
2 trust by the spring.

3 With 77.1 percent of A & B stock now held  
4 by investment managers, it is obviously managed for  
5 their benefit.

6 It is noteworthy that investment managers  
7 now control 84.7 percent instead of 77.1 percent of  
8 Matson incorporated that was recently distributed by  
9 A & B to the stockholders.

10 This suggests that outside investment  
11 managers will increasingly control A & B and its  
12 Hawaiian assets.

13 This suggests a need for better  
14 understanding of A & B's future commitment to  
15 agriculture.

16 A & B has now requested a 30-year lease  
17 for a large amount of water. Much will take place  
18 in the next 30 years, and it's important that this  
19 water be available where most needed.

20 How fast can things move? Since closing  
21 HC&S, I understand that A & B has sold 339 acres of  
22 land in Paia, where the survey for its county water  
23 line was completed before the sale was announced.

24 Progress at this rate can accomplish much  
25 in 30 years, but is this development progress? Is

1 it safe? What is happening in agriculture,  
2 especially sustainable agriculture? Let's give this  
3 some thought.

4           If the numbers were run, I suspect that we  
5 do not have sufficient water to produce food for our  
6 current population of perhaps 1.4 million, to  
7 tourists and the military. I also suspect that  
8 agriculture is deliberately being held back by state  
9 officials to ensure water for development.

10           Someone needs to run the numbers on this.  
11 Obviously, we are short of facts.

12           We also need to know where we collectively  
13 stand on food sustainability, a growing subject of  
14 discussion.

15           Most machines work by using the sun's  
16 energy, whether derived from fossil fuels, plant  
17 products or solar panels. The same energy from the  
18 sun powers everything we do as individuals, only we  
19 get our energy from a fuel known as food. That is  
20 mostly produced through plants; and the progress in  
21 the process, we call agriculture.

22           Agriculture a land-based process is noted  
23 for the enormous amounts of water the process  
24 requires for each unit of food produced.

25           Presently, enormous amounts of sunlight

1 that could be used to produce food in East Maui is  
2 being wasted for lack of water. And even more  
3 sunlight in central Maui is being wasted for lack of  
4 agriculture. Is this smart planning?

5 Historically, the Hawaiians were able to  
6 grow enough food to sustain a million people, as  
7 they were hard working and industrious. It may be  
8 this population was not larger because of water  
9 limitations.

10 Remember, a sustainable population is  
11 limited by what can be produced in a dry year.

12 With the introduction of sugar cane, there  
13 was a practice to divert water from adjacent and  
14 distant areas, depriving users from their  
15 livelihood. Deprived from income, many farmers  
16 could not pay taxes and lost their lands.

17 Without farms, many were forced to work as  
18 laborers for shipping, sugar, pineapple and  
19 construction.

20 The upshot was we lost crops, farmers and  
21 farms.

22 With long-term lack of water and more  
23 recently riverside drift, our food sustainability  
24 dropped from 100 percent to today's 5 to 13 percent.

25 MODERATOR SENELLY: Excuse me, excuse me.

1 Mr. Marta, are you going to -- can you  
2 turn that in? Are you almost done?

3 MR. MARTA: I beg your pardon?

4 MODERATOR SENELLY: Are you done? Or do  
5 you want to turn it in?

6 UNIDENTIFIED SPEAKER: We want to hear it.

7 MR. MARTA: I'm almost done.

8 MODERATOR SENELLY: Because I also have --  
9 since you have it written, we also want to -- we can  
10 take it also.

11 (Simultaneous and unintelligible audience  
12 speakers.)

13 MODERATOR SENELLY: Go ahead. Do it.

14 We have one more East Maui person after  
15 this, and then I will address what you said.

16 MR. MARTA: Shipping to import food from  
17 over 2,000 ocean miles away, is this what we want  
18 and a risk we choose to take?

19 Before giving water for unidentified  
20 and/or unidentified uses, we need to identify how  
21 much agriculture we want, where it will be, who will  
22 do it, and how much water will be needed.

23 The State has not done this. It has yet  
24 to identify the problems or reasons why our  
25 sustainability has gone from a hundred percent to

1 the present unknown but unrealistically low figure.

2 Overall, the state has failed miserably to  
3 protect its agriculture and its people.

4 But this is not the subject of tonight's  
5 meeting. Tonight's subject is what are we going to  
6 do with our water.

7 If agriculture is a serious consideration,  
8 let's recognize that I've had 40 years of experience  
9 in the Paia nursery, with plant damage from  
10 chemicals from the air and County water. HC&S has  
11 gone away, but surprisingly, my problems haven't.

12 Based on experience, I can suggest that  
13 diversified agriculture as to Baldwin Avenue may  
14 also be in for some unexpected surprises. Will this  
15 affect plans or schedules? We will find out.

16 Finally, there was a question of a proper  
17 scope of an Environmental Impact Statement.

18 Will the EIS recognize the existence of  
19 people on Maui and the merits of converting  
20 nonwasted sunlight, falling on East and Central  
21 Maui, into food for their use and possible survival?  
22 If so, the entire process becomes more complex, as  
23 it should be.

24 I hope that some of this -- I hope that  
25 some of this material will be of use in formulating

1 the needs of the EIS and some of the things that it  
2 must consider and factor into a good solution.

3 Thank you very much.

4 MODERATOR SENELLY: Appreciate it. Thank  
5 you.

6 Okay. Kaleikoa Ka'eo.

7 MR. KA'EO: (Hawaiian introduction.)

8 Aloha. First of all, I'd like to just say  
9 exactly what has already been said, which is I find  
10 it strange that this isn't being heard, first of  
11 all, in Hana or Keanae, first of all. And that's a  
12 clear sign or a sign to the community that we're  
13 being set up.

14 So I don't know what the intentions were  
15 perhaps, but it's clear to us that the community  
16 wasn't looked at first.

17 So I want to start off by making clear,  
18 this I think has to be clear, is that this EIS needs  
19 to be careful in making sure it has the correct  
20 historical, political, economic and cultural history  
21 of Koolau and East Maui, not one that provides a  
22 settler, colonial mentality of justifying how we got  
23 here.

24 But let's be clear, because there's a lot  
25 of great historians out there. So the EIS has

1 always failed to do that, so I want to make sure  
2 that you get somebody that knows the history of this  
3 area, and that's up front at the very beginning,  
4 prior, prior to the taking and stealing of the water  
5 from East Maui.

6 So let's not start with when the water was  
7 taken. Let's start with how the water was managed  
8 for many, many years, and generations, let me just  
9 say.

10 You know, our people has been here for  
11 2,000 years, for many, many generations. So we're  
12 not Johnny-come-Latelies into this area.

13 However, when you look at this process,  
14 the fact that the EIS is looking on a 30-year lease  
15 extension, extension, these are extensions for the  
16 continued stealing of this water, that's the  
17 starting point, not the starting point says this  
18 water belongs to the people of East Maui. That's  
19 who it belongs to.

20 And if HC&S, A & B, EMI, whoever they are,  
21 want that water, they should bring their plans to  
22 the people and prove to the people. This process,  
23 it's backwards. it's backwards. We gotta defend  
24 ourselves to go prove that that's our water.

25 This is part of the confusion. That's why

1 for me, it's very important we start with that  
2 point. And that's why I'm wondering why hasn't it  
3 started at that point. I can go straight to the EMI  
4 administration and the State process, which wants to  
5 continue business as usual. But I'm here with many  
6 other Hawaiians, and we say no more. No more we  
7 allow this to occur.

8 So I want to make sure that we have a  
9 correct political, economic history that's at the  
10 forefront and that we have a true Hawaiian historian  
11 involved at the forefront.

12 Secondly, let's make sure -- we talk about  
13 this EIS, but it also does a terrible job in  
14 explaining -- not the potential impacts, but let's  
15 look at already what the impact has already been for  
16 over a hundred years. The degradation to the  
17 environment. Let's ask how much billions of water  
18 has been taken out of East Maui already? Billions.  
19 Every year, we talking billions that they take.  
20 Well, how much? What is the total?

21 What have been the effects of the  
22 (Hawaiian) already that have been killed off? We're  
23 not talking maybe might kill. We're talking already  
24 has been wiped out in many of those streams that  
25 used to run every day.

1           That's an environmental crime that has  
2 already occurred. For me, it was just a crime,  
3 before we talk about continuing crime.

4           Secondly, let's also look at its effects  
5 already. How much fish has already been lost? How  
6 much shellfish? What degradation has already  
7 happened to the fisheries that depend on their fresh  
8 water to go into that stream, to get the smaller  
9 fish, to get the bigger fish and the limu.

10           What has already been the destruction that  
11 people pretend as if -- see, people believe this is  
12 the normal state as is now.

13           This is not the normal. This is the  
14 abnormal. This is what happens when corporate  
15 mentalities comes in and rapes the land, destroys  
16 the land.

17           So let's make sure we tell the right  
18 story. Let's tell the true story.

19           And during the course, water has already  
20 had many impacts upon the community, the Hawaiian  
21 community already, who lost, lost food sources  
22 already, who has cultural practices already because  
23 associated with those streams, have already been  
24 harmed.

25           In other words, that has already been

1 done. Let's recognize the (Hawaiian) first. We  
2 cannot talk about what we gonna do if you don't  
3 recognize that.

4 So let's start with that and understand  
5 what are the crimes that have already been against  
6 the native Hawaiian people. Because these are  
7 crimes against humanity.

8 And that brings me to the third point. We  
9 should also be clear to understand what is going on  
10 between the (Hawaiian) and native Hawaiian  
11 community. We are no longer afraid to speak and say  
12 we demand our human rights as human rights, our  
13 humanistic rights as an occupied people by the  
14 military foreign power that continues to exist and  
15 allows these kinds of crimes against humanity to  
16 occur.

17 So I want to make sure in this report we  
18 also investigate all of those things. What are our  
19 rights as native Hawaiians internationally, our  
20 human rights, our humanistic rights?

21 You know, look at things like the UN  
22 resolution 1514, look at the Proxmire Act. These  
23 are all international covenants that are already  
24 there to protect the rights of not some human  
25 beings, but which human beings? All human beings.

1           And I therefore would say, you know,  
2           Hawaiians, we are human beings. And therefore, we  
3           deserve the right of a state agency that will make  
4           sure, even on international law, our rights are  
5           protected.

6           Number four, all I'm going to say is  
7           remember Maunakea. Maunakea is occurring today  
8           because of the failure of the EIS, the EA cultural  
9           impact, all those kinds of impacts that was ever  
10          done.

11          Even when the people came out in droves,  
12          testified against it, didn't matter. No. The State  
13          of Hawaii, the University of Hawaii went ahead  
14          anyway, anyway. And you saw what happened recently  
15          in the past few years. There's an uprising.

16          So part of this should also address what  
17          happens when you say yes, what happens when you say  
18          yes to A & B.

19          You guys should be prepared to know that  
20          you gotta deal with all these Hawaiians. You guys  
21          should understand, you guys should address that  
22          question, because you're going to have to deal with  
23          us in the courts and every Planning Commission  
24          meeting. Anything to do with the taking of our  
25          water, our people gonna be there.

1           And so these are some things even outside  
2 of the courts we gotta realize, because at some  
3 point, we as Hawaiians understand sometimes we need  
4 to stand, sometimes we need to defend.

5           And I believe that's something that the  
6 EIS should address by looking at examples, like  
7 Haleakala. It's really the same BS that's going on.

8           The rights of developers, settlers,  
9 colonizers, investors, land speculators, are treated  
10 as if they're some golden child that needs to be  
11 protected, and our concerns as the people of this  
12 land is thrown to the wayside, our commentary to the  
13 side.

14           See, I understand. I've been coming to  
15 this thing for many, many years, and I've seen a  
16 whole lot of meetings. But you might even have  
17 99 percent of the people testify against something.  
18 And what does the EIS say? Oh, let the project go  
19 through.

20           So the point I'm trying to say, we let  
21 fools come in here and participate, but we get  
22 asking, we get demanding, and we're here also to  
23 declare that we will do whatever is necessary for us  
24 to protect our resources to return the water back to  
25 the community where it starts.

1           If any water should be taken from the  
2 community, it's for the community to decide, first  
3 of all.

4           So I just want to say mahalo to you guys  
5 for coming and giving us the opportunity to share.

6           But at the same time, I would say this to  
7 everybody here: Our voices, whether one word or a  
8 thousand words, are all important.

9           Because it's for us, it's for us to decide  
10 for ourselves what is this for ourselves. It's not  
11 going to be the government, it's not going to be the  
12 Board of Land and Natural Resources, it's not going  
13 to be land speculators from outside, because in the  
14 end, it's going to be us.

15           So if the EIS doesn't listen to these  
16 voices, I blame the EIS for not listening to the  
17 voices of our people.

18           Mahalo.

19           MODERATOR SENELLY: Thank you.

20           Here's what I'm going to ask. Darcy needs  
21 a break. So for the rest of you who didn't give  
22 oral comments, for those of you who want to turn in  
23 written comments or e-mail your comments, that's  
24 okay.

25           May I ask by show of hands how many of you

1 still want to speak?

2 Okay. Here's the deal. It is -- and I'm  
3 sorry, Darcy -- it is 7:42.

4 We're going to have a five-minute break,  
5 and we're going to come back, and I'm going to ask  
6 you, all of you will who raised your hand, can you  
7 summarize as much as you can? You can also  
8 supplement it with written stuff. But let's try and  
9 be done by 8:30, okay? Can we do that?

10 (A brief recess was taken.)

11 MODERATOR SENELLY: I'm going to call your  
12 name in the order you signed up. And I'm going to  
13 ask you, I really want you to summarize. Okay?

14 I really want you to summarize when you  
15 speak. Understand that there's a lot of people who  
16 want to speak, and we want to be pau at 8:30,  
17 please.

18 All right. Christina Hemming.

19 MS. HEMMING: Hi. My name is Christina  
20 Hemming, and I actually live on Kuiaha stream.

21 It's been running lately here in Haiku,  
22 which has been great. But today I went down there,  
23 and it's pretty much all done. Everett Dowling's  
24 got a well up above.

25 Okay. So this is an EIS. We've got to

1 fit into their paradigm in order for it to count.

2 So the number one thing I want to be part  
3 of the EIS is the EIS has to be consistent with the  
4 development resource plan, which has some very  
5 stringent rules.

6 And some of those rules are -- well, first  
7 of all, the first rule it says is it only looks 20  
8 years out. And you know it says the rules are only  
9 for 20 years out.

10 So how can you ask for a lease for 30  
11 years when in the rules themselves, in 13.170 32, it  
12 says a 20-year vision. So the lease should only be  
13 considered for the rules that have the paradigm of  
14 20 years.

15 Second of all, who is the lease going to  
16 go to? Who -- can the lease be transferred if  
17 you -- if they agree to this and it goes through,  
18 will the lease be able to be transferred or  
19 subdivided to multiple entities. Number two.

20 The instream flow standards need to be --  
21 all the -- everything needs to go up, all the water  
22 needs to go into the stream, and then you ratchet it  
23 down to see how much is actually needed.

24 And this is where it gets kind of tricky  
25 for me, because I personally feel like East Maui

1 needs to be designated as a water management  
2 resource area, just like west Maui. Because  
3 technically, if it's not designated as a water  
4 resource management area, all the waters that's been  
5 flowing down to Central Maui, that's a crime.  
6 That's a crime against the water laws of the State  
7 of Hawaii. And no one has been discussing it.

8           If they want to take the water from  
9 anywhere on East Maui and take it down to central  
10 valley without a water management designation  
11 area -- which means they have to tell you all the  
12 wells. Everybody's got to get a permit for any well  
13 they drill. They have to tell how many wells there  
14 are. They've got to do a study on the quality of  
15 water, and all of that goes into can they release  
16 water out to another area of the island.

17           Otherwise, if it's not declared a water  
18 management area and the aquifers aren't protected,  
19 then this EIS application is illegal based on the  
20 Water Resource Commission rules.

21           You have to project the usage of water,  
22 you have to identify the sources of water, you have  
23 to have the existing uses of water all part of the  
24 EIS; you have to have the capacity, and it all has  
25 to be part of a 20-year analysis plan.

1           The last time I went to a water meeting  
2 was like in '99, '98, and it was on the Kaupo ditch  
3 system. And I remember when DLNR awarded the Kaupo  
4 ditch system to the Kaupo Ranch for \$600 a year, in  
5 quarterly payments of \$125 or \$150.

6           So the amount of money that the people are  
7 paying for the water and then leasing it back to the  
8 people is a crime. And that should also be  
9 addressed.

10           So the impact of the construction by EMI  
11 on the water quality should also be addressed in the  
12 EIS, please.

13           And you have to follow the state resource  
14 code. And the lease should not be able to be  
15 transferable, and that should be -- because, hey,  
16 guess what? Monsanto, you know, guess what, there's  
17 a ton of companies.

18           Do you know how privatized water has  
19 become in the United States? We don't want a  
20 Japanese bottling plant moving out there and taking  
21 all the water and then shipping it over to Japan or  
22 China or wherever else, where they are desperate for  
23 clean water. So that should also be part of the  
24 EIS.

25           Thank you so much.

1 MODERATOR SENELLY: Andrea Christian.

2 Okay. Andrea Christian went home.

3 Leslie Kuloloio.

4 MR. KULOLOIO: Aloha everybody.

5 (Hawaiian.)

6 We are all related to all the people all  
7 the way around the island, and the same water, I'm  
8 here to talk about what the EIS should not do.

9 The last time I see an EIS performed was  
10 by the United States Navy for the island of  
11 Kahoolawe. And when we went inside there, we  
12 thought that we had to bring all the people together  
13 to bring back what you call Kanaloa, is a sacred  
14 place, a sacred place.

15 And when the EIS was done, they did not  
16 clean up the island of the ordinance. This will not  
17 clean up, the (Hawaiian) of Alexander & Baldwin, who  
18 is the Roman empire.

19 The Roman empire is the guys that came  
20 here from the pilgrims, called Americans, came over  
21 here and put their feet down at the Sea of Kulolia,  
22 which now they are calling Honolulu Harbor.

23 And guess what? We just had a settlement  
24 agreement of Alexander & Baldwin go out and make the  
25 molasses, who gave it to Matson, who is on EIS, who

1 is a subsidiary of water, like EMI, done by  
2 consulting companies.

3 I'm going to respect Okamoto.

4 And guess what, they killed all the fishes  
5 in Honolulu Harbor by the sugar cane plantation  
6 molasses.

7 Let's think big now, let's think big.

8 So did Lahaina Pioneer Inn. So did  
9 Wailuku Sugar. All of the missionary families from  
10 Connecticut, and Pennsylvania, Rhode Island.

11 You know what Aloha Tower is? Just like  
12 the Statute of Liberty: Come, come, come  
13 immigrants, come into my land on the Sea of Kulolia,  
14 now called Honolulu Harbor.

15 Who fought the war for the Pauwela  
16 Lighthouse? Yours truly. And guess what the first  
17 used to run. The EMI, EMI is part of the  
18 Spreckelsville Beach that haole bought from Waiehu,  
19 the grant, the grant, 3343, all the way to Pauwela.  
20 That's the railroad. That's the fight land.

21 So let's talk bigger than that. It is the  
22 ending of A & B, on the plantation product of many  
23 generations. But A & B pau. Go home, go home. You  
24 folks had the aina for a long time. Give back the  
25 water.

1           And water should be free for the homeless  
2 family in Kahului. The Hawaiians who are homeless,  
3 they're all on Alamaha Street, down the harbor,  
4 they're all over the place. We're all related.  
5 We're all ohana, we all ohana.

6           You know what freedom of religion is?  
7 Then you'd better know so that your culture impact  
8 will affect what you should address.

9           Why don't you have -- you folks have a  
10 cultural person tonight, sir?

11           Well, you'd better. You said you don't  
12 have the experience. If you don't have the  
13 experience, you don't deserve to be here tonight.

14           MODERATOR SENELLY: There will be a  
15 cultural expert. We haven't --

16           MS. KULOLOIO: There better be one that  
17 you folks don't pay them off. Okay.

18           MODERATOR SENELLY: Okay.

19           MR. KULOLOIO: And so all I'm saying is  
20 that native rights gotta be protected. We had  
21 enough. We had enough.

22           Our ditches -- I want the Kuiaha ditch to  
23 run again. That was the first one they took over to  
24 run the cannery, the pineapple industries. Are you  
25 listening?

1           And Pauela ditch came all the way down to  
2 the lighthouse. Look at the maps. Show me the  
3 maps.

4           You know what you don't have? You don't  
5 have the map of Maui. All our families are  
6 affected. No treat us kanakas (Hawaiian). We food  
7 of abundance, we navigators.

8           Make sure you're listening. Put it down  
9 in your notes.

10          We navigators, we farmers, we gatherers,  
11 like all you said, and we protectors, and we are  
12 really just people.

13          That observatory on top there need to come  
14 down, in Haleakala. You know why? It get Inouye's  
15 name on top there.

16          You folks listening?

17          And one mayor said the rocks are not  
18 sacred. What? Then the water is not sacred. In  
19 the name of the Father, Son, I baptize you in the  
20 name of the Father, Son and Holy Ghost.

21          So let's do a cultural impact. Let's talk  
22 Hawaiian religion. Have Hawaiian religion here,  
23 it's about time. And the fishermen are Hawaiian  
24 religion, yeah. They treated us like the teepees.  
25 They took away all our abundant places. Everybody

1 say: (Hawaiian.)

2 That's the gill of the fish that travel.  
3 We are related to the fishes of the world. The fish  
4 go around the world. We don't stay in swimming  
5 pools, we don't stay in those aquariums. Our family  
6 go around the world. Okay?

7 And guess what, say: (Hawaiian.)

8 We seek knowledge from the gills of the  
9 fish. That's who we are, (Hawaiian).

10 And the ocean is part of us. We  
11 navigators, we gatherers, we know what is the reefs.  
12 We don't need one haole tell us guys how to protect  
13 the reef.

14 But you know what, thank you folks for  
15 listening. I'm kind of P-ed off. You know why?  
16 This process is one insult.

17 Thanks. Mahalo.

18 MODERATOR SENELLY: Sean Lester.

19 MR. LESTER: Aloha. My name is Sean  
20 Lester. And I do have a little to read.

21 I live in an area directly affected by the  
22 EMI's water system and the water request being made  
23 before this body of A & B, because this actually is  
24 by A & B.

25 The accountability for water resources has

1 been at the core of all water disputes and requests  
2 before this commission and the State of Hawaii since  
3 the formation of the State constitution. The  
4 requests before you today is no different in this  
5 regard.

6           Several years ago, HC&S was receiving over  
7 90 billion gallons of water while paying less than  
8 \$150,000 a year for the resource. They were, as A &  
9 B is now, requesting a 30-year lease.

10           I applaud the wisdom of this commission,  
11 because a few years later, the direction of HC&S  
12 Corporation changed dramatically when it was  
13 liquidated.

14           Forward-looking local residents questioned  
15 this commission as to the validity of the 30-year  
16 lease request back then, and the commission kept the  
17 annual lease structure.

18           Forward-looking citizens are once again  
19 questioning the validity of a 30-year lease here  
20 before you today.

21           Any corporation can be merged or  
22 liquidated, even the corporation who is now before  
23 you asking for a 30-year lease. How prudent is it  
24 to give such a long-term lease to a corporation that  
25 may not be structured as the same company in a few

1 years, much less 30 years.

2 Maui gave tremendous support for many  
3 decades to HC&S as a large local employer and  
4 supporter of our local economy. Yet with the final  
5 decision in the A & B boardroom, these jobs in the  
6 HC&S Corporation itself were extinguished. We, as  
7 citizens, need a place besides a boardroom where our  
8 future is decided.

9 It is in places like this commission where  
10 we, the people, can ask for assurance that  
11 thoughtful and balanced approaches to land and the  
12 water use will be employed.

13 As in this case, this is the legacy that  
14 can balance the corporate model with short-term  
15 profit and factor long-term local needs into the  
16 equation.

17 Whether people liked it or not, HC&S did  
18 try to keep this land in agriculture. We could  
19 count on the acreage farm to be consistent, as was  
20 their water request. It was on this basis that this  
21 commission allowed HC&S to keep using these water  
22 contracts year after year.

23 So the question is: Do we acquiesce and  
24 give A & B a new long-term water subsidy to the tune  
25 of 41 billion gallons of water rights a year for

1 hypothetical crops and unknown uses?

2           You must ask: Is the water use efficiency  
3 of their hypothetical diversified agriculture, or  
4 what is it? Are they going to sell even more land  
5 designated as agriculture, as they did the 339 acres  
6 in Paia, to a mainland business, with no local  
7 review or thoughts as to the impact of the local  
8 water needs?

9           When A & B sells agricultural land, do  
10 they sell the rights to the water -- that they're  
11 asking you for now -- with the land sale? Did they  
12 bank it as a commodity? What are their use plans  
13 that are shown in this water efficiency and their  
14 support of local food sufficiency needs?

15           So many unanswered questions. Why?  
16 Because, frankly, if you take the time to ask them,  
17 they don't know.

18           The parent company of HC&S needs about  
19 150 million gallons a day for diversified ag use.  
20 This request is based on, at best, a speculative  
21 projection with no basis in real fact.

22           Actually, what they're asking for is  
23 simply a request to get water rights, justified by  
24 the fact that they're a large land owner, hoping you  
25 will trust them to have the foresight to know how to

1 utilize the water correctly as they did when they  
2 were a 140-year-plus monocrop agribusiness. This  
3 logic no longer applies as it's an entirely new  
4 ballgame.

5 The logical game plan is what you have  
6 here on the table before you.

7 As you probably are aware, the continually  
8 shifting landscape of A & B's map and its parcels,  
9 and which are listed as ag, were sold, is far too  
10 tenuous to substantiate a blanket long-term water  
11 lease. So many questions are obscured and hidden  
12 behind A & B's corporate structure.

13 I'll skip on.

14 A bit of an overview here. A & B is a  
15 huge local land owner owned by out-of-state  
16 entities.

17 A & B's major shareholders own  
18 81.65 percent of the stock. We're talking from the  
19 mainland and from Europe, according to the  
20 Morningstar investment website.

21 I will place the list of these investors  
22 in my written testimony.

23 But you hear the names of these people  
24 that we know as A & B, you see T. Rowe Price,  
25 Vanguard, Touchstone Capital. What stands out here

1 is there's not a single Hawaii-based institution or  
2 fund listed as an A & B major stockholder. Not one  
3 here.

4           This is an out-of-state corporation.  
5 Understand that. Please take the time to look at  
6 each of these major investors as I have.

7           These companies have one purpose: To  
8 ensure the largest possible return on a diversified  
9 portfolio of investments.

10           So let's be real when we talk about this  
11 lease request. It isn't about keeping diversified  
12 agriculture. A & B does not have the same need we  
13 do for this resource to be wisely allocated.

14           We also, we who live here, are looking at  
15 a multigenerational survival. A & B's major  
16 shareholders are looking at a quarterly report that  
17 steers decisions on how many shares to buy and sell.  
18 We must weigh this part of the equation when making  
19 decisions of this magnitude.

20           This company has two potential avenues of  
21 land use here on Maui. One is to sell and build out  
22 as much of this land as possible to keep their  
23 stratospheric 180 rating -- and if you look that up  
24 on online, they're higher than Microsoft was when  
25 they were at their zenith.

1           The land banked for many years in future  
2 real estate sales. This would include leases or  
3 sales to a few large agri businesses and a thin  
4 covering of local farmers, et cetera, to placate, as  
5 they have for well over a hundred years placated by  
6 handing out a few dollars here and a few dollars  
7 there. Those days are over, those days are over.

8           The second possibility is to work with a  
9 very different model. Become partners with the  
10 County of Maui and other private or nonprofit  
11 organizations to move to a truly long-term  
12 profitable, sustainable, agricultural model that  
13 will ultimately be profitable in more than just the  
14 normal short-term corporate structure.

15           This would lead to the wise use of water  
16 resources and engage community support of a future  
17 with long-term, locally aligned values and goals.

18           Please understand that the areas where  
19 this water is taken from on the East Side, Nahiku,  
20 Keanae, Huelo, have paid the price over the years  
21 for HC&S's use of this resource. An entire way of  
22 life was disrupted and destroyed, remaining so to  
23 this day.

24           So in my opinion, there is no right to  
25 this water by A & B as a corporation. They were

1 paid by many generations of local Hawaiian and other  
2 communities for every dollar of profit they have  
3 received, at extraordinarily heavy and profound  
4 costs to these communities.

5           There is nothing owed to this company  
6 regarding water rights.

7           At the same time, everything is owed to  
8 these West-side communities. We must reinstate  
9 their water rights ahead of any ruling on A & B's  
10 request. This could be done immediately on request.

11           To put things in perspective, in order to  
12 receive ag-rate water as a small farmer here on  
13 Maui, we have to show on an annual basis of the  
14 stable farm plan, implement this plan, and be  
15 inspected to ensure it's being applied directly  
16 every single year. We had a plan inspection done  
17 annually to show that it was indeed an agricultural  
18 property.

19           A & B is primarily a real estate and  
20 transportation company when sugar was taken out of  
21 the equation. They're entering an entirely new area  
22 of land use. Why should they not be held at least  
23 to the same level of accountability as other ag here  
24 on Maui?

25           And if you look at Keanae or Nahiku, there

1 simply isn't any water, as you have -- as the  
2 commission has held up the disbursement of even  
3 small amounts of water that was fought for so hard  
4 by locals before the State.

5 We cannot afford the old-style  
6 dog-and-pony show that allows entities like A & B to  
7 demand such water rights or play the game where  
8 they're the only guy at the table with the \$10,000  
9 chip.

10 Those previous models simply can't be used  
11 anymore. Hopefully, experience will be the guide to  
12 a new paradigm of water and land use in Hawaii.

13 Today it's even more pressing that we have  
14 a real ag water utilization plan, one that is truly  
15 proven with substantive penalties if not met and a  
16 real review on an annual basis for water use.

17 This is one of the agencies that can  
18 assure Maui of water use and land utilization that's  
19 a cornerstone for these precious lands.

20 And we can't have a FONSI here where it's  
21 like there's no impact.

22 Anyway, that's mine. Thank you, folks.

23 MODERATOR SENELLY: Charlotte O'Brien.

24 MS. O'BRIEN: I would like the EIS to  
25 include an assessment of the importance of the --

1 I'd like the EIS to assess the fragility  
2 of the food security of all of the Hawaiian islands  
3 due to the imminent threat of climate change and the  
4 potential for -- for the potential of international  
5 and even national political instability. This is a  
6 state security issue, not that I'm not sympathetic  
7 to all of the other issues, but this is a state  
8 security, food security issue.

9 I think that for our law enforcement  
10 people -- I'm sorry, for our lawmakers to make and  
11 form the decisions, this EIS should assess the  
12 potential of the development of what A & B has  
13 called their important agricultural lands,  
14 27,000 acres, the importance of that to the food  
15 security of all of the Hawaiian islands, in the same  
16 way that the bread basket of the Midwest helps small  
17 farmers in the south, in the east, in the west.

18 To supplement their pasture animals, the  
19 pigs of the Big Island are importing grain at the  
20 cost of \$8.80 a bushel for soybeans. That's just  
21 the shipping cost. \$8.21 a bushel just for corn. I  
22 called Matson myself.

23 Now there's no way that you can be a small  
24 pig farmer on the Big Island and pay those as the  
25 prices in addition to what you're paying for the

1 grain.

2           So this is a food security issue for all  
3 of the Hawaiian islands, and I think that needs to  
4 be assessed in this EIS, because it needs to be  
5 assessed whether or not it should become a public  
6 trust.

7           And I'm not saying that we need to take  
8 the land from A & B. I think we can pay them what  
9 they carry for the asset on their books. Whatever  
10 their historical asset value of that land is on  
11 their books, the State could pay them for that so  
12 they're not out anything.

13           And the EMI, if the State runs it, A & B  
14 can lease water just like anybody else according to  
15 need and according to value to the citizens of the  
16 State of Hawaii.

17           And I'll write more in my written  
18 statement.

19           MODERATOR SENELLY: Thank you, Charlotte.

20           Okay. Nik Hilawanda.

21           MR. HILAWANDA: I'm sorry. I know it's  
22 getting late, so I have just a couple little points.

23           MODERATOR SENELLY: You can also turn it  
24 in.

25           MR. HILAWANDA: Not these things.

1           First of all, I wanted to refute the fake  
2 news -- we all know what that is now -- on the front  
3 page of the finest daily paper here on Maui, which  
4 said that yesterday at the meeting at MECO -- and  
5 it's interesting to have a meeting at MECO but not  
6 in Hana or Keanae -- that without the lease -- and,  
7 of course, a former County councilmember said this,  
8 and it was quoted in the paper -- without the lease,  
9 upcountry would have no water.

10           Okay. Let's get rid of that fake news  
11 right away.

12           Next, the lease, A & B is going to donate  
13 the ditch system, and I had to the County. But  
14 thinking about it here, I changed that to some kind  
15 of publicly controlled trust. They could donate the  
16 delivery system to us, the people, because they've  
17 already made -- as has been said already by many  
18 people, they've already made millions and millions  
19 of dollars.

20           My employees know that ditch system to be  
21 hired by this public entity to run the ditch system.

22           I also want to say, before I go on, I  
23 wanted to incorporate in my testimony the brilliant  
24 testimony of people before me. It just got me.

25 People have been here for generations.

1 I bought my property 20 years ago.  
2 Mokupapa Stream is totally bone dry. 20 feet west  
3 of my property, it blocks all the water.

4 On December 31st, that big storm,  
5 5 feet, it almost was over me, running through my  
6 streams, wiping out all the vegetation, all the  
7 trees and a hundred foot across in that streambed,  
8 running like the Wailuku River.

9 I've been there 20 years, I've never seen  
10 that. It was incredible. That's how some of these  
11 streams used to be. Those who have been here for  
12 generations know that.

13 Somebody had earlier mentioned that the  
14 Maui Police Department was here and said they'd  
15 never seen that. Everybody said no, no, no.

16 About 10 or 15 years ago, maybe 10 years  
17 ago, 12 years ago, there was a meeting right here in  
18 this very room, and there was just as many police  
19 here. Now who asked them to come and why is it a  
20 coincidence that it's another water meeting?

21 UNIDENTIFIED SPEAKER: EIS, EIS.

22 MR. HILAWANDA: I do want to thank you for  
23 saying "EIS, EIS," because what I really liked about  
24 this meeting, you guys who know only a little bit  
25 and you've been educated by the people, did you

1 notice we weren't held to a three-minute testimony?

2 MODERATOR SENELLY: Actually, people came  
3 up to me, and they wanted -- we don't do that.

4 MR. HILAWANDA: Okay. So I want to thank  
5 you for that, because the passion of some of the  
6 people here, you can't cover that in three minutes,  
7 like when the County Council or whatever meeting  
8 says, we're going to give you three minutes. It was  
9 incredible.

10 You know, it's funny, I'm up here for  
11 about five minutes to seven minutes, and other  
12 people go -- and I know it's the end of the day, and  
13 half the people left, and it's fine. That's why I  
14 cut this down to just a couple of points. I hope I  
15 don't miss them.

16 So by the way, A & B is not going to get  
17 the 30-year lease. They're not even going to get --  
18 hopefully, a one-year lease, but they're not going  
19 to get the 30-year lease because of what's happened  
20 in this room today.

21 And it's not stopping here. It's been  
22 going on for generations, you guys know. So the  
23 EIS -- but we have to stay on top of that.

24 And just as a side mention, I want to talk  
25 about development. There's about a half a dozen

1 developments right here around Haiku already, just  
2 popping up, that we don't even know about, right  
3 here around the Haiku Community Center here. So  
4 it's going to keep on happening, keep on happening,  
5 keep on happening. People have mentioned some of  
6 the other ones.

7           And I think that's about the things that I  
8 wanted to add that I didn't hear people talking  
9 about.

10           But again, now put in your EIS that A & B  
11 does not deserve it. The people should have the  
12 water and the people that live on the East side of  
13 Maui. And there's plenty of water. For the people  
14 that need the water upcountry, somewhere else, can  
15 then ask the community of East Maui, hey, could we  
16 have some of your water, not the other way around.

17           Thank you, Berna. You run a brilliant  
18 meeting.

19           MODERATOR SENELLY: Lucienne.

20           And here's what I'm going to do after  
21 Lucienne speaks. It's almost 8:30. Several of you  
22 raised your hands. Here's what I'm going to do.  
23 I'm going to ask you to, after she's done, just say  
24 a little bit and put something in writing. Okay?  
25 Because I promised 8:30.

1 MS. DE NAIE: Mahalo. My name is Lucienne  
2 de Naie. I've lived in Huelo for 30 years. Me and  
3 my neighbors are the ones that kind of started this  
4 process, along with the folks in Nahiku and Keanae  
5 and Wailuanui, and we've been waiting for more than  
6 20 years for this EIS. So I'm going to speak to  
7 what I think should be in the EIS exclusively.

8 MODERATOR SENELLY: Thank you.

9 MS. DE NAIE: First of all, this is not  
10 about taro farmers and rural residents versus  
11 upcountry farmers and residents.

12 So the EIS should be very clear that there  
13 may be alternate ways for folks upcountry to get the  
14 water they need.

15 And we all support the ranchers and  
16 farmers having water, the ag parks, the Department  
17 of Hawaiian Homelands, and even folks that want to  
18 farm in Central Maui. The thing is how. And this  
19 EIS needs to look at real alternatives of how.

20 We need to see if there should be crops  
21 that would use less water. We need to see if  
22 improving our soil would mean that all crops need  
23 less water. We need to take a hard look at the  
24 stuff that would affect how much water we use.

25 We need to look not at the status quo, as

1 many people have said, but the existing conditions  
2 and impacts, and there are many.

3           And we need to address the impacts of our  
4 overgrown streams. We see this in Huelo. Just  
5 letting the water out is not going to solve the  
6 problem. Someone needs to take care of those  
7 streams.

8           The EIS also needs to have better maps.  
9 The maps, you know, they don't meet the standards  
10 that you're going to need to have information.

11           First of all, there are not 39 streams.  
12 The decision and order of the hearings officer has  
13 named 43 streams in the lease area. And there are  
14 more if you count the tributaries. But these main  
15 43, I suggest you look at his decision and order.  
16 It's being used by everybody.

17           There are not five streams being proposed  
18 to be restored. There are eight streams, and they  
19 are by name. And I'm not going to take time to name  
20 them, but if I turn in written stuff, you'll get  
21 their names.

22           The EIS needs to look at alternative  
23 management plans, like several other people have  
24 said, and look at the economic side of it. So what  
25 else could be done. Could we have these smaller

1 leased areas? Could we have partnerships in leasing  
2 the land? Does it just have to be the one, you  
3 know, big banana there, A & B? You really need to  
4 take a look at that. The three alternatives are not  
5 enough.

6 The EIS needs to look at alternatives for  
7 managing the watershed lands.

8 Let me tell you, boys and girls, we're not  
9 going to keep having water unless we take care of  
10 the lands. It's like in 30 years, I've seen them go  
11 so downhill. They're not going to produce the same  
12 amount of water. So we'll be fighting over less and  
13 less.

14 We need to grow water and grow our care.  
15 And that needs to be examined in the EIS, what the  
16 strategies for that would be, how much it would  
17 cost, because it's part of awarding any leases, the  
18 kuleana part.

19 The EIS needs to have specific  
20 stream-by-stream information, both historic use and  
21 proposed diversion. We have no idea what's being  
22 taken out of these streams. That needs to be in the  
23 EIS.

24 There also needs to be specific info on  
25 how much water is derived from the streams that are

1 outside the lease area. And those, you know, we can  
2 list those, too, but there's dozens of streams that  
3 are not in the lease area that all go to A & B right  
4 now and are part of their, you know, potential water  
5 source. But we don't know how much that is. So  
6 they're asking for 115 billion on top of all those?  
7 That's just like double dipping.

8 I'm getting to the end.

9 The last thing we really need to look at  
10 is the upcountry water system the county has. This  
11 water system is being very inaccurately portrayed in  
12 the draft prep notice.

13 First of all, there's no map that shows  
14 that the County's two-pipe system was supplied.  
15 Half the water, they use in the upcountry system.  
16 So all the farmers and ranchers that want water, the  
17 Hawaiian homeowners, that's the water that's sent to  
18 them.

19 The Kula pipeline, the lower one and the  
20 upper one, they are not on your maps. They do not  
21 go in the lease area. They go to streams, they go  
22 to five streams, four streams in East Maui. They do  
23 not go in the lease area.

24 So half the County's water is not even  
25 affected by this lease. The EIS should make that

1 very clear, and it should analyze what the wells of  
2 the County produce. They're barely using their  
3 wells. Half a million gallons a day for that  
4 Dowling well. I read the well reports.

5 I don't see any information like that, you  
6 know, even proposed to be discussed. It should be  
7 in there, and I will write some comments.

8 And I'm going to conclude by saying that  
9 if you put all this information together correctly,  
10 you will understand what really needs to be taken  
11 from East Maui streams, and that number is going to  
12 drop a lot lower, and then we can talk about how  
13 long the lease should be.

14 But 30 years, I think should -- there  
15 should be alternatives, like fish and wildlife and  
16 others that have suggested. 30 years is not the  
17 only number that should be discussed.

18 And public access to the lands needs to be  
19 discussed, too, as has been brought up by many  
20 others.

21 Thank you.

22 MODERATOR SENELLY: Thank you, Lucienne.

23 I'm going to have Father to come up and  
24 say a closing prayer.

25 Who wants to speak and say something very

1 short? Okay. Let's do it fast.

2 Who wants to speak? Can you come over  
3 here? Please be quick.

4 MR. BALDWIN: So my name is Dwight  
5 Baldwin.

6 I want to start with asking that -- you  
7 guys, thanks for having this meeting.

8 I would like to request EIS to have a  
9 thorough analysis to watershed conditions, with the  
10 current conditions right now with A & B, the past  
11 conditions with diversions running, and future  
12 projected conditions, even multiple scenarios.

13 I want to look at the impacts on the East  
14 Maui groundwater, including spring formation and  
15 tributary streams, and if possible, get your  
16 engineers to calibrate the model of the past and  
17 future -- I mean calibrate it to the past events and  
18 just estimate a model of the groundwater flow and  
19 stream conditions with scientific accuracy.

20 Because I think this is a good opportunity  
21 to understand more about what is going on in East  
22 Maui in the past and in the future, because there  
23 aren't accurate gauges and, you know, it would be  
24 good to have reliable, open access to information,  
25 and I think this could be a good stepping point for

1 that.

2 Thank you very much. That's all I need to  
3 say.

4 MODERATOR SENELLY: Thank you.

5 You're going to come up so that everybody  
6 can see you. And if you can say your name.

7 MR. LIU: My name is Elden Liu, and I'm  
8 here tonight concerning this water issue here.

9 But I'm here to just say my ancestor was  
10 an ali'i. His name was Hikio. He was given  
11 Kaupakalua and he was given East Kaupakalua, which  
12 is Jaws, and he was also given a place in West  
13 Makaiwa that has all the A & B lanes coming down  
14 with the water. The water comes out of the  
15 Kaupakalua.

16 And so I'm just here to say I've spoken to  
17 A & B, and I've spoken to their attorney at the same  
18 time too, a representative, Mr. Helia, who manages  
19 the EMI system. We had a very pleasant  
20 conversation. I wanted to let him know that I did  
21 have interest.

22 And I'm the sixth generation from Hikio,  
23 who was the original. He was an alii.

24 And so I would like to be consulted with  
25 on some of these decisions that are going to be

1 made. After all, the royal patent cannot be sold;  
2 and if A & B is selling that, they're in big --  
3 hang onto this, please. I want to read real quickly  
4 what the law, the federal law says about this.

5 "A warranty deed cannot stand  
6 against a land patent in Hawaii, or a  
7 royal patent. A grant of land, made  
8 patent, is public law standing on the  
9 statute books of the state or nation.  
10 It is notice to everybody subsequent  
11 purchaser under any conflicting sales  
12 made." "Wineman versus Gastrell."

13 "The land patent is permanent and  
14 cannot be changed by the government  
15 after its issuance. Where the United  
16 States has parted with title by a  
17 patent legally issued and upon surveys  
18 made by itself and approved by the  
19 proper department, the title so  
20 granted cannot be impaired by any  
21 subsequent survey made by the  
22 government for its own purposes."

23 "Cage versus Danks."

24 I would like to be considered to sit in meetings  
25 discussing things that are happening on my family's royal

1 patent.

2 MODERATOR SENELLY: Thank you.

3 For the rest of you, can we make it short,  
4 please?

5 MR. HALLER: Aloha. My name is Alex  
6 Haller. I'm born and raised in Haiku. I've lived  
7 on East Kuiaha Road my whole life. And I live one  
8 property below the EMI diversion, so I know what  
9 it's like.

10 No lips. So when there's not a lot of  
11 rain and the water is coming down the stream,  
12 there's a 6-inch lip on a lot of these diversions.

13 So there shouldn't be any minimum criteria  
14 of overflow to go down, you know, to makai.

15 So all of the lips on every single  
16 diversion should be redone. And also the grates.  
17 Someone mentioned the grates earlier. The grates  
18 are no good as well.

19 If there's a hundred -- you know, so  
20 around 100 streams, and there's four main levels of,  
21 you know, the system that runs east to west, that's,  
22 you know, a potential 400 diversions.

23 So we should see it on a huge map from  
24 Maui, each diversion. Yeah, it's going to be 400  
25 pictures with, you know, an engineer to redo it, you

1 know, in six months.

2 And the second point is there are Land  
3 Commission awards and po'alima lots. That's just as  
4 important as the EIS. And that's what Mr. Liu just  
5 mentioned with the royal patents.

6 And I'm one of the defendants in the  
7 Naweiwa, and that's actually -- we're waiting for  
8 the results.

9 So that's extremely important, the land  
10 commission awards.

11 MODERATOR SENELLY: Thank you.

12 MS. REILLY: My name is Rose Reilly,  
13 and --

14 MODERATOR SENELLY: Okay. Can I ask you,  
15 if you have something written, will you please  
16 consider turning it in as opposed to speaking? Just  
17 a thought, please.

18 Go ahead.

19 MS. REILLY: I would just like to say that  
20 I see that the streams reaching the ocean with all  
21 of the fish that are produced as fundamentally  
22 important to the survival of the people, and that  
23 for as far as Hawaiians are concerned and as far as  
24 everyone's concerned, we are here in Hawaii because  
25 of Hawaiians. The way that they made this place is

1 what has made it so special and that everybody wants  
2 to be here because of it. And that they're here,  
3 they all are, with their lands and their water  
4 management, and like the system is set up to manage  
5 this.

6 The environmental impact is in their  
7 history, and they know the whole thing, and they're  
8 the ones that should be saying like, you know,  
9 restore the forests. Like that's all these  
10 different levels of having -- you have the  
11 groundwater, the middle, the upper. You know, like  
12 the animals.

13 This system that is being imposed, this  
14 colonial system is killing all of us. Please do not  
15 be a part of that.

16 MODERATOR SENELLY: Did you state your  
17 name?

18 MS. REILLY: Yes. My name is Rose Reilly.

19 MODERATOR SENELLY: Thank you, Rose.

20 Okay. Say your name.

21 MS. COSTA: Joclyn Costa.

22 First of all, I would like to address the  
23 purpose of the EISPN. The purpose of the EIS  
24 process is to disclose to government agencies, the  
25 general public, stakeholders and decision-makers the

1 anticipated impacts.

2 I'd like the impacts to be started from  
3 the inception. I would like that to be included.  
4 I'd like to know the timetable and dates to  
5 determine these anticipations. I'd like to know why  
6 the kuleanas were omitted from this process. It's  
7 not in this process. And I would like to know what  
8 will happen if they're -- when they discover all of  
9 the irreparable harms that has already been done.

10 I think it would be too incomplete if you  
11 started with anticipated impacts.

12 Within the impacts, will you be studying  
13 the soil, surface water, cultural resources, and  
14 coastal waters measured from inception?

15 Will the data include significant  
16 knowing -- not of outside book knowledge -- to make  
17 a determination? Everyone knows who writes the book  
18 tells the story; and we have living generations that  
19 are of knowing, that have survived the direct  
20 historical impacts. Please include them.

21 As far as page 1-1, the description,  
22 description of the purpose, "Background:" Since  
23 1878, A & B or its predecessors and EMI have held  
24 various -- blah, blah, blah -- permits. And use of  
25 water from the State lands, please correct them. It

1 should reflect that the lease came from the Kingdom  
2 of Hawaii. There was no such thing as State land in  
3 1878.

4           Also I want to propose, in accordance to  
5 1.2 "Approval," meaning the direction of consent,  
6 include the consultation of the representatives for  
7 all affected areas that will not only provide but  
8 receive water included in this EIS. We should be  
9 part of the consultation board. We shouldn't be on  
10 the outside, speaking into the EIS. We are part of  
11 DLNR.

12           So I think it would assist in your scoping  
13 if you were to have each representative be a part of  
14 this process.

15           And on 1.3, "Proposed Action." And so I  
16 just briefly went over this, but I'm going to be  
17 doing more extensive written.

18           Okay. A correction and/or addition to the  
19 fourth sentence of your 1.3.

20                   "Purpose of developing, diverting  
21 and transporting the use of  
22 government-owned waters."

23                   It should read "kuleana waters"  
24 only.

25           MODERATOR SENELLY: Thank you.

1           Again summarize as much as you can.

2           MS. CHASE: I'm not summarizing. I'm  
3 reading it. And I've been here a long time, and  
4 I've traveled for two years to cover this issue, and  
5 I will speak directly to the EIS.

6           Just because I'm making a presentation  
7 doesn't mean I condone this process.

8           Faith Chase. No pun intended.

9           MODERATOR SENELLY: Did you say your name?  
10 I'm sorry.

11          MS. CHASE: Faith Chase. No pun intended.

12          I don't condone this process, but I'm  
13 going to give my testimony because I've showed up to  
14 make sure that everybody knows that in this process,  
15 DLNR, Department of Water, the Senate, the House of  
16 Representatives, that I'm watching.

17          I would like the EIS to examine the  
18 contract language of the original sale of the Nahiku  
19 and Keanae property that was once bought by Kaupo  
20 Ranch -- it's searchable and findable -- at the turn  
21 of the century. I haven't seen it, but I'm  
22 wondering if there's any language in there that  
23 might be salvaged.

24          I would like the EIS to review the  
25 repeated letters and news in the Maui News from the

1 beginning -- the beginning of time, mentioning and  
2 reporting the numerous repeated pleading to HC&S and  
3 A & B to consider sustainable ag and consider that  
4 they haven't considered.

5 I would like the EIS to include a review  
6 of all the meeting minutes that were held at Keanae  
7 School from the start to the end. I would like --  
8 from the Maui County Council, to be specific.

9 I would like the EIS to include the  
10 minutes of all Water Resource Committee, Maui County  
11 again, where Hana, Keanae, Nahiku, Waialua and  
12 Kailua are on the agenda.

13 I would like the EIS to include the  
14 reporting of the 2016 seed worm breakout group  
15 discussions and their findings, which I was at but  
16 I've never seen, and I was told I'd get it e-mailed.

17 I would like you to also include the  
18 recent 2017, though limited, seed worm, and though  
19 about DHHL, there was a lot of language about this  
20 and our sacred rocks at Iao. I want that included.

21 I would like the EIS to include the review  
22 of all testimony of the Hawaii State Legislature  
23 2016 Senate bill 3001 that didn't pass and the  
24 resulting House bill HB2501, or better known as the  
25 "water theft bill."

1 I would like the EIS to include the  
2 numerous petitioners, the number of petitioners, and  
3 all the comments in the Sierra Club petition  
4 relating to HB2501.

5 I would like the EIS to also include the  
6 number of petitioners and all the comments in the  
7 petition to the governor to veto HB2501.

8 Lastly, how have these areas been  
9 affected.

10 I want a socio-cultural consideration to  
11 be made.

12 Thank you.

13 MODERATOR SENELLY: Thank you.

14 MS. MURPHY: Thank you so much to everyone  
15 who's presented tonight, who's spoken up and stood  
16 in their truth about what's happening.

17 MODERATOR SENELLY: Excuse me. What's  
18 your name?

19 MS. MURPHY: Yes. My name is  
20 Aubrie Murphy.

21 MODERATOR SENELLY: Thank you, Aubrie.

22 MS. MURPHY: Also I just want to share my  
23 main point is please be complicit in this necessary  
24 change.

25 I'm not entirely convinced that this

1 meeting is of the highest design and order.

2 We have somebody taking minutes, great; we  
3 have camera people, great; we have a person who's  
4 supposed to be collecting information writing on a  
5 scrap of paper.

6 I found out from our facilitator over here  
7 that this woman does not actually work for Wilson  
8 Okamoto. She doesn't know how she's affiliated or  
9 what she really --

10 (Simultaneous speaking between Ms. Murphy and  
11 the moderator.)

12 MS. MURPHY: Well, that's what this woman  
13 said over here. I'm not entirely sure.

14 My base point is that I'm not entirely  
15 convinced that this collection of information is of  
16 the highest order.

17 I ask you to be complicit in this change.

18 Go to WOC at Wilson Okamoto, voice  
19 yourself. If you do not, other people will make  
20 these choices for you. Continue the fight, continue  
21 to speak your truth, continue to protect your water.

22 And I also want every one of you, please,  
23 if you can, reach out to me, I want to share your  
24 story. I'm a published writer. And I'm Mermaid of  
25 Hookipa. I've had my ocean conservation project

1 since August of 2015. I host beach cleans. I write  
2 consciously created articles with scientifically  
3 backed research.

4 But I want to tell your story about what  
5 you've experienced as generations of Hawaiians.  
6 Please reach out.

7 My Facebook page is "mermaidofhookipa."  
8 It's open, everyone can come. Please share your  
9 story with me. I want to help make this a reality.  
10 I want the water to go back to its rightful  
11 stewards.

12 Aloha.

13 MODERATOR SENELLY: Aloha.

14 MS. POWERS: Aloha. I'm Megan Loomis  
15 Powers.

16 MODERATOR SENELLY: Megan Loomis Powers.

17 MS. POWERS: Yes.

18 MODERATOR SENELLY: Okay.

19 MS. POWERS: Thank you, everyone, for all  
20 your incredible sharing and your spot-on, you know,  
21 right to the number responses.

22 I grew up right next -- I grew up on  
23 Ho'olawa Stream, which was an absolutely dry stream.  
24 And thank goodness for Stephen Cabral. He was the  
25 guy who managed the gates most of my life, the EMI

1 gates. He knew that streams needed a certain  
2 minimum amount just to try and survive.

3 And so every year, he would give us at  
4 least six weeks of uninterrupted stream flow. And  
5 what was so amazing is you would watch life start to  
6 return. And all the mosquitoes would get washed  
7 away, and the frogs would come back, and they'd eat  
8 the rest of the mosquitoes that were growing in the  
9 bananas.

10 And what we're here defending is that we  
11 know that is -- the East Maui watershed is the  
12 supply of water for the big half of Maui, and  
13 it's -- everybody's water depends on that. And if  
14 we don't steward that mountain, if we don't steward  
15 that watershed, if we don't take care of the plants  
16 that gather the rain and bring it down to the earth,  
17 we're cutting off future generations.

18 And we know that because we've lived there  
19 and witnessed it, like your beautiful child with  
20 some mysterious disease that you don't have any way  
21 to fix just withering in front of you.

22 And the thing is living systems, they can  
23 only take so much abuse until something breaks,  
24 until you get cancer, until, oh, my goodness, how  
25 many species have gone extinct on the East Maui

1 watershed in the last 120 years. You know, that  
2 should be something in the EIS. How many species  
3 have gone extinct.

4           So what I am observing is that there's  
5 been 120 years of severe mismanagement of this  
6 watershed that serves not only the people living  
7 here now but future generations and future  
8 generations and future generations.

9           And that mismanagement also includes the  
10 36,000 acres of A & B land that now doesn't even  
11 hold water because they never, not once, let land be  
12 fallow. They never gave back to the soil. There's  
13 no humic acid in the soil to hold water.

14           I mean, we've seen studies. We've done it  
15 at the farm conferences. You pour water into  
16 A & B's soil, and it doesn't even make the dirt wet.  
17 It just runs around the outside and drips out.

18           If you have healthy soil, it holds water.  
19 There's so many studies that show if you have good  
20 humic acid content in your soil, you can reduce  
21 watering by 70 percent. Wow, 70 percent of the  
22 water gets to stay in East Maui.

23           That's what we need. We need good  
24 management. This is just the beginning of like  
25 recognizing that.

1           And what she said about go all the way  
2 back to the beginning, we need to -- this is not the  
3 baseline. Right here, this is not the baseline.

4           The baseline needs to be way back when it  
5 was a healthy ecosystem; and we need to make plans,  
6 and this EIS has to direct that planning, to support  
7 bringing, regenerating and restoring what's already  
8 been damaged. And the same goes for the soil out in  
9 the valley.

10           So I know I had something else to say, but  
11 thank you very much.

12           MODERATOR SENELLY: Thank you.

13           Hello again.

14           MR. SLATER: Hi. Steve Slater.

15           I would like to have some -- well, first  
16 thing, I think 30 years is way too long the way  
17 science and biology is going.

18           I mean, we're just breaking the surface of  
19 how important the microbial systems are to the soil,  
20 to our own human bodies, how much symbiotic both  
21 bacteria, virus, fungus. Just it's a whole new era.  
22 To lock us into a 30-year lease at this point, I  
23 don't think the EIS can be at all functional.

24           I think if we did an EIS in two years or  
25 five years, I think we'd be talking about completely

1 different things on the watershed, like the  
2 connection of the microbial system from the ocean,  
3 like miniature salmon, microscopic salmon swimming  
4 upstream, carrying nutrients.

5 I mean, we're in a whole 'nother era. I  
6 just find it's going to be very difficult to get an  
7 accurate EIS unless we bring in state-of-the-art  
8 science these days. And I don't think we're going  
9 to get that on Maui.

10 I really think you'd have to bring in some  
11 cutting-edge biologists, look at the whole microbial  
12 system, what it means to endangered species.

13 And we're at a time when we're not going  
14 to get a lot happening in a short period. So why  
15 can't A & B be satisfied with a one-year lease?  
16 They've been living with it for all this time, and  
17 now major changes are happening.

18 I just can't -- you know, that leads me  
19 back into the Glyphosate/Roundup problem, like the  
20 gentleman was explaining. So much spraying. Not  
21 just on the edges; but because it's difficult for  
22 them to go, they spray right in the water.

23 Could we possibly get a study? You're not  
24 going to be able to go take water samples and find  
25 glyphosate, but couldn't we study some of the people

1 who have used it as drinking water?

2           Could they have free access to a urine  
3 test and maybe compared to these people have a  
4 higher rate of glyphosate?

5           And remember, glyphosate also kills the  
6 microbial content. It's like it's got more  
7 repercussions than just if it gave something to  
8 human health. It's changing the whole biosphere of  
9 the area.

10           So why didn't A & B ever -- they've never  
11 had to say how much they pumped. A & B has a record  
12 of being able to put poisons out, not inform the  
13 Health Department, not inform the County, keep  
14 secret lists. Could EIS look at what chemicals have  
15 been put in the stream?

16           And also, A & B has been spraying -- HC&S  
17 has been spraying the cane with glyphosate to make  
18 it dry so they can burn it. That has gone into the  
19 ocean. Plus what they're spraying into the fields.

20           So what they've put on the fields also  
21 compounds what's coming down the streams.

22           Is that possible?

23           Also, you know, I own a property for the  
24 last 15 years where I can only live on catchment.  
25 Even though I have rights on my deed to two ditches,

1 Lowrie Ditch, Haiku Ditch, and Waipio Stream, I  
2 can't exercise those rights.

3           You can't talk to EMI about using rights  
4 on your deed. It's a whole legal battle. You're  
5 looking for trouble.

6           I have to live on catchment. It's \$200  
7 per thousand, I pay to have it water trucked in.  
8 Not \$3 dollars.

9           And the last thing is what does this EIS  
10 cost? Because if some group or the County wants to  
11 reimburse for the EIS, is this EIS going to be so  
12 expensive that it's going to make that \$160,000  
13 starting point double? Do we know what this EIS is  
14 going to cost?

15           MODERATOR SENELLY: Okay. That's the last  
16 speaker.

17           Actually, we have one more very important  
18 speak. It's Father.

19           But let me say this. Thank you. I know  
20 at times we -- you know, we just try different  
21 things.

22           Just for your information, the person who  
23 brought this up, I'm actually an independent  
24 consultant to Wilson Okamoto, and I've done a lot of  
25 facilitation as well as mediation and social impact

1 stuff.

2 And actually, you can ask Isaac Hall,  
3 because I've worked with him.

4 Okay. I'm going to ask Father to say the  
5 pue.

6 And also, anybody who has any feeling  
7 about helping us put stuff away, that would be  
8 really nice.

9 Oh, and you know what. You know the  
10 water, if there's anything left, please take it.

11 (Closing pue by Father Tomoso.)

12 (Scoping meeting concluded at 8:56 p.m.)

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**APPENDIX M:**  
Scoping Meeting and EISPN Comments and  
Responses





**WILSON OKAMOTO**  
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Attention: Mr. Earl Matsukawa

**SUBJECT: EISPN: PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU, KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS – SCOPING MEETING, FEBRUARY 22-23, 2017**

This EIS should address the historical & cultural implications of this water & land lease. The water & land issues present are agricultural & livelihood issues. There are communities & people that need access to this land & water to continue their culture. This land & water belongs to the Hawaiian people and this must be recognized. The environmental issues such as plant & animals that have historically existed must also be addressed. A & B is no longer an agricultural entity and they should not be treated as such. I am strongly opposed to this 30 yr. lease.

(include additional sheets as necessary)

PLEASE PRINT: Name: ADAM LOTTIG Phone: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_

Please submit comments by March 10, 2017 or email [woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

*\*Receipt of e-mailed comments will be confirmed via e-mail. If you do not receive a confirmation message, please contact our office (see contact information, above).*



10238-02  
September 23, 2019

Mr. Adam Lonig

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

Dear Mr. Lonig:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments received during the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui. The environmental impacts of the potential Water Lease will be assessed.
2. The Draft EIS will include in Chapter 4 an assessment of the impacts of the Proposed Action. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Archaeological Literature Review and Field Inspection (See Appendix E) and a Cultural Impact Assessment (See Appendix F).
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream

10238-02

Letter to Mr. Adam Lonig

Page 2

September 23, 2019

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

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

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

**From:** [Earl Matsukawa](#)  
**To:** [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: Alexander and Baldwins Water Lease  
**Date:** Wednesday, March 15, 2017 3:06:20 PM

---

Late comment

Earl Matsukawa, AICP  
Vice President & Director

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: Jade Smith [<mailto:jadesmith@quixnet.net>]  
Sent: Wednesday, March 15, 2017 10:32 AM  
To: Earl Matsukawa; [repdecoite@capitol.hawaii.gov](mailto:repdecoite@capitol.hawaii.gov); [molokaisweetpotato@gmail.com](mailto:molokaisweetpotato@gmail.com)  
Cc: [keeaumoku\\_kapu@yahoo.com](mailto:keeaumoku_kapu@yahoo.com); KYLE nakanelua; Aha Hana Shane Sinenci; Aha Hamakualoa Joclynn Costa; Aha Koolau Healoha; Aha Hamakuapoko Leona Nomura; Blossom Feteirra; Aha kahikinui Donna Sterling; Aha Wailuku Kaniloa Kamaunu; Foster & Michele Ampong; Aha kula (Mauka) Timmy Bailey; Aha kula (Makai) Basil Oshiro; [uilanikapu@gmail.com](mailto:uilanikapu@gmail.com); Aha Kaanapali Felimon Sadang; Aha Honua'ula Kaonohi Lee; Aha Kipahulu Terry Lind; Kipahulu Ohana Inc DBA Kipahulu Kitchen; Alohalani  
Subject: Alexander and Baldwins Water Lease

Aloha Mr. Matsukawa,

I would like to suggest a solution to all the deep issues regarding Alexander and Baldwin's Water Lease. Maui is the only State with it's own Island/State that doesn't own jurisdiction on its own water resources.

The Community of Maui has voiced their deepest concerns in opposition about A&B violating the permit process in the past with the help of DLNR. It goes to show how corruption works in Hawaii. It's a no brainer and well understood in the National and International regions. I totally oppose Alexander & Baldwin gaining this Water Lease.

I am the Maui Island Council Member (Kaupo) for Aha Moku Act 212. It is my belief that the water should be returned to the state-DLNR to take back the responsibility. No excuses! I have included the Maui Island Council Members in this email to assist you in knowing the other districts (Moku) contacts of Maui.

How? The Community (Ohana and Partnerships) of Natural resources (AMAC ACT 288 under DLNR) are available to assist the State. The State hasn't ask us yet, we are an active Council right under their noses. There are Rules of Practices intact for Aha Moku Advisory Committee of Act 288 that could be activated. These Rules were a combination of Community, Scholars and Government workers putting it together.

Next, Alexander & Baldwin shall give up any/all rights to the people's water. They can receive a hefty tax right-off

for restoring the diversion system and turning it over to the State/Community & Families who share this water through a training process of the irrigation system. There are ex-employees that would step back in the ring for water preservation. Then the State can make monies back to get out of the deficient we will be in 2019. Think about that, only two years away.

What History has showed is how the water can be cared for with the Kuleana of the people and the Aha Moku system that was intact for thousands of years (no money included). Yet Today, funds can be accessible through Non-Profit grants and funding that exist.

This is just an idea that would be in harmony for the whole Island of Maui and all the other Islands who are affected in this on-going slaughter of rights and justice.

Thank you for your time.

Jade Smith  
Kaupo Representative  
Aha Moku O Kaupo Council Member  
[www.ahamokuomaui.org](http://www.ahamokuomaui.org)  
[www.ahamoku.org](http://www.ahamoku.org)  
Ph: 808-870-2820

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Alohalani Smith

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. SMITH: Aloha, everybody. I'm Alohalani Smith. I live out in Kaupo and I have also lineal descendancy in the (Hawaiian name) side, we grew up outside there. I am the Aha Moku Kaupo representative. I've worked in the national parks and DOFAW in the natural resources management, but as well as it goes with that, development is needed, you know, I'm not against it. I support it, I was a carpenter too and that, I'm looking for smart development. But before we even start with development, we need water and we need to settle the water issue.

Now, it was mentioned on the state owned land in the 40 license areas the EIS study alternative, okay, I want to them to study, which I'm going to propose a solution: To cancel the lease, okay, because the DLNR and the state can take back the water system from A&B. The restoration to the irrigation system too can be worked on. Now, they can also work with partnerships. Just like what Kamalani was saying, is that the people can do it. We have a lot of partnerships right before us. Also the ohanas, okay, the ohanas can help. And by doing this we can save money for the state by having stewardship which was number one in the beginning.

Now, for example, we have this aha moku system and it is every ahupuaa that we take care of our kuleana from mauka to makai, even to the (Hawaiian word) where fishermen can also benefit. Now, all of this will benefit everybody, especially the communities that can take better care of our own, yeah, resources, our kuleana. So the state in the meantime will save money and make money back. Now, this would support our water system as Maui grows, it's that simple. But if A&B will really wants to take care of Maui, A&B should donate the restoration of the irrigation system and train the state workers or the partners as a tax write-off for the deduction and give back to the people. There's nothing wrong, it's that simple. So thank you very much for your time.

**From:** [Earl Matsukawa](#)  
**To:** [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: Alexander and Baldwins Water Lease  
**Date:** Wednesday, March 15, 2017 3:06:20 PM

---

Late comment

Earl Matsukawa, AICP  
Vice President & Director

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
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-----Original Message-----

From: Jade Smith [<mailto:jadesmith@quixnet.net>]  
Sent: Wednesday, March 15, 2017 10:32 AM  
To: Earl Matsukawa; [repdecoite@capitol.hawaii.gov](mailto:repdecoite@capitol.hawaii.gov); [molokaisweetpotato@gmail.com](mailto:molokaisweetpotato@gmail.com)  
Cc: [keeaumoku\\_kapu@yahoo.com](mailto:keeaumoku_kapu@yahoo.com); KYLE nakanelua; Aha Hana Shane Sinenci; Aha Hamakualoa Joclynn Costa; Aha Koolau Healoha; Aha Hamakuapoko Leona Nomura; Blossom Feteirra; Aha kahikinui Donna Sterling; Aha Wailuku Kaniloa Kamaunu; Foster & Michele Ampong; Aha kula (Mauka) Timmy Bailey; Aha kula (Makai) Basil Oshiro; [uilanikapu@gmail.com](mailto:uilanikapu@gmail.com); Aha Kaanapali Felimon Sadang; Aha Honua'ula Kaonohi Lee; Aha Kipahulu Terry Lind; Kipahulu Ohana Inc DBA Kipahulu Kitchen; Alohalani  
Subject: Alexander and Baldwins Water Lease

Aloha Mr. Matsukawa,

I would like to suggest a solution to all the deep issues regarding Alexander and Baldwin's Water Lease. Maui is the only State with it's own Island/State that doesn't own jurisdiction on its own water resources.

The Community of Maui has voiced their deepest concerns in opposition about A&B violating the permit process in the past with the help of DLNR. It goes to show how corruption works in Hawaii. It's a no brainer and well understood in the National and International regions. I totally oppose Alexander & Baldwin gaining this Water Lease.

I am the Maui Island Council Member (Kaupo) for Aha Moku Act 212. It is my belief that the water should be returned to the state-DLNR to take back the responsibility. No excuses! I have included the Maui Island Council Members in this email to assist you in knowing the other districts (Moku) contacts of Maui.

How? The Community (Ohana and Partnerships) of Natural resources (AMAC ACT 288 under DLNR) are available to assist the State. The State hasn't ask us yet, we are an active Council right under their noses. There are Rules of Practices intact for Aha Moku Advisory Committee of Act 288 that could be activated. These Rules were a combination of Community, Scholars and Government workers putting it together.

Next, Alexander & Baldwin shall give up any/all rights to the people's water. They can receive a hefty tax right-off

for restoring the diversion system and turning it over to the State/Community & Families who share this water through a training process of the irrigation system. There are ex-employees that would step back in the ring for water preservation. Then the State can make monies back to get out of the deficient we will be in 2019. Think about that, only two years away.

What History has showed is how the water can be cared for with the Kuleana of the people and the Aha Moku system that was intact for thousands of years (no money included). Yet Today, funds can be accessible through Non-Profit grants and funding that exist.

This is just an idea that would be in harmony for the whole Island of Maui and all the other Islands who are affected in this on-going slaughter of rights and justice.

Thank you for your time.

Jade Smith  
Kaupo Representative  
Aha Moku O Kaupo Council Member  
[www.ahamokuomaui.org](http://www.ahamokuomaui.org)  
[www.ahamoku.org](http://www.ahamoku.org)  
Ph: 808-870-2820

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EISPN: Proposed Lease(water lease)For the Nahiku, Ke'anae, Honomanu, and Huelo, License Areas  
**Date:** Thursday, March 9, 2017 1:29:07 PM  
**Attachments:** [image001.jpg](#)

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## Jeanine S.H.Y. Morioka

Secretary

Wilson Okamoto Corporation



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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**From:** Al [mailto:[adopa@hotmail.com](mailto:adopa@hotmail.com)]  
**Sent:** Wednesday, March 08, 2017 10:19 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** EISPN: Proposed Lease(water lease)For the Nahiku, Ke'anae, Honomanu, and Huelo, License Areas

Please include in your Environmental impact assessment;

How this lease would affect all native species of fish, prawns, and plant life.

How it would affect traditional and cultural uses of water for all areas affected.

Research on how the previous diversions have affected these uses and comparative analysis on the similarities or differences of this diversion.

How the diversion will affect soil or the loss of soil to run off and erosion.

Comprehensive studies of bird species, including the Ne Ne which have been coming down to the area again in recent years, in the lao and all areas affected by the proposed water diversion and the impact it would have on them.

Thank you for taking the time to read this. Our water is precious as is our soil in Maui. Please take all these things and more (i am no scientist, there is much more to include), into consideration in your statement.

Mahalo.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Al  
adpoa@hotmail.com

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

Dear Al:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)
3. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial

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

flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Matsukawa".

Earl Matsukawa, AICP  
Vice President, Director of Planning

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

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EISPN: proposed lease - east Maui  
**Date:** Wednesday, March 1, 2017 1:21:03 PM  
**Attachments:** [image001.jpg](#)

---

**Jeanine S.H.Y. Morioka**

Secretary



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
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W <http://www.wilsonokamoto.com>

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---

**From:** Alana D'Andrea [mailto:[adandrea@hawaii.edu](mailto:adandrea@hawaii.edu)]  
**Sent:** Wednesday, March 01, 2017 12:24 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** EISPN: proposed lease - east Maui

Aloha my name is Alana Dandrea and I was born and raised in Haiku, Maui.

When I think about what an environmental impact statement really is I try to break it down to the basics, it's a statement or document describing the impact something has on the environment.

It doesn't take a scientist or professional to tell you if you put metal and cement grates and walls inside a natural stream or river that there will be major impacts.

What I dont understand is how A&B and EMI can have control over all this water for all this time while we all know that what they are doing is extremely impacting the surrounding

environments negativity.

I am requesting in this EIS that it be required no matter what that there be an alternative solution that allows more than 50% of the water running in every stream to flow mauka to makai.

I recently saw a video of a Current east Maui stream which had a diversion about 3 feet wide and only about 10 inches open so water can flow down stream. That is not right.

On A&B's own website it clearly states their corporate responsibility "the environment is a top priority for A&B and we believe that protecting our natural resources and operating with a high level of concern for the environment is vital to sustaining a healthy community and a healthy business".

If this statement A&B said were true and they were living up to their responsibility, I don't think we would have such a long history of water rights issues.

And the question comes up again, why are we allowing these inconsiderate greedy liars to control our islands most valuable resource ??

It's common sense when you think back to the Hawaiians and their self sustaining system of living for thousands of years, they were not impacting the environment negatively from having a natural non diverted stream flowing-- they lived in a thriving ecosystem. Do the math. It's time for a change. It's time to make Hawaii Hawaiian again.

So in conclusion I feel A&B needs to prove to us, the people, the real stewards of this land that they are doing everything that they can to live up to their own words and responsibilities and get their diversions as close to natural as possible. No private corporation should own or even be able to lease more than 50% of the water. We the people, the aina need more than 50%.

I also feel that there needs to be a native Hawaiian cultural and environmental professional watching over and working with EMI and A&B to ensure they are doing what is best to preserve,

respect and restore what is culturally, environmentally and physically important to the land and the people.

The EIS needs to examine every possible impact on every single stream. I'd like to see public documentation of each stream, where the water is being used and diverted too, how much is needed min and max and making sure each stream flows mauka to makai.

A&B cannot be trusted with a 30-year lease for all this land and water until they prove their words and actions are in the best interest of the aina, the people and Mother Nature.

Enough lying, we are all watching and we know actions speak louder than words.

I also feel whoever is going to be leasing this land and water needs to read over the Maui island general island plan for 2030. There are many goals, objectives and visions that clearly state what we need to do as a community to thrive.

Mahalo nui for this opportunity

Alana Dandrea

Full time working Maui resident

28laupapa place

[Haiku hi 96708](tel:8082699347)

[8082699347](tel:8082699347)

[Adandrea@hawaii.edu](mailto:Adandrea@hawaii.edu)

Sent from my iPhone



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Alana Dandrea  
28 Laupapa Place  
Haiku, HI 96708  
adandrea@hawaii.edu

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

Dear Ms. Dandrea:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 1, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management’s (CWRM)

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

June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

4. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
5. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
6. The Draft EIS will include in Chapter 5 an assessment of the consistency of the Proposed Action with the Maui Island General Plan.

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Mr. Alex Franco

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. FRANCO: Thank you. My name is Alex Franco. I'm with Maui Cattle Company. A number of years ago a group of ranchers got together to form the company in an effort to try and keep our cattle home for the local marketplace. For a number of years our cattle has been shipped to the mainland to supply the markets there and the local ranchers felt that, gee, we should try and keep our cattle home to try and develop a local market. And we were very fortunate that as we got into the local market, there was quite a bit of demand for our product and people sought after our local products. Unfortunately, one of the things that happened five years into our company is we hit a six-year drought that really impacted the ranching community here on Maui as well as the rest of the state. And what that did is it pretty much diverted the market share of cattle coming into the marketplace back to the mainland again because we couldn't sustain those animals here.

And with water being available to come to the central valley, it does provide an opportunity for the potential of irrigated pasture that we could keep more of these cattle here at home. But at the same time, we feel it is very important to have a shared use for the water and realize the importance of what the taro farmers need, but, again, just here expressing the concerns of the drought for our industry and the need to supply water for all of us that's in agriculture here in Hawaii. Whether we're small farmers or larger farmers, we all need the water, so I'm here to try and, you know, ask for support for water being supplied to bona fide farming.



10238-02  
September 23, 2019

Mr. Alex Franco  
PO Box 331149  
Kahului, HI 96733

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

Dear Mr. Franco:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See

10238-02

Letter to Mr. Alex Franco

Page 2

September 23, 2019

Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Matsukawa".

Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice  
Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Alex Haller

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. HALLER: Aloha. My name is Alex Haller. I'm born and raised in Haiku. I've lived on East Kuiaha Road my whole life. And I live one property below the EMI diversion, so I know what it's like. No lips. So when there's not a lot of rain and the water is coming down the stream, there's a 6-inch lip on a lot of these diversions. So there shouldn't be any minimum criteria of overflow to go down, you know, to makai. So all of the lips on every single diversion should be redone. And also the grates. Someone mentioned the grates earlier. The grates are no good as well.

If there's a hundred -- you know, so around 100 streams, and there's four main levels of, you know, the system that runs east to west, that's, you know, a potential 400 diversions. So we should see it on a huge map from Maui, each diversion. Yeah, it's going to be 400 pictures with, you know, an engineer to redo it, you know, in six months.

And the second point is there are Land Commission awards and po'alima lots. That's just as important as the EIS. And that's what Mr. Liu just mentioned with the royal patents. And I'm one of the defendants in the Naweiva, and that's actually -- we're waiting for the results.

So that's extremely important, the land commission awards.



10238-02  
September 23, 2019

Mr. Alex Haller  
PO Box 331149  
Kahului, HI 96733

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

Dear Mr. Haller:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your oral comment at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Figure 1-1 in the Draft EIS illustrates the EMI Aqueduct System overlaid on the Department of Land and Natural Resources (DLNR) Division of Aquatic Resources (DAR) geographic information system (GIS) data of streams. An electronic drawing of the EMI Aqueduct System was georeferenced by Akinaka & Associates, Ltd. to depict major diversions on East Maui streams on a United States Geological Survey (USGS) GIS base map. Due to the complexity of the EMI Aqueduct System and the level of detail shown on the map, not all of the minor diversions could be associated with a stream or tributary. The stream names shown are from the DAR GIS database but a few of those stream names may differ from how some East Maui residents may refer to them. Moreover, certain streams that were identified during certain

proceedings before the Commission on Water Resources Management (CWRM) do not have associated GIS data and therefore could not be precisely located on the map. Table 1-2 in the Draft EIS reconciles discrepancies between stream names used in the February 2017 EIS Preparation Notice and the CWRM's June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O).

3. For the purposes of this Draft EIS, the stream list used was from the CWRM D&O which is discussed in Section 1.3.4. The CWRM D&O was also used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area based on the modification or removal of diversion structures in streams designated by the CWRM D&O as full restoration.
4. Chapter 1.3.1 of the Draft EIS discusses properties involved with the License Area and Proposed Action.

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

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

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

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

EISPN Public Meeting Wednesday, February 22, 2017  
Maui Electric Co. Conference Room 5pm  
A&B application for state water lease

Good afternoon,

My name is Alice Lee, a member of GO Maui and a life- long resident and community volunteer in Maui County.

Thank you for conducting this outreach meeting in preparation for the EIS regarding A&B's application for a state water lease. It is of the utmost importance that the EIS be fair, balanced and representative of a wide range of interests that will benefit the community as a whole and not just a few people.

The following are my concerns that I request be addressed in the EIS:

- (1) What will be the impact on the over 35,000 residents in upcountry who rely on EMI for water?
- (2) Will upcountry water rates be raised if the county cannot get water from EMI?
- (3) How will the county be able to provide additional water to upcountry due to normal population growth?
- (4) Will Nahiku water rates go up if the streams are restored?
- (5) Flood control is a significant problem now that the lao stream (Wailuku River) has been substantially restored. With water constantly running in the stream, it is difficult, almost impossible to maintain the stream beds and control vegetation which allows the water to rise in the stream and increasingly pose a threat to human lives and property damage especially in times of heavy rains as we experienced in September (2016). *Will the restoration of E, Maui's streams cause the same problems?*
- (6) For over 100 hundred years, the stream diversions have contributed to the recharge of Maui's aquifers. What will be the impact of reducing recharge?
- (7) What will happen to A&B land (over 30,000 acres) with and without stream diversion?
- (8) If the Central plains no longer receive surface water from East Maui , will this not cause an environmental catastrophe in Central Maui e.g. serious erosion problems, dust storms, fire hazards, the native birds, animals, insects, etc. who thrived in the cane fields – what will become of them?
- (9) How will our largest economic driver, the Visitor Industry be impacted if much of the land becomes arid and a blight on the formerly lush slopes of Haleakala?
- (10) Diversified ag is the best use of the former cane lands.

Your favorable consideration to include the above concerns in the EIS will be greatly appreciated.

With aloha,

Alice L. Lee

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Ms. Alice Lee

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

Good afternoon. Aloha, everyone. My name is Alice Lee and I'm a lifelong resident and community volunteer in Maui County. I think it is of the utmost importance that the EIS be fair, balanced, and representative of a wide range of interests that will benefit the community as a whole. These are my concerns. What will be the impact on the over 35,000 residents in Upcountry who rely on EMI for water? Will Upcountry water rates be raised if the county cannot get water from EMI? How will the county be able to provide additional water to Upcountry due to normal population growth With Nahiku, will Nahiku water rates go up if the streams are restored?

Flood control is a significant problem now that the Iao Stream or Wailuku River has been substantially restored. With water constantly running in the stream, it is difficult, almost impossible to maintain the streambeds and control vegetation which allows the water to rise in the stream and increasingly pose a threat to human lives and property damage especially in times of heavy rains as we experienced in 1 September. Will the restoration of East Maui streams cause the same problems?

For over 100 years the stream diversions have contributed to the recharge of Maui's aquifers. What will be the impact of reducing recharge? What will happen to A&B land, over 30,000 acres, with and without stream diversion? If the central plains no longer receive surface water from East Maui, will this not cause an environmental catastrophe in Central Maui, such as serious erosion problems, dust storms, fire hazards? Native birds and animals who thrive in the cane fields, what will become of them?

How will our largest economic driver, the visitor industry, be impacted if much of the land becomes arid and a blight on the formerly lush slopes of Haleakala? Finally, I strongly believe diversified ag. is the best use of the former cane lands.

Thank you for your consideration.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Alice Lee  
44 Emoloa Place  
Waliluku, HI 96793

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

Dear Ms. Lee:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, for your oral comments at the February 22, 2017 EIS Scoping Meeting, and for your written comments dated February 22, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS studies a proposed long term farm plan by Mahi Pono who purchased A&B’s Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied.
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM)

10238-02

Letter to Ms. Alice Lee

Page 2

September 23, 2019

June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with the first name being more prominent.

Earl Matsukawa, AICP

Vice President, Director of Planning

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

I am presenting this statement on behalf of my third generation Hawaiian neighbor Alvin Kaleh' uawehe ([alpluson3@gmail.com](mailto:alpluson3@gmail.com)). Alvin cannot miss work to be here tonite, but sends this statement as his message.

As a native Hawaiian from both family sides I say to you, Aloha! Generations ago Big Sugar and Pineapple companies, including Alexander and Baldwin, of the mainland imposed upon Hawaiians a valuable and irreplaceable water takeaway lease which has deprived Hawaiians of water and land to do subsistence farming to help feed our ohana and greatly improve our lives and restore what we once enjoyed and did on our own: stream flow, fish populations and our agriculture. As a result, we have gone from a subsistence ohana to a dependent ohana.

In "sharing" our water resources to Big Sugar, by means of what I understand to be 165 million gallons of water per day to 33,000 acres Hawaiians have been "shared out" of the ability and right to a self sustaining way of life.

It is my understanding that Maui currently imports more than 90% of its food. Meanwhile, the Hawaiian farmer, at the expense of Big Sugar, is deprived of rights to work with the land, to sustain and feed our ohana. We have lost the right to teach our young that we can love our mother island and she will take care of us. We need a return of our water rights to us and our ohana. We do not need another theft lease of water by Big Sugar, Alexander and Baldwin. The water belongs to our ohana Maui.

Mahalo nui loa for your consideration



Alvin Kaleh' uawehe

2/22/17

147 Keonekai Rd.

Kihei, Maui 96753

**Environmental Impact Statement Preparation Notice  
Proposed Water Lease for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Joe Chesledon

(Speaking on Behalf of Alvin Kalehuawehe)

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. CHESLEDON: Hello, my name is Joe Chesledon, but I am here presenting this statement on behalf of many generation Hawaiian neighbor, Alvin Kalehuawehe. Alvin cannot miss work to be here tonight, but sends this statement as a message.

"As a Native Hawaiian from both family sides, I say to you aloha. Generations ago big sugar and pineapple companies including Alexander & Baldwin of the mainland imposed upon Hawaiians a valuable and irreplaceable water takeaway which has deprived Hawaiians of water and land to use for subsistence farming to feed our ohana and greatly improve our lives and restore what we once enjoyed: stream flow, fish populations, and our agriculture. As a result we have gone from a subsistence ohana to a dependent ohana.

"In sharing our water resources to big sugar by means of what I understand to be 165 million gallons of water per day to 33,000 acres, Hawaiians have been shared out of the ability and right to a self-sustaining way of life. It is my understanding that Maui currently imports more than 90 percent of its food; meanwhile, the Hawaiian farmer, at the expense of big sugar, is deprived of rights to work with the land, to sustain and feed our ohana. We have lost the right to teach our young that we can love our Mother Island and she will take care of us. We need a return of the water rights to us and our ohana. We do not need another theft of water by big sugar, Alexander & Baldwin.

"Mahalo nui loa, Alvin Kalehuawehe."



10238-02  
September 23, 2019

Mr. Alvin Kalehuawehe  
147 Keonekai Road  
Kihei, Maui 96753

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

Dear Mr. Kalehuawehe:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, for your oral comments at the February 22, 2017 EIS Scoping Meeting, and for your written comments received February 22, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.

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

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice  
Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Aubrie Murphy

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. MURPHY: Also I just want to share my main point is please be complicit in this necessary change. I'm not entirely convinced that this meeting is of the highest design and order. We have somebody taking minutes, great; we have camera people, great; we have a person who's supposed to be collecting information writing on a scrap of paper. I found out from our facilitator over here that this woman does not actually work for Wilson Okamoto. She doesn't know how she's affiliated or what she really --

MS. MURPHY: Well, that's what this woman said over here. I'm not entirely sure. My base point is that I'm not entirely convinced that this collection of information is of the highest order. I ask you to be complicit in this change.

Go to WOC at Wilson Okamoto, voice yourself. If you do not, other people will make these choices for you. Continue the fight, continue to speak your truth, continue to protect your water. And I also want every one of you, please, if you can, reach out to me, I want to share your story. I'm a published writer. And I'm Mermaid of Hookipa. I've had my ocean conservation project since August of 2015. I host beach cleans. I write consciously created articles with scientifically backed research.

But I want to tell your story about what you've experienced as generations of Hawaiians. Please reach out. My Facebook page is "mermaidofhookipa." It's open, everyone can come. Please share your story with me. I want to help make this a reality. I want the water to go back to its rightful stewards.

Aloha.

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EIS for East Maui Water  
**Date:** Friday, March 10, 2017 8:38:44 AM  
**Attachments:** [image001.jpg](#)

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## Jeanine S.H.Y. Morioka

Secretary



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

**From:** Aubrie Murphy [mailto:[aubriemerrittmurphy@gmail.com](mailto:aubriemerrittmurphy@gmail.com)]  
**Sent:** Thursday, March 09, 2017 10:08 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** EIS for East Maui Water

To whom it may concern:

I am requesting the EIS of the proposed lease of east Maui water, thoroughly investigate the total disappearance and decline of all species of fish, native to the waters of east Maui. Further, I want these investigations to include the testimonies of every resident in the proposed water lease area: Huelo, Nahiku, Ke'anae and Hana. I want the EIS to include an investigation into the consequences to local Hawaiian cultural practices, of those who reside near these waters; as a result of the disappearance of entire fish species; the impact it has had on their economic stability and cultural/religious practices, including all of the resident generations subjected to the impact of the previously held water lease and the possible implications of thirty years from now (the duration of the newly proposed water lease). I want the EIS to also include the thorough investigation of the decimation of Kalo agriculture practices within the proposed lease areas and the reasons this has occurred, siting any and all influence by company directed water diversions. Again, I want the testimonies of every resident of the proposed water lease areas included in this impact statement.

Sincerely,

Aubrie Murphy  
Founder/Activist  
Mermaid of Ho'okipa



10238-02  
September 23, 2019

Ms. Aubrie Murphy  
aubriemerrittmurphy@gmail.com

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

Dear Ms. Murphy:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, for your oral comments at the February 23, 2017 EIS Scoping Meeting, and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
3. Cultural Surveys Hawai‘i and Earthplan prepared reports in support of the Draft EIS assessing the cultural and social impacts of the Proposed Action, respectively (See Appendix F and Appendix G). The impacts of the Proposed Action to traditional cultural resources and practices are discussed in Section 4.6 of the Draft EIS while impacts to the social environment can be found in Section 4.7.

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

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

## 2-23-17 TESTIMONY

My name is Bob Martin. Born and raised in Hawaii , I'm a 57 year resident of Kuau and Paia, and have spent 75 of my 88 years involved in some form of agriculture. Because of my background some of what I share may be complex, unconventional, even unique.

Alexander and Baldwin Inc.(A&B), once a very local company, is rapidly changing. Through a stock distribution it gave its wholly owned Matson Navigation, now Hawaii's 4th largest corporation, to A&B stockholders on a share for share basis. It then merged its agricultural division into A&B Properties. According to Pacific Business News (10-28-16) it is considering a change its corporate business structure into that of a Real Estate Investment Trust by this spring. With 77.1% of A&B stock now held by Investment Managers it is obviously managed for their benefit. It is noteworthy that Investment Managers now control 84.7 % (instead of 77.1) of Matson Inc. that was recently distributed to A&B stockholders. This suggests that (outside) Investment Managers will increasingly control A&B and its Hawaiian assets. This suggests the need for a better understanding of A&B's future commitment to agriculture.

A&B has now requested a 30 year lease for a large amount of water. Much will take place in the next 30 years and it is important that this water be available where most needed. How fast can things move? Since closing HC&S I understand that A&B has sold 339 acres of land in Paia where the survey for its county water line was completed before the sale was announced. Progress at this rate can accomplish much in 30 years. But is this development progress? Is it safe? What is happening in agriculture, especially sustainable agriculture? Let's give this some thought.

If the numbers were run, I suspect that we do not have sufficient water to produce food for our current population of perhaps 1.4 million, the tourists, and the military. I also suspect that agriculture is deliberately being held back by state officials to insure water for development. Someone needs to run the numbers on this. Obviously, we are short of facts. We also need to know where we collectively stand of food sustainability, a growing subject of discussion.

Most machines work by using the sun's energy, whether derived from fossil fuels, plant products, or converted by solar panels. This same energy from the sun powers everything we do as individuals; only we get our energy from a fuel known as food, that is mostly produced through plants in a process that we call agriculture. Agriculture, a land based process, is noted for the enormous amounts of water the process requires for each unit of food produced. Presently, enormous amounts of sunlight that could be used to produce food in east Maui is being wasted for lack of water; and even more sunlight in central Maui is being wasted for lack of agriculture. Is this smart planning?

Historically, the Hawaiians were able to grow enough food to sustain about a million people, and as they were hard working and industrious, it may be that their population was not larger because of water limitations. Remember a sustainable population is limited by what can be produced in a dry year.

With the introduction of sugar cane there was a practice to divert water from adjacent, then distant areas, depriving established users from their livelihood. Deprived from income many farmers could not pay taxes and lost their lands. Without farms many were forced to work as laborers for shipping, sugar, pineapple, and construction. The upshot was that we lost crops, farmers, and farms. With long-term lack of water and, more recently, herbicide drift, our food sustainability dropped from 100% to today's 5-13%. This has made us dependent on (sustainable?) shipping to import food grown over 2,000 ocean miles away. Is this what we want and a risk we choose to take?

Before giving away water for unidentified and/or unjustified uses we need to identify how much agriculture we want, where it will be, who will do it, and how much water it will need. The State has not done this. It has yet to identify the problems or reasons why our sustainability has gone from 100% to the present, unknown, but unrealistically low figure. Overall the state has failed miserably to protect its agriculture and it's people; but that is not the subject of tonight's meeting. Tonight's subject is what are we going to do with our water. If agriculture is a serious consideration let's also recognize that I have had 40 years experience in my Paia nursery with plant damage from chemicals in the air and county water. HC&S has gone away but, surprisingly, my problems haven't. Based on experience I can suggest that diversified agriculture west of Baldwin Avenue may also be in for some unexpected surprises. Will this affect plans or schedules? We'll find out.

Finally, there is the question of the proper scope of an environmental impact statement (EIS). Will the EIS recognize the existence of people on Maui and the merits of converting the now wasted sunlight falling on east and central Maui into food for their use and possible survival? If so, the entire process becomes more complex, as it should be.

Bob Martin  
Paia, Hawaii  
Feb. 23, 2017

bioapp@maui.net

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Mr. Bob Martin

February 23, 2017

Ha‘ikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. MARTIN: My name is Bob Martin. Born and raised in Hawaii. I'm a 57-year resident of Kuau and Paia and have spent 75 of my 88 years involved in some form of agriculture. Because of my background, some of what I share may be complex, unconventional, new or even unique.

Alexander & Baldwin, Incorporated, once a very local company, is rapidly changing. Through a stock distribution, it gave its wholly owned Matson Navigation, now Hawaii's fourth largest corporation, to A & B stockholders on a share-for-share basis. It then merged its agricultural divisions into A & B properties. According to Pacific Business News, it is considering a change in its corporate business structure into that of a real estate investment trust by the spring. With 77.1 percent of A & B stock now held by investment managers, it is obviously managed for their benefit. It is noteworthy that investment managers now control 84.7 percent instead of 77.1 percent of Matson incorporated that was recently distributed by A & B to the stockholders. This suggests that outside investment managers will increasingly control A & B and its Hawaiian assets. This suggests a need for better understanding of A & B's future commitment to agriculture.

A & B has now requested a 30-year lease for a large amount of water. Much will take place in the next 30 years, and it's important that this water be available where most needed. How fast can things move? Since closing HC&S, I understand that A & B has sold 339 acres of land in Paia, where the survey for its county water line was completed before the sale was announced. Progress at this rate can accomplish much in 30 years, but is this development progress? Is it safe? What is happening in agriculture, especially sustainable agriculture? Let's give this some thought. If the numbers were run, I suspect that we do not have sufficient water to produce food for our current population of perhaps 1.4 million, to tourists and the military. I also suspect that agriculture is deliberately being held back by state officials to ensure water for development. Someone needs to run the numbers on this. Obviously, we are short of facts.

We also need to know where we collectively stand on food sustainability, a growing subject of discussion. Most machines work by using the sun's energy, whether derived from fossil fuels, plant products or solar panels. The same energy from the sun powers everything we do as individuals, only we get our energy from a fuel known as food. That is mostly produced through plants; and the progress in the process, we call agriculture. Agriculture a land-based process is noted for the enormous amounts of water the process requires for each unit of food produced. Presently, enormous amounts of sunlight that could be used to produce food in East Maui is being wasted for lack of water. And even more sunlight in central Maui is being wasted for lack of agriculture. Is this smart planning? Historically, the

Hawaiians were able to grow enough food to sustain a million people, as they were hard working and industrious. It may be this population was not larger because of water limitations.

Remember, a sustainable population is limited by what can be produced in a dry year. With the introduction of sugar cane, there was a practice to divert water from adjacent and distant areas, depriving users from their livelihood. Deprived from income, many farmers could not pay taxes and lost their lands. Without farms, many were forced to work as laborers for shipping, sugar, pineapple and construction. The upshot was we lost crops, farmers and farms. With long-term lack of water and more recently riverside drift, our food sustainability dropped from 100 percent to today's 5 to 13 percent...

MR. MARTIN: Shipping to import food from over 2,000 ocean miles away, is this what we want and a risk we choose to take? Before giving water for unidentified and/or unidentified uses, we need to identify how much agriculture we want, where it will be, who will do it, and how much water will be needed. The State has not done this. It has yet to identify the problems or reasons why our sustainability has gone from a hundred percent to the present unknown but unrealistically low figure. Overall, the state has failed miserably to protect its agriculture and its people. But this is not the subject of tonight's meeting. Tonight's subject is what are we going to do with our water.

If agriculture is a serious consideration, let's recognize that I've had 40 years of experience in the Paia nursery, with plant damage from chemicals from the air and County water. HC&S has gone away, but surprisingly, my problems haven't. Based on experience, I can suggest that diversified agriculture as to Baldwin Avenue may also be in for some unexpected surprises. Will this affect plans or schedules? We will find out.

Finally, there was a question of a proper scope of an Environmental Impact Statement. Will the EIS recognize the existence of people on Maui and the merits of converting nonwasted sunlight, falling on East and Central Maui, into food for their use and possible survival? If so, the entire process becomes more complex, as it should be. I hope that some of this -- I hope that some of this material will be of use in formulating the needs of the EIS and some of the things that it must consider and factor into a good solution.

Thank you very much.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Bob Martin  
Paia, HI  
bioapp@maui.net

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

Dear Mr. Martin:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, for your oral at the February 23, 2017 EIS Scoping Meeting, and written comments received February 23, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

10238-02

Letter to Mr. Bob Martin

Page 2

September 23, 2019

3. The Draft EIS will include in Chapter 4 an assessment of the impacts of the Proposed Action. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural and Related Economic Impacts Report (See Appendix I) and an Economic and Fiscal Impact Analysis Report (See Appendix H).
4. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Earl Matsukawa, AICP

Vice President, Director of Planning

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

**From:** [Wilson Okamoto Corporation](#)  
**To:** ["diamondbranchhi@aol.com"](mailto:diamondbranchhi@aol.com)  
**Subject:** RE: Scan Attachement  
**Date:** Monday, March 6, 2017 9:02:54 AM  
**Attachments:** [image001.jpg](#)

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This is to acknowledge that we have received your email comment on the subject EIS Preparation Notice. Your participation is appreciated.

## Jeanine S.H.Y. Morioka

Secretary

Wilson Okamoto Corporation



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
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This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

**From:** [diamondbranchhi@aol.com](mailto:diamondbranchhi@aol.com) [mailto:[diamondbranchhi@aol.com](mailto:diamondbranchhi@aol.com)]  
**Sent:** Wednesday, February 22, 2017 8:17 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** Fwd: Scan Attachement

Mr. Earl Matsukawa

Dear Sir.

I just want to clarify one of the statements that I made in my public testimony. I said that the amount of water now being used for domestic use should be capped. That cap should include the water needed to fulfil what ever is needed to service the current water meter list. There are people on that list that have been there for years. Some have already died and still the family ,have not gotten there meter. I believe that number ( amount of gallons needed per day to service the water meter list which is already closed) can be obtained from the water director. This number of gallons needed to service the water meter list should be added to the current amount that is used per day ,and that number should be the amount that is capped. After this list is cleared no other applications for subdivisions should impact the agg water coming out to service agg.

Brendan Balthazar

Please email me so I know you got this addition.

Scam Document Attached

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**  
Mr. Brendan Balthazar  
February 22, 2017  
Maui Electric Company Community Meeting Room  
Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. BALTHAZAR : I just wanted to say, you know, my father said that we all need water. I've been in several of these hearings and testimonies. I believe that nobody can have it all, I think it's a shared thing. We really need to know how much water is needed by the people who want to plant taro.

As a kid I used to stand by the pine fields and granted, yes, things were done 150 years ago that none of us in this room is accountable for; however, I believe everybody needs the water. Like myself, I live Upcountry and I depend on that water coming up out of my pipe, so does my animals, so does my lifestyle. I'm retired from the fire department, I ranch, and I'm also on the board of the Farm Bureau and the Cattleman's Association. And to just (inaudible) what the last gentleman said about us being able to be sustainable, with all of that land available for ag. and I -- and I emphasize the word "ag."

At the last testimony I did before DLNR, one of my things that I think was the wrong place, but I did say that if this water is earmarked for ag, that amount that is now used for potable water, like Upcountry, should be kept. I don't think any future subdivision should be coming up and tap into that ag. water and that's really my concern. I'm here representing ag. and the fact -- the part of ag. that I represent is the livestock industry.

I know some of the things that I heard some of the people from Sierra Club and some of the friends that I have from Keanae say, "Yeah, I mean, they want all this water, what for?" I don't know how much sorghum will take, how much corn will take, I can tell you how much if -- if we need to irrigate the pastures, right now the grasses that works down in that area would take about 4100 gallons per day per acre, that's what it takes to keep that thing in grass. Pending no rain now, I'm just saying just on the bottom line. Of course, it will be less with the rain and, of course, more with evaporation. Cattle drink 15 to 20 gallons per day, that's 20,000 gallons on a thousand acre pasture. A thousand acres of irrigated pasture, you can probably a head per acre. So I can only speak from the livestock side, I, on my end Upcountry, a lot of the kids now that should be in ranching and farming are not.

I'd like to see that land stay in ag. and I believe the water really should be shared. And like he was saying, I think once they found out what the stream flows is, then it should be adjusted as to what everybody can have so everybody can share the water. I mean, without water, there's no ag, I mean, nobody can disagree with that. So I'm saying also that if EMI -- and I'm not partial to them, but if EMI, who has been taking care of the ditch system for all these years, gets out of it, the county has no way in hell to take care of that ditch, they don't have the resources nor the funding. So it is essential for us, for our environment to have this water come out and have somebody take care of it.

FACILITATOR SENELLY: Okay. So my understanding is I did hear you say that you wanted to see some quantification of what the taro, the kalo needs are for water.

MR. BALTHAZAR: Exactly.

FACILITATOR SENELLY: You want to see the impact of the proposed action on the agricultural lands from your perspective, it's from ranching. And you also -- oh, you also want to see -- to make sure, you want the EIS to show what some of the future uses might be if it's not ag., because you don't want to see it developed.

MR. BALTHAZAR: I'm really concerned that this water that is earmarked for ag. stay as ag.

FACILITATOR SENELLY: Okay. You want it ag. Okay.  
(Applause.)

FACILITATOR SENELLY: Thank you, Mr. Balthazar.

**SUBJECT: EISPN: Proposed Lease  
(Water Lease) for the Nāhiku, Ke‘anae,  
Honomanū, and Huelo License Areas –  
following the scoping meeting,  
February 22-23, 2017**

**Date: March 9, 2017**

**Preface**

For convenience, the following proposal is designated “Proposed Alternative Action 2.2,” and is modeled after the project summary on page 3 of the EISPN accessed at:

[http://oeqc.doh.hawaii.gov/Shared%20Documents/EA\\_and\\_EIS\\_Online\\_Library/Maui/2010s/2017-02-08-MA-5E-EISPN-East-Maui-Water-Lease.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Maui/2010s/2017-02-08-MA-5E-EISPN-East-Maui-Water-Lease.pdf)

Basically, the proposal is to require A&B to construct, as an additional condition of the lease, a large reservoir in Central Maui (1000 acres, 16 billion gallons) so that their use of East Maui waters can be restricted to storm-overflow rather than normal daily diversion, with the accumulated waters in the reservoir being more than enough to meet all community, agricultural, cultural and environmental requirements, as well as provide excellent drought resistance and flood control management.

Under the Proposed Alternative Action 2.2 heading below, the black print follows the wording of the original EISPN project summary, with the red print indicating substitutions and additions. Following this, under the Discussion heading, each of the four bullet points in the “Objectives of the issuance of the proposed Water Lease (Proposed Action)” of the EISPN heading 1.6 are addressed. And under the Conclusion heading, additional benefits of the Proposed Alternative Action 2.2 are briefly outlined.

Thanks you for your consideration of these ideas.

**Brian Wittman  
PO Box 791163, Paia, HI 96779  
808-283-8693  
maui\_xaphoon@hotmail.com**

*(Trustee of Wittman Homestead and Educational Trust, which is owner of TMK parcels 2-7-9:01 and 2-9-8:033 which are in the Hanehoi Stream area of Huelo.)*

**PROPOSED ALTERNATIVE ACTION 2.2**

The Proposed Alternative Action (2.2) constitutes the issuance of an initial medium-term water lease of 3 years, after which follow-up leases will be renewable at five-year intervals, provided specific conditions are met at each renewal request, from

the Board of Land and Natural Resources for the continued "right, privilege, and authority to enter and go upon" the Nahiku, Ke'anae, Honomanu, and Huelo License Areas for the "purpose of developing, diverting, and using surplus flood-runoff waters" through the existing EMI Aqueduct System which supplies water to domestic and agricultural water users. The Water Lease will allow non-exclusive access to the license areas to the lessee to maintain and repair existing roads and trails used as part of the Aqueduct System and allow its continued operation to deliver water to the Maui County Department of Water Supply (DWS) for domestic and agricultural water needs in Upcountry Maui, supply domestic water for Nahiku and supply irrigation water for agricultural users at the Kula Agricultural Park. Any additional flood runoff waters remaining after these priorities are met will be made available to the lessee to provide water to approximately 30,000 acres of former sugar lands in Central Maui owned by A&B, provided the lessee constructs and maintains, on its own property in Central Maui, for the purpose of holding these waters for on-going agricultural and future community uses, a reservoir system totaling not less than 1000 acres, which shall hold a maximum of at least 16 billion gallons (based on an average depth of 50 ft.). The Water Lease will not allow the delivery of more storm runoff water than will be available for diversion after the Commission on Water Resources Management issues a decision on the pending Interim Instream Flow Standard (IIFS) matters. The Maui County DWS shall remain an equal partner in the design and management of the reservoir system throughout each lease term, and shall retain first right of refusal for the purchase of all the acreage comprising the reservoir system should the water lease be transferred directly to the County of Maui at a later date, at the average prevailing price for general agricultural acreage at the time of purchase. During initial 3-year lease period, the lessee shall provide the following improvements:

- 1) Repair of access roads and trails in the license area.
- 2) Provision of reasonable community access to license areas, in conjunction with the DLNR.
- 3) Reconfiguration of water diversion gates so that during high water conditions (heavy rainfall), the diversions are fed, but during low rainfall and drought conditions, no water is diverted.
- 4) Repair of ditches, flumes, and tunnels to minimize wasted resources.
- 5) Design, funding, and substantial completion of a Central Maui Community Reservoir System.

Inadequate progress in any of the above improvements shall be grounds for non-renewal of the lease. However, for the purpose of realizing the completion of the above improvements, the lessee is permitted to engage in the following activities:

- 1) Seek additional funding for water resource development and flood control from any available County, State and Federal resources for the construction of the reservoir and its supply infrastructure.
- 2) Within the general reservoir plan, incorporate private plans on its surrounding property that may benefit from the reservoir, for example: agricultural parks that are well-placed to receive water; recreational and residential areas (where permitted) that take advantage of the ambience associated with a large body of fresh water, etc.
- 3) Solicit from the lessor any assurances of good faith and/or satisfactory performance as may be necessary for the lessee to enter into funding relationships that will further facilitate prompt completion and ongoing maintenance of the project.
- 4) Develop specific management arrangements with affected parties (residents receiving water, County and State agencies having water supply/control mandates, etc.) as necessary to accomplish the “Objectives of the Proposed Action.”

## **DISCUSSION**

Under heading 1.6, In general, the objectives of the issuance of the proposed Water Lease (Proposed Action) are:

- Preserve and maintain the EMI Aqueduct System
- Continue to meet domestic water demands in Upcountry Maui
- Continue to provide water for agricultural purposes in Central Maui
- Continue to serve community water demands in Nāhiku

The Proposed Alternative Action meets these objectives in the following ways:

### **1) Preserve and maintain the EMI Aqueduct System.**

The Proposed Alternative Action 2.2 preserves and maintains the entire EMI Aqueduct System, with the specific new purpose of using the system to not to take the bulk of the normal flow, as has been the practice in the past, but rather to take maximum advantage of the storm runoff overflow of the streams. Normal flow will be maintained in all streams, and only the overflow during heavy rainfall will be diverted through the existing system. Because this overflow will be periodic rather than constant, a large water storage system in Central Maui is required. Under the Proposed Alternative Action 2.2, the lessee (A&B) must agree to build this large reservoir system as a condition for receiving the water lease. This is a very large expense, but it is reasonable to ask A&B to make a new outlay to bring the existing system up to modern needs. The previous practice (of taking all the water) is no

longer sustainable, and the previous sugar crop (which used all the water) is no longer viable.

The previous justification for leasing A&B all the water flow was based on its dominance in the local economy and its paternalistic management of the worker population during the plantation era. In return for the massive original investment (and impressive engineering), the companies that have since merged under A&B were given a privileged status, in spite of the fact that the water needs of the local communities were marginalized by diverting the streams. With accelerated modern development occurring all over the island, the allotment and conservation of water resources is clearly recognized as the primary community issue. A&B can no longer expect to continue to dominate water usage without providing adequate water resources for the remainder of the East Maui community. A&B does deserve some “legacy rights” for the remarkable accomplishment of the EMI system, but their last major investment in the system was the Wailoa ditch in 1923. Greatly enlarging the storage capabilities in Central Maui is the obvious “renewed contribution” that should be required of A&B, in order to meet good faith community needs for the current century.

Fortunately, by building a large Central Maui Reservoir system under the Proposed Alternative Action 2.2, A&B will be able to hold the water it needs for its large acreage just by diverting the storm water overflow from the East Maui streams. This will allow all the streams to maintain normal year-round flow even beyond the pending Interim Instream Flow Standards. In fact, using the EMI system to divert the storm water overflow will actually be helpful in preventing flood conditions and erosion along the streams.

And certainly, in addition to using the reservoir to supply its agricultural lands, A&B will be sure to make maximum use of the aesthetic possibilities of a large body of water to tie in with its existing development plans in the Hali’imaile and North Kihei areas. In acknowledgement of this inevitability, the Proposed Alternative Action 2.2 provides some leeway for A&B to seek funding to complete the reservoir system within the initial 3-year lease period by specifically allowing them to enter into funding arrangements with outside agencies and entities.

## **2) Continue to meet domestic water demands in Upcountry Maui**

Because the Proposed Alternative Action 2.2 not only maintains the existing EMI aqueduct system, but also greatly enhances the water storage capabilities in Central Maui, there will be no problem in continuing to meet domestic water demands in Upcountry Maui. The new reservoir system will be located, by obvious design priorities, as high in elevation as possible in order to benefit from the ditch locations, and the availability of water to feed the existing upcountry systems will only be enhanced.

## **3) Continue to provide water for agricultural purposes in Central Maui**

The large-scale enhancement of water storage facilities in Central Maui will certainly continue to provide water for agricultural purposes in Central Maui. In addition, the greatly increased capacity of the new reservoir system in the Proposed Alternative Action 2.2 will allow the use of seasonal storm overflow rather than constant diversion to feed the Central Maui water storage systems. Though less water will be taken from the streams on a daily basis, none will be wasted, and the gradually accumulating large volumes of water from rainy periods will allow massive water storage to meet agricultural needs during droughts, without taking stream flow from East Maui during critical times.

#### **4) Continue to serve community water demands in Nāhiku**

The Proposed Alternative Action 2.2 will continue to serve community water demands in Nāhiku. Nāhiku streams will remain at or above Interim Instream Flow Standards, and existing systems will not be affected. The Proposed Alternative Action 2.2 calls for the repair and on-going maintenance of all existing community supply systems.

#### **Conclusion**

In addition to meeting the objectives of the issuance of the proposed Water Lease, Proposed Alternative Action 2.2 will create the following:

- 1) Massive drought resistance for the Central Maui agricultural and population areas.
- 2) Additional aesthetic and recreational areas in the form of a fresh water lake on the central Maui slopes, and increased access to watershed areas for East Maui residents.
- 3) East Maui stream flow well above the pending Interim Instream Flow Standards, resulting in increased wildlife restoration including estuary eco-systems and enhanced near-shore fishing.
- 4) Additional economic opportunities for A&B that are commensurate with their expected new investment in water resource infrastructure.

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**  
Mr. Brian Wittman  
February 22, 2017  
Maui Electric Company Community Meeting Room  
Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. WITTMAN: As I'm talking if -- I'm Brian Wittman. I live in Huelo on Hanehoi Stream near Moke. Earl, could you put up a map that says "Use Area"? It's about, I don't know, ten slides back. I notice almost all of these comments are about socioeconomic because we're people and we have to make a living and we have families. And we care about the individual species, but we're pretty much all talking about ourselves and our family and our history.

That's a good map. Thank you. I think that A&B is asking for too much and they're too big. So I think when you guys are making the EIS, you should make it with a more reasonable request in mind, not the request for all that water for 30 years. I think they're asking for too long a time and I think also, unfortunately, they're not giving back enough.

And I think one of the things that maybe all of us should realize, all these ditches are up here, right, these were built by steam shovels back before diesel. Right? They were built by Chinese labor, German engineers. We still have German Hawaiians, Chinese Hawaiians. Right? Huelo is a community that actually came from EMI development, it was a fringe area in Hawaiian times, but it became kind of a central part of EMI and it's in Kailua where they maintain the ditches.

And I know some of those ditches, I don't know all of them, but they go around here, right, and they come over here and this is all A&B's land. Now, me, I just have about four acres there, so I'm not even talking about me. I'm on rain catch, so I'm talking about all you guys, the whole island. I think if A&B wants to make a reasonable request, they should think about, first of all, where are we gonna put the water we're asking for? As it is, what they're doing is they're asking to just have the water, have the water, have the water, put it in the field and let it run down in the ocean.

Now, wouldn't it be smarter for them to take some of their 30,000 acres -- that's a lot. I've got four, they've got 30,000, okay, 30,000 acres. Why not build a reservoir? Okay? I drive around here like below Haliimaile, it looks like there's kind of a scoop, below Pukalani there's a kind of a scoop. I think that they -- if they were smart, they would say, Okay, we have a lot of land, we should build a reservoir and we should just ask for the overflow.

FACILITATOR SENELLY: Okay.

MR. WITTMAN: Instead of asking for the main flow, we should say, You guys can have all the main flow and when you get storms in East Maui, when there's too much water, that's when we take ours and we

put our water in a reservoir and then we can have what we need and you guys can still have everything you need.

FACILITATOR SENELLY: Okay. So it's a matter of distributing, of storing and distributing differently than what is -- so it's another --

MR. WITTMAN: A&B needs to invest. They haven't invested since the 19th Century.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Brian Wittman  
PO Box 791163  
Pā‘ia, HI 96779  
maui\_xaphoon@hotmail.com

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

Dear Mr. Wittman:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, your oral comments at the February 22, 2017 EIS Scoping Meeting, and your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui. The environmental impacts of the potential Water Lease will be assessed.
2. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including lease durations.

We appreciate your interest in this environmental review process. Your oral and written comments, and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various

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

10238-02

Letter to Mr. Brian Wittman

Page 2

September 23, 21019

technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

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

Wilson Okamoto Consultants  
1907 S. Beretania St. Ste 400  
Honolulu, 96826  
Attn: Earl Matsukawa

EM

RECEIVED  
FEB 27 2017  
WILSON OKAMOTO CORPORATION

Greetings,

My name is Cal Shinyama, I grew up on Maui but for a few years on the Mainland for college, Maui has been my home. I am now retired and enjoying the fruits of my labor here on the most beautiful island in the world.

I can remember when agriculture was the engine that drove this economy, now it's tourism. Maui has consistently been voted one of the top vacation destinations in the world thanks in part to its open space due our agricultural past. I remember many of those camps that sprang around the mills and the families that grew up and contributed to making Maui attractive.

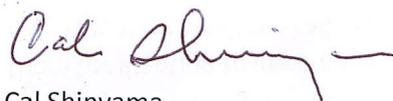
Now Pioneer Mill is gone, Maui Land and Pineapple is gone and many of those acres have been turned into golf course's, gated communities, or gentlemen's estates when those former agricultural companies get into real estate developments.

There is nothing to stop Alexander and Baldwin from becoming a Realty company as there are prime acres with sweeping mountain or ocean vistas, they have already sold 400 acres near Paia. I applaud them for wanting to keep much of their lands in agriculture, they are under no mandate to do so, the only way they can keep those lands in agriculture is by having a constant and guaranteed water supply.

The cattle industry for instance in order to expand must have water to irrigate those pastures especially in times of drought, any other agriculturally based company must have water to exist without it what other recourse does A&B have but to sell. There is enough water to satisfy everyone's needs, the Taro growers, the stream restorers and agriculture, it does not have to be all for one and none for the other.

We here on Maui will be the lesser if these open spaces become gated communities and Malls, it will be accessible only to those part time residents who come here who can afford to purchase them, they will certainly not be the local families that have made Maui their home. In short I am in favor of Alexander and Baldwin's bid for a long-term water contract.

Very Truly,



Cal Shinyama



10238-02  
September 23, 2019

Mr. Cal Shinyama

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

Dear Mr. Shinyama:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments received February 27, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The modification or removal of diversion structures in streams designated for full restoration by the D&O will have positive social value for East Maui, as discussed in the Social Impact Assessment by Earthplan (See Appendix G). Stream restoration supports cultural food gathering practices, as discussed in the Cultural Impact Assessment (See Appendix F). Restoring important cultural streams in East Maui will open opportunities for traditional agriculture and ensuing economic benefits, as assessed in the Agricultural and Related Economics Impacts Report done by Plasch Econ Pacific, LLC (See Appendix I).

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

10238-02

Letter to Mr. Cal Shinyama

Page 2

September 23, 2019

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Matsukawa".

Earl Matsukawa, AICP

Vice President, Director of Planning

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



# Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813 • [www.nhlchi.org](http://www.nhlchi.org)  
Phone (808) 521-2302 • Fax (808) 537-4268



March 10, 2017

Board of Land and Natural Resources  
Attention: Mr. Ian Hirokawa  
1151 Punchbowl St., Room 220  
Honolulu, Hawai'i 96813  
[Ian.c.hirokawa@hawaii.gov](mailto:Ian.c.hirokawa@hawaii.gov)

Re: Comments on the EISPN Proposed Lease for the Nahiku, Ke'anae,  
Honomanu, and Huelo License Areas East, Central and UpCountry Maui, Hawaii

Dear Mr. Hirokawa,

On behalf of Nā Moku Aupuni o Ko'olau Hui and other farmers, fishermen and women, and gatherers of native plants and stream animals in the East Maui region, the Native Hawaiian Legal Corporation submits its comments on the Environmental Impact Statement Preparation Notice (EISPN) for the proposed "Lease (Water Lease) for the Nahiku, Ke'anae, Honomanu, and Huelo License Areas" published on February 8, 2017.

The EISPN's impact analysis matter-of-factly states that, "[t]he Proposed Action is limited to the issuance of the Water Lease for the subject License area, which would enable A&B to continue operation of the EMI Aqueduct System that has been in operation for over a century." The clear implication is that the Proposed Action entails nothing more than "maintain[ing] existing conditions[.]" Both inaccurately assume that the status quo is diverted streams. Simply because the same resource has been committed in the past, however, does not make a new commitment of the resource, which in this case lasts for a thirty-year period, a continuous activity. To the contrary, a full opportunity to reevaluate whether the Proposed Action serves contemporary and prospective public needs is required, as is an EIS that evaluates conditions existing prior to approval of the Proposed Action and the consequences of that decision.

### **Hydrology Section 3.3**

In Section 3.3, Hydrology, the discussion of surface water identifies a total of 39 streams within the four License Areas subject to diversions and notes that the "Proposed Action will maintain existing conditions." EISPN at 3-4.

This statement ignores that over the past year alone [2016 through the present], A&B

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

significantly reduced its diversions of East Maui streams, limiting its diversions to the Honomanu and Huelo License Areas which draw from a mere fraction of the 39 streams identified. Compared to A&B's century-old diversion activities, present undiverted conditions are a dramatic turn of events and constitute the "existing conditions" against which the Proposed Action must be evaluated. To the extent the Proposed Action entails or contemplates reverting to pre-2016 conditions, where the high-water mark is a maximum diversion capacity of 450 million gallons daily, those impacts must be assessed. That "[t]he Water Lease will not allow the delivery of more water than will be available for diversion after the Commission on Water Resources Management issues a decision on the pending Interim Instream Flow Standard (IIFS) matters" reveals nothing about the broad spectrum of impacts that result from diverting anywhere from zero to all water in excess of these minimum streamflow standards. Any contention that the Proposed Action will "maintain existing conditions" belies these important considerations.

### **Natural Environment Section 3.5**

#### **Flora Section 3.5.1**

The impact analysis of flora relies on the misnomer that the Proposed Action maintains existing conditions. The EIS should, however, analyze the changes in flora that have occurred since the 2016 stream releases, as well as any future impacts the Proposed Action would have on existing conditions. The EIS should consider impacts not just on flora found in the four license areas, but in areas that lie beyond and downstream that are impacted by the Proposed Action's reduction in streamflows. A&B claims that reduced *ditch* flows generate increased vegetation requiring additional maintenance. The proper focus of the EIS, however, should be on the streambeds, namely the impact of reduced streamflows on the type and amount of vegetation that grows in the streambed, effects on native species, and the proliferation of alien species in and along the streambeds.

#### **3.5.2 Fauna and Aquatic Habitat**

A number of studies by the Department of Aquatic Resources have analyzed the impact of stream diversions on native aquatic life in East Maui. The EISPN states that the Proposed Action will "maintain existing conditions." Once again, the EIS cannot assume that pre-2016 diverted conditions control. Testimony provided to the Commission on Water Resources Management in the re-opened hearings on interim instream flow standards indicates that streamflow restorations can quickly lead to an increase in native aquatic species populations both in streams and in nearshore environments. For example, the return of flows throughout 2016, including Honomanu Stream, may already have caused significant changes from the prior diverted state. Therefore the EISPN's statement that the Proposed Action will "maintain existing conditions" ignores recent, observable changes in fauna and aquatic habitat within the East Maui watershed.

### **General Considerations**

The EISPN's insistence on treating A&B's historic diversions as an "existing condition" that will be "maintained" under the Proposed Action suggests that the true environmental impacts of the Proposed Action will not be meaningfully addressed. It is also unclear whether the detailed descriptions Nā Moku requested concerning the diversion system - particularly the amount of water diverted from each stream, license area, and watershed - will be included such that the EIS will provide the disclosures necessary for proper decisionmaking.

As stated in Nā Moku's pre-comments, Nā Moku's position is that the EIS should consider impacts to and along: (1) each diverted stream, (2) each individual license area, and (3) the entire 33,000 acres of license area. In addition, the discussion of diversions should include all structures, designs, and mechanisms that either remove water from streams **or** prevent water from entering into streams or flowing throughout a streamcourse.

The EIS should provide the following:

- Full disclosure of every single diversion along the East Maui Irrigation system (including photographs and descriptions as to how the diversion operates, how much water it diverts from the stream daily (on average and at minimum and maximum), and its precise location);
- Maps indicating all maintenance and/or access roads for the diversion system including identification of all access points at public roads and/or highways;
- Maps that show every single stream within East Maui, including all tributaries from ma uka to ma kai, identified by name; and
- Alternative proposed uses including one that involves the use of water from less than all four license areas and no diversion of water from East Maui.

The EIS should also disclose the following information for *each* alternative analyzed in the EIS:

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

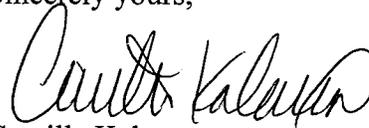
Finally, the EIS should provide an analysis of the following:

- the degree to which leasing of the land interferes with access to the license area - including a discussion as to who controls the various gates used to facilitate or prevent access to these lands;
- the impact of diverting water from East Maui streams on aquatic life;
- the impact of diverting water from East Maui streams on native plant species;
- the impact of diverting water from East Maui on invasive species, including the creation of mosquito breeding grounds;
- the impacts of diverting water from East Maui streams on outdoor recreational activities, the maintenance of ecosystems, and aesthetic values such as waterfalls and scenic waterways; and
- the impacts of diverting water from East Maui streams on traditional and customary Hawaiian practices (including but not limited to kalo farming, gathering of native stream flora and fauna, and recreation).

Our clients are looking forward to participating in the consultation process required to prepare the Draft EIS. You may contact our office if you need assistance contacting Nā Moku members or our other clients.

Attached to these comments as *Appendix 1* are declarations, affidavits, and/or testimony from Nā Moku and other East Maui community members that are relevant to the EIS for this Proposed Action. Should you have any questions regarding the above, please do not hesitate to call us at (808) 521-2302.

Sincerely yours,



Camille Kalama  
Summer Sylva  
Staff Attorneys

Enclosure(s)

cc:

Applicant: Alexander & Baldwin, Inc.

Mr. Daniel Y. Yasui

[dyasui@abprop.com](mailto:dyasui@abprop.com)

Consultant: Wilson Okamoto Corporation

Mr. Earl Matsukawa, AICP

[ematsukawa@wilsonokamoto.com](mailto:ematsukawa@wilsonokamoto.com)

## APPENDIX “1”

1. Declaration of Edward Wendt April 5, 2002
2. Declaration of Beatrice Kepani Kekahuna April 8, 2002
3. Direct Testimony of Beatrice Pualani Kepani Kekahuna August 1, 2005
4. CWRM CCH Declarations Submitted  
December 30, 2014
5. Declaration of Healoha Carmichael May 4, 2015
6. Declaration of Lezley Jacintho May 15, 2015
7. Declaration of Edward Wendt May 19, 2015
8. Declaration of Lurlyn Scott January 5, 2017



ahupua'a," and "to provide a formal voice and organization through which the residents of the community can participate fully and more meaningfully in the determination and development of policies and decisions affecting their destiny." *See*, Na Moku Articles of Incorporation, IV(A),(B), and (D), attached as Exhibit "A".

7. Thus, Na Moku's purposes encompass the assertion, on its members behalf, of rights as beneficiaries of the public trust, the Hawaiian Homes Commission Act, the trust created by Section 5(f) of the Admissions Act, and the constitutionally protected traditional and customary native Hawaiian practices which depend upon sufficient streamflow.

8. Many of Na Moku's members have property interests in kuleana within the Nahiku, Ke'anae, and Honomanu license areas. Although streamflow once fed lo'i on Na Moku's members' lands, that water is diverted and either no longer reaches these lo'i or results in lo'i water temperatures too high to effectively cultivate wetland kalo.

9. Na Moku seeks to restore streamflow in streams within the Nahiku, Keanae, and Honomanu license areas to their natural levels so that kalo cultivation is once again possible and its members may once again exercise their appurtenant and other traditional and customary rights ensured by Hawai'i's Constitution Article XI, §§ 1 & 7, Article XII, § 7, and HRS § 174C-63.

10. Na Moku also represents the interests of certain of its members who are beneficiaries of the trust created by the Hawaiian Homes Commission Act ("Act") and have applied for pastoral and agricultural homesteads within the Ke'anae-Wailuanui ahupua'a. Pursuant to Section 213(i) of the Act, they have a right to expect reasonable revenues to support programs for native Hawaiians and, pursuant to Section 221 of the Act, sufficient water to support homesteading. These rights are implicated by the proposed disposition of public lands for the development, diversion, and use of water.

11. Na Moku also represents the interest of its members who are beneficiaries of the trust established pursuant to Section 5(f) of the Hawaii Admission Act. As beneficiaries of this trust, Na Moku members have a right to expect reasonable revenues from the lease of public lands subject to the provisions of the trust to support programs "for the betterment of the conditions of native Hawaiians."

I declare under penalty of perjury that the foregoing statements are true and correct, to the best of my knowledge, information, and belief.

Dated: Honolulu, Hawaii, April 5, 2002.

A handwritten signature in cursive script, appearing to read "Edward Wendt", written in black ink.

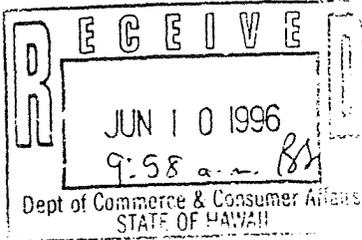
---

EDWARD WENDT

EXHIBIT A

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
BUSINESS REGISTRATION DIVISION

STATE OF HAWAII  
P. O. BOX 40  
HONOLULU, HI 96810



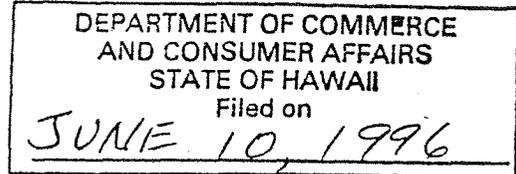
854 00152557 13- 6/10/96 25.00

Articles of Incorporation of

Na Moku Aupuni O Ko'olau Hui

104108702

The undersigned, desiring to form a nonprofit corporation under the laws of the State of Hawai'i, certifies as follows:



I

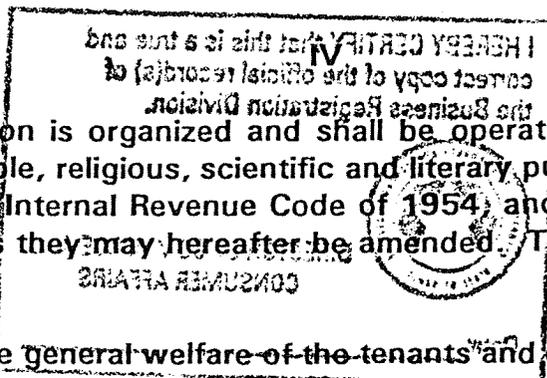
The name of the corporation shall be Na Moku Aupuni O Ko'olau Hui.

II

The location of the corporation's initial office shall be in Keanae-Wailuanui Ahupua'a, Maui, State of Hawai'i, and the specific address is HC1, Box 62, Wailuanui Road, Keanae, HI 96708

III

The period of corporation's duration is perpetual.



The corporation is organized and shall be operated exclusively for cultural, educational, charitable, religious, scientific and literary purposes within the meaning of 501(c) (3) of the Internal Revenue Code of 1954, and regulations thereunder as they now exist or as they may hereafter be amended. The objects and purposes of the corporation are:

- A. to promote the general welfare of the tenants and descendants residing in the Ahupua'a of Keanae-Wailuanui and elsewhere, in social, spiritual, cultural, educational and economic affairs;

EXHIBIT A

- B. to preserve and protect, and enhance the quality of the existing life of the people within the Keanae-Wailuanui Ahupua'a;
- C. to provide and improve communication and mutual understanding among the tenants and descendants of Keanae-Wailuanui Ahupua'a themselves and with other community associations concerning their mutual welfare;
- D. to provide a formal voice and organization through which the residents of the community can participate fully and more meaningfully in the determination and development of policies and decisions affecting their destiny.

## V

As a means of accomplishing its cultural, educational, charitable, religious, scientific and literary purposes the corporation shall have, in addition to the general powers conferred upon it by the State of Hawai'i, but subject to the foregoing limitations, the following powers:

- A. to accept, acquire, receive, take and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, by judicial order or decree, or otherwise, for any of this objects and purposes, any property, both real and personal, of whatever kind, nature or description and wherever situated;
- B. to enter into, make, perform, and carry out contracts of every kind for any corporation purpose, without limit as to amount, with any person, firm, association, corporation, or other nonprofit organization, including contracts for the employment of administrators, employees, consultants or other counsel;
- C. in general, and subject to such limitations, and conditions as are or may be prescribed by this Articles of Incorporation, to exercise such other powers which nor or are hereafter conferred by law upon a corporation organized for cultural, education, charitable, religious, scientific and literary purposes set further above, or necessary or incidental to the powers so conferred, conducive to or in furtherance of the attainment of the proposes of the corporation.

## VI

In all events and under all circumstances, including but not limited to reorganization, dissolution, or amendment of the Articles of Incorporation of the corporation, the purposes and powers shall be subject to the following limitations:

- A. no substantial part of the activities of the corporation shall consist of carrying on propaganda, or otherwise attempt to influence legislation; nor shall it participate in, or intervene in (including the publishing or distributing of statements) any candidate for public office; nor shall it engage in any activities which are unlawful under the laws of the United States or of the State of Hawai'i; nor shall it exercise any powers or engage in any transaction or activity not permitted to be conducted or carried on by an organization exempt under Section 501(c) (3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended, or by an organization, contributions to which are deductible under Section 170(c) (2) of such Code and Regulations as they now exist or as they may hereafter be amended;
- B. the corporation shall never be operated for the primary purpose of carrying on any trade or business for profit, and neither the whole nor any part or portion of the assets, income or earnings of the corporation shall be used, nor shall the corporation ever be organized or operated, for objects or purposes which are not exclusively cultural, educational, charitable, religious, scientific or literary, under the laws both of the United States and of the State of Hawai'i;
- C. neither the whole nor any part or portion of the assets, income or earnings, current or accumulative, of the corporation shall ever be used for dividends or be otherwise withdrawn or distributed to or divided among any members, directors or officers of the corporation or any donor, whether upon liquidation or dissolution of the corporation or otherwise; provided, further, that neither the whole nor any part or portion of such assets, income or earnings shall ever be used for, accrue to, or inure to the benefit of any private individual within the meaning of the tax exemption requirements of the laws both of the United States and the State of Hawai'i;
- D. the corporation is not organized for profit and shall not issue any stock, and no part of its assets, income or earnings shall be used for dividends, or otherwise withdrawn or distributed to any of its members, directors or officers. The corporation is organized and shall be conducted exclusively for cultural, educational, charitable, religious, scientific or literary purposes;
- E. the corporation shall be operated so as to qualify as an organization described in Section 509(a) (3) of the Internal Revenue Code, and thereby avoid being classified as a "private foundation" within the meaning of Section 509(a) of the Internal Revenue Code. However, in the event that the corporation becomes or is declared to be a "private foundation", then the income of the corporation for each taxable year shall be distributed at such time and in such manner as not to subject the corporation to the tax under Section 4942 of the Internal Revenue Code and Regulations promulgated in connection therewith. Notwithstanding any other provisions of the Articles of Incorporation or any provisions of law, the corporation shall not:

- a. engage in any act of self-dealing as defined in Section 4941(d);
- b. retain any excess business holdings as defined in Section 4943(c), subject to the right to dispose of such holdings within the period prescribed in said Section;
- c. make any investments in such manner as to subject the corporation to tax under Section 4944 or;
- d. make any taxable expenditures as defined in Section 4945(d).

## VII

The management of the business and affairs of the corporation and the control and distribution of its property shall be vested in a Board of Directors.

The Board of Directors shall have full power to control and direct the business affairs of the corporation, subject, however, to any limitations contained herein and in the By-Laws of the corporation. The initial directors of the corporation, all residents of the State of Hawai'i, and their home addresses are as follows:

<u>Name</u>	<u>Residence</u>
Edward Wendt	2965 Kailiili Road Haiku, HI 96708
Henry Kaililaau	188A W. Lanai Street Kahului, HI 96732
Ellen P. Denecke	188A W. Lanai Street Kahului, HI 96732
Awapuhi Carmichael	HC1 Box 81 Haiku, HI 96708
Pualani Kimokeo	HC1 Box 65 Haiku, HI 96708
Willie K. Kimokeo	HC1 Box 65 Haiku, HI 96708
Mary Kaauamo	HC1 Box 100 Haiku, HI 96708

Virgil E. Day, Jr.

HC1 Box 116  
Haiku, HI 96708

Patricia J. Neal

2965 Kailiili Road  
Haiku, HI 96708

Solomon Kaauamo

HC1 Box 84  
Haiku, HI 96708

Joseph J. Day

HC1 Box 105  
Haiku, HI 96708

### VIII

The officers of the corporation shall consist of a president, vice-president, corresponding secretary, recording secretary, treasurer and sergeant-at-arms. The initial officers, all residents of the State of Hawai'i, of the corporation and their home address are as follows:

<u>Name</u>	<u>Office-Held</u>	<u>Residence</u>
Edward Wendt	President	2965 Kailiili Road Haiku, HI 96708
Henry Kaililaau	Vice-President	188A W. Lanai Street Kahului, HI 96708
Ellen P. Denecke	Corresponding Secretary	188A W. Lanai Street Kahului, HI 96708
Awapuhi Carmichael	Recording Secretary	HC1 Box 81 Haiku, HI 96708
Pualani Kimokeo	Treasurer	HC1 Box 65 Haiku, HI 96708
Willie F. Kimokeo	Sergeant-At-Arms	HC1 Box 65 Haiku, HI 96708

IX

The property of the corporation shall alone be liable for payment of the debts and liabilities of the corporation and the private property of the directors and officers shall not be subject to the payment of the corporation's debts or claims against the corporation of any extent whatsoever.

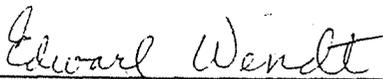
X

Upon the dissolution of the corporation or the winding up of its affairs, the assets of the corporation shall be distributed exclusively to cultural, educational, charitable, religious, scientific or literary organizations which would then qualify under the provisions of Section 501(c) (3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended.

This Articles of Incorporation shall be subject to amendment from time to time as provided by law, except that no amendment shall be made which would change the objects and purposes of this corporation to inure to the benefit of any member, donor or private individual, or which would permit any transaction or activity not permitted to be conducted or carried on by an organization exempt under Section 501(c) (3) of the United States Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended.

IN WITNESS WHEREOF, I certify under the penalties of the Hawai'i Revised Statues, Section 415B-158 that I have read the above statements and that the same are true and correct.

DATED: Keanae-Wailuanui, Maui Hawai'i, June 6, 1996.

  
\_\_\_\_\_  
Edward Wendt

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly served upon the following parties in the manner indicated, by U.S. Mail, postage prepaid, or by hand-delivery to their last known address:

The Honorable E. John McConnell (Ret.)                      U. S. MAIL  
33 N. Market Street, Suite 200  
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Honolulu, Hawaii 96813

Richard K. Minatoya, Esq.    U. S. MAIL  
Deputy Corporation Counsel  
County of Maui  
200 S. High Street  
Wailuku, Hawaii 96793

DATED: Honolulu, Hawai'i, April 11, 2002.

  
\_\_\_\_\_  
ALAN T. MURAKAMI  
MOSES K. N. HAIA III  
Attorneys for Petitioners  
Na Moku Aupuni O Ko'olau Hui, et al.

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Matter of the Contested Case Hearing ) DLNR FILE NO. 01-05-MA  
 Regarding Water Licenses at Honomanu, )  
 Keanae, Nahiku, and Huelo, Maui ) DECLARATION OF BEATRICE  
 ) KEPANI KEKAHUNA  
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 )  
 )  
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DECLARATION OF BEATRICE KEPANI KEKAHUNA

I declare under penalty of perjury that:

1. I am basing my statements on matters that are within my personal knowledge.
2. Attached as Exhibit "A" is a true and correct copy of my birth certificate, which establishes that I am native Hawaiian.
3. I have property interests in and lawfully reside upon land identified as TMK: 2-9-001-014 and TMK: 2-9-001-016.
4. The parcels of land identified as TMK: 2-9-001-014 and TMK: 2-9-001-016 are located in Honopou, Maui and are bordered by Honopou Stream.
5. Honopou Stream exists within the Huelo license area.
6. Honopou Stream streamflow is diverted by a system of ditches operated by East Maui Irrigation.
7. Attached as Exhibit "B" is a true and correct copy of the current tax map for TMK: 2-9-001-014.
8. Attached as Exhibit "C" is a true and correct copy of the current tax map for TMK: 2-9-001-016.
9. Honopou Stream streamflow once fed lo'i that still exist within TMK: 2-9-001-014 and TMK: 2-9-001-016.

10. Currently, Honopou Stream streamflow either does not reach these lo'i or results in lo'i water temperatures too high to effectively cultivate wetland taro.

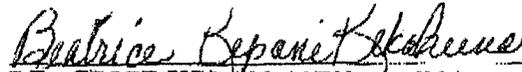
11. I seek to restore streamflow to Honopou Stream so that I and my 'ohana may cultivate taro on our land once again.

12. I also seek to restore streamflow to Honopou and other streams affected by EM) ditch system diversions so that I and my 'ohana may also exercise other traditional and customary rights ensured by Hawaii's Constitution Article XI, §§ 1 & 7, Article XII, § 7, HRS § 174C-63, HRS 1-1, and HRS 7-1.

13. As a native Hawaiian, I am also a beneficiary of the trust established pursuant to Section 5(f) of the Hawaii Admission Act. As a beneficiary of this trust, I have a right to expect reasonable revenues from the lease of public lands subject to the provisions of the trust to support programs "for the betterment of the conditions of native Hawaiians."

I declare under penalty of perjury that the foregoing statements are true and correct, to the best of my knowledge, information, and belief.

Dated: Honolulu, Hawaii, April 8, 2002.

  
BEATRICE KEPANI KEKAHUNA



interest?

A. In addition to other property in Honopou, my `ohana also acquired title to Royal Patent Grant 1082 to Kaimi. The Kingdom also granted Royal Patent Grant 3101 in two apana, consisting of two separated parcels, approximately 6 and 9.82 acres each, to my grandfather Kepani. Apana 1 of Grant 3101 now consists of 5.7 acres and is now TMK 2-9-01-6. LCAw. 5595-E:1, which surrounds Grant 1918:1, abuts Grant 3101:2. All of these parcels, except for Grant 3101:1, are, together with Grants 1082 and 3101:2, a part of the larger TMK 2-9-01-14, collectively consisting of 22.81 acres. The relevant tax map, now shows that Elizabeth Kepani and others in my `ohana own Grants 1082, 1918:1, and 3101:1 and 2, and LCAw. 5595-E:1. My father deeded his partial interest in TMK 2-9-01-14 to me and my sister Virginia Amaral effectively providing my sister and I with the legal authority to cultivate taro on these lands. This parcel is riparian to Honopou Stream.

Q. How do you use that TMK?

A. I farm a portion of this land with my cousin Marjorie Wallet and her `ohana, but the current stream flow does not allow us to cultivate taro as we wish.

Q. Who is the current owner of the kuleana on which your hale is located?

A. LCAw. 5459-X:2 to Imihia is designated as TMK 2-9-01-16. My dad deeded that parcel to Lokana Kepani Jr. my oldest brother, now deceased. His three sons, Clifford, Gary, and Thomas who all live and work in Honolulu. They have collectively given me permission to live on and farm this kuleana which is riparian to Honopou Stream.

Q. How do you use that kuleana?

A. I occupy the house on LCAw. 5459-X:2 to Imihia, where I also have 3 taro lo`i.

Q. Where are the lands located?

A. TMK sheet 2-9-01 depicts the area along the Honopou Stream. This land is located down an unpaved road makai of the main government highway.

Q. How did you end up living and farming on the lands you currently occupy?

A. I helped my `ohana raise taro in Honopou since I was a little girl. As an

adult, I continued to farm taro despite the lack of sufficient streamflow in Honopou Stream.

Q. What is your background in taro farming?

A. I grew up with my parents in Honopou, on the lands mentioned above along Honopou Stream. I had to work the lo`i as a child (keiki). I recall growing taro along the Honopou Stream on Grant 3101:2, Grant 1918:1, LCAw. 5595-E:1, and LCAw. 5459-X:2.

Q. How much taro did you grow back then?

A. As a girl, I remember that we kept about 25 lo`i in wetland taro on Grant 3101:2, Grant 1918:1, and LCAw. 5595-E:1. We had about 3 lo`i near the house on LCAw. 5459-X:2.

Q. What kind of taro did your `ohana grow?

A. Mainly lehua.

Q. How did you `ohana manage so many lo`i?

A. We planted in cycles to take advantage of the placement of the lo`i, `auwai, and the need to let each lo`i rest in between plantings. This pattern allowed the lo`i to stay rich and productive. If we didn't let the lo`i rest in between plantings, the crops would suffer.

Q. Were there other Hawaiian families that lived along the Honopou Stream when you were a girl?

A. Yes, people used to go mauka-makai in the valley, farming mauka and fishing along the shore.

Q. What kinds of fish would these residents of Honopou catch?

A. People would catch many kinds of fish for their diets – manini, po`opa`a, hīnālea, enenu, and moi. There was even a trail that went through our `aina for this purpose.

Q. Would they gather other kinds of foods?

A. Yes, they would gather limu along the shore and hihiwai, o`opu, and ōpae in the stream. There were lots of hihiwai, o`opu, and ōpae, when there was more water in the stream.

Q. What about today?

A. Now, no more. The water in the stream is dirtier, and there is less coming down all the way to the ocean.

Q. Where did you gather what you needed from the stream when you were a girl?

A. I just went to the stream right by our kuleana. For example, in the early morning, I'd fish for o'opu, as they slept in the sand. I didn't even use fish hooks; I just picked them from the stream. I also gathered o'pae 'oeha'a, which lived in our lo'i and 'auwai.

Q. How would you eat the o'opu?

A. We would dry them, lāwalu paha with salt.

Q. Where would you get salt?

A. We'd gather salt from the small natural pools, kāheka, near the sea.

Q. What other foods did you gather or grow?

A. I used to catch moi li'i during its season, with a safety pin. My father also grew sweet potato (uala), pumpkin (pāla'ai paha), squash, sugar cane, and various vegetables.

Q. How important was the stream and 'aina to your 'ohana?

A. It was vital to our culture and survival. The land sustained and gave life to the families along the stream.

Q. Have you sought the BLNR staff assistance to restore flow?

A. I don't understand why the Department of Land and Natural Resources (DLNR) staff won't act to help us taro farmers and Hawaiian cultural practitioners. They've known about our problem for years, yet refuse to take any action against A&B/EMI to put more water back into the streams. I've made complaints to several generations of these state employees without any result. They come out and visit, look at my problem, then do nothing. My attorneys have repeatedly described in detail my inability to grow more than a small amount of taro with the available water released downstream of the ditch. No one from the DLNR staff has taken any initiative to determine whether I can now grow the amount of taro I am trying and entitled to grow with the amount of water now in the stream. I have been frustrated for years by the failure of the State to address my and others water rights by requiring A&B/EMI to return

streamflow to Honopou Stream so I can grow as much taro on these lands as my father and grandfather before him once did. I asked all that time, but without any response. I am now forced to go to formal contested case hearings. That is not right.

Q. What financial burden has this placed on you and your family?

A. Taro farming, fishing, and gathering from the sea and coastline all contributed significantly to helping me offset the significant costs of feeding my family. It also allowed me to engage in the cultural traditions I learned from my elders and which I want to pass on to my keiki and mo`opuna. Denying me water in the stream has an immediate, direct, and significant effect on my ability to sustain my family with food and cash to pay for living costs and to pass on these cultural practices. In effect, the loss of water has significantly adversely impacted my cultural heritage and my `ohana's self-sufficiency. I have to pay for the difference in food costs.

In the past 4-5 years, the price of poi available to me in the store costs \$5 per plastic container and is shipped from Kaua'i. The poi from the Maui bags tasted better, but I can hardly get local poi anymore because the supply is so low, especially when you go into a store late in the day. Also, because I cannot find the hihiwai, o`opu, and o`pae, I am forced to buy other foods to substitute for those sources. This all adds to my food bill. Since I only have social security benefits, every little bit makes a big difference. I would much prefer to be able to rely more on what nature used to provide families like mine in Honopou to help me feed myself and my family.

Q. Has this situation imposed other costs on you?

A. I cannot afford to pay for any major costs of pursuing my legal claims, but I am obligated to pay for the costs of legal representation from the Native Hawaiian Legal Corporation. I have to ask for a waiver of that obligation because I cannot afford to pay for them. I also cannot afford to pay for any mediators, should any be appointed to mediate this dispute.

Q. What is your reaction to this situation?

A. I don't think it's fair, nor legal. I only want to get the water I am clearly entitled to get to farm taro and gather from the stream as my ancestors did. That's an entitlement the DLNR should have recognized and done something about long ago, instead of allowing A&B/EMI to continue victimizing me and my `ohana. The water I

am seeking comes from ceded lands the state is supposed to manage for my benefit and other native Hawaiians. The DLNR is not doing that job and is, in the process, ignoring Hawaiians. Given my superior rights, I should be able to pick up the phone, call someone at the DLNR, inform them that I am being denied a sufficient amount of streamflow and have the problem resolved quickly. Instead, I have to prove that water should be released from the diversions. The water diversions the DLNR is allowing are illegal and should stop so I get as much water as I need to grow taro and once again gather from the Honopou Stream as my ancestors did. Once my rights and the superior rights of others are satisfied then the DLNR may determine what, if any, amount of the excess can be diverted.

Q. Where have you seen these diversions on Honopou Stream?

A. Right below the main highway on the stream, EMI has a large concrete dam that diverts water into the Haiku Ditch. In place of the natural flow, EMI has installed 4 inch pipes to carry a fraction of the natural stream flow beyond the dam. A gate use to control the release of water into the stream from this diversion. My dad used to open and close that gate as he needed, but now only the 4 inch pipes over the dam allow for a fixed amount of water to flow downstream and that isn't nearly enough to satisfy my rights and the rights of others.

Q. How has this low flow specifically affected your `ohana?

A. We can't plant as much taro as we once did. I still grow taro on LCAw. 5459-X:2. I have started to restore the lo'i on LCAw. 5595:E:1, and a portion of Grants 1918 and 3101:2. However, the low flow has prevented me from going further. Although I and my `ohana want to open up more already existing taro lo'i on our property, there isn't enough water flow to do so. Also, my `ohana and I are unable to exercise other traditional and customary native Hawaiian rights in and around our ahupua`a, coastline and adjacent ocean waters for subsistence, cultural and religious purposes passed on to us by our ancestors.

Q. How many traditional taro lo'i could you plant on the lands you mentioned?

A. About 33-35 lo'i.

Q. How many do you now have planted?

Q. 1-2 lo'i.

B. What is the reason you do not have more lo`i planted in taro?

A. When there's not enough water, as now, and for the past several years, the taro will rot without sufficient flow through to keep the temperature down in the lo`i.

Q. What are you planning to do in this current situation?

A. I have to leave some lo`i fallow for good farming practices. I would try to open up 3 now, to see whether we can grow it. I am asking the DLNR to force EMI to release water from its ditch so enough water reaches the intake to my `auwai.

Q. What kind of taro will you plant?

A. I'd prefer Moi or Aweweo kalo because it can be used for both poi and luau leaf, but there is more chance it would encounter problems with root rot, so I feel I have to wait until the decision in this case gives me the water I need.

Q. How many lo`i would you open if you had all the water you needed?

A. Maybe 20-25, so I can rotate crops at different times in different lo`i. That means I'll leave about a third fallow.

Q. Who would help you?

A. My cousin Marjorie Wallet, her daughter, Lyn Scott, and my 2 sons Sanford and Boniface. Only the DLNR and its partner A&B/EMI is stopping me from growing the taro I could grow.

Q. Didn't A&B/EMI put in an additional pipe in the past year to make it easier on you?

A. It put in an extra pipe to pass more water over its dam above me, but the additional flow does not provide what I really need. Garrett Hew's employees started measuring the difference in flow during an especially rainy period. As a result, the difference in flow was due more to the rain than the flow through the additional pipe. Flow measurements should be taken during the normal dry period to get a true picture. The regular additional flow from the pipe is not sufficient for me to open up more taro lo`i. I can't rely on the flow through this additional pipe given the costs and amount of work involved with adding more taro lo`i.

Q. It seems as though your roots in Honopou are very deep?

A. I am connected to that land by birth and heritage and will always live there. I believe in malama `aina, as my dad taught me as a girl, and apply it today in my

kupuna years. There is an old cemetery just above the old Honopu landing. No one is assigned to care for it, so I take care of it myself. This tradition of malama `aina is important to all Hawaiians like me who have tried to remain on the lands on which we were raised.

The many Hawaiian families, like mine, that once thrived on this coast depended on an abundant flow of water in the streams for our taro growing and gathering activities. Our ability to depend on this water was critical to our being able to survive off the land. However, the diversions undertaken by A&B/EMI with the State's blessing have all but extinguished that ability. The decline in water flow as a result has steadily made our situation worse, because we increasingly lose the ability to fend for ourselves and pushed into relying more on a cash economy for our basic needs. If we had more water flowing in the stream, the resulting farming and gathering activities we would no doubt pursue would help restore our confidence, security, and culture. Without it, we continue to feel burdened by the resulting loss in food and cultural activities so dependent on naturally flowing streams.

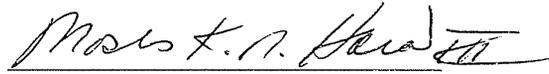
I am now 73 years old and have seen many negative changes to the stream and the activities we pursued as Hawaiians that relied on that stream flow. I want to grow more taro and pass on that knowledge to my children and grandchildren so they can continue to make the lands of my ancestors as productive as they once were. I cannot do that without the state and A&B/EMI restoring the stream flow to which we as Hawaiians superior rights. These rights continue to take a back seat to the economic motivations of a private sugar plantation. This is Hawai'i. Our rights are supposed to be enforced so we can keep our unique cultural practices alive and well.

CERTIFICATE OF SERVICE

I hereby certify that two (2) copies of the foregoing document were duly served on Linda L. Chow, Deputy Attorney General, for Hearings Officer, The Honorable E. John McConnell on August 1, 2005, by hand delivery. I further certify that one (1) copy was served on the remaining parties as indicated, on August 1, 2005.

Linda L. Chow, Esq. Deputy Attorney General For Hearings Officer The Honorable E. John McConnell (Ret.) 465 S. King Street, Room 300 Honolulu, Hawaii 96813	<input type="checkbox"/> U. S. MAIL <input checked="" type="checkbox"/> HAND DELIVERY
Randall K. Ishikawa, Esq. Ishikawa Morihara Lau & Fong, LLP 841 Bishop Street, Suite 400 Honolulu, Hawaii 96813	<input checked="" type="checkbox"/> U. S. MAIL <input type="checkbox"/> HAND DELIVERY
Elijah Yip, Esq. David Schulmeister, Esq. Cades Schutte 1000 Bishop Street, 10 <sup>th</sup> Floor Honolulu, Hawaii 96813	<input checked="" type="checkbox"/> U. S. MAIL <input type="checkbox"/> HAND DELIVERY
Isaac Hall, Esq. 2087 Wells Street Wailuku, Maui, Hawaii 96793	<input checked="" type="checkbox"/> U. S. MAIL <input type="checkbox"/> HAND DELIVERY
Robert H. Thomas, Esq. 1001 Bishop Street Pauahi Tower, Suite 1600 Honolulu, Hawaii 96813	<input checked="" type="checkbox"/> U. S. MAIL <input type="checkbox"/> HAND DELIVERY
Brian T. Moto, Esq. Jane Lovell, Esq. Deputy Corporation Counsel County of Maui 200 S. High Street Wailuku, Hawaii 96793	<input checked="" type="checkbox"/> U.S. MAIL <input type="checkbox"/> HAND DELIVERY
Richard Kiefer, Esq. David Merchant, Esq. 444 Hana Hwy, Suite 204 Kahului, Hawaii 96732	<input checked="" type="checkbox"/> U.S. MAIL <input type="checkbox"/> HAND DELIVERY

DATED: Honolulu, Hawai'i, August 1, 2005.

A handwritten signature in black ink, appearing to read "Moses K. N. Hala III", written over a horizontal line.

ALAN T. MURAKAMI

MOSES K. N. HALA III

Attorneys for Petitioners

Na Moku Aupuni o Ko'olau Hui, et al.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF AJA AKUNA

DECLARATION OF AJA AKUNA

I, Aja Akuna, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. I am a taro farmer. My family grows kalo on about 1 ½ to 2 acres of property irrigated by Waiokamilo and Kualani.
5. I am farming this land based on my family traditions and the cultural practices we learned and wish to continue here.
6. Traditionally, my 'ohana gathered 'ōpae, 'o'opu, hihiwai, pohole, kalo, 'ulu, mai'a, watercress, pepeiau and other fish in Honopou, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu,

Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

7. Traditionally, my ‘ohana fished for moi, ane, ‘ō‘io, ‘awa, pakaawa, aholehole, uhu, crab, kole, poopaa, haukeuke, ‘opihi, pipi, kupee pu‘u, pilali, and wana in or near the mouths of Honopou, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

8. My ‘ohana also engaged in mālama ‘āina and mālama kahawai by only taking what they could eat in and around Honopou, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

9. Currently, my ‘ohana and I gather ‘ōpae, ‘o‘opu, hihiwai, pohole, kalo, ‘ulu, mai‘a, watercress, pepeiau and other fish in Honopou, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. However, we can’t get the same amount of these resources as my ‘ohana used to be able to. We also need to go further to gather.

10. My family and I fish for whatever fish we can get, including moi, mullet, and aholehole in or near the mouth of in Honopou, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

11. I gather and fish to feed my family and kupuna who cannot go and get food themselves.

12. We engage in mālama ‘āina and mālama kahawai by only taking what we need and cleaning the above-named streams to help the water flow all the way to the ocean and support the ecosystem we rely on to farm, fish, hunt, and gather.

13. We also enjoy Honopou, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue recreationally. We fish and hunt in and around those streams. We go down to the muliwai to swim.

14. My ‘ohana appreciates seeing the rivers run to the ocean and looking at the waterfalls.

15. The lack of stream flow is a problem for my family because we cannot grow kalo or gather how our kupuna used to. We are unable to open up new taro patches. We have also lost taro due to the lack of water. There also is not as much fish to eat. Families cannot support themselves and have to leave the area to make money.

16. If there was enough water in the streams, my ‘ohana would open more taro patches.

17. If there were more water in the streams, my ‘ohana would gather ‘ōpae, hihiwai, and ‘o‘opu in Honopou, Waikamoi, Wahinepee, Honomanu, Piinaau, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Waiaaka, Kapaula, Hanawi, and Makapipi.

18. If the lack of water was not a problem, I would fish as my kupuna did, fishing for moi, ane, ‘ō‘io, ‘awa, pakaawa, aholehole, uhu, crab, kole, poopaa, haukeuke, ‘opihi, pipi, kupee pu‘u, pilali, and wana in or near the mouths of Honopou, Waikamoi, Wahinepee, Honomanu, Piinaau, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Waiaaka, Kapaula, Hanawi, and Makapipi.

19. If water were put back in the streams, I would continue to mālama the streams by only taking what we could eat. My ‘ohana would continue to fish and hunt in and around these streams and swim in the muliwai.

20. If there was more water in the streams, I would appreciate the natural scenery. It would be nice to see the rivers flow to the oceans and see the waterfalls how they used to be.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Kihei, Maui, Hawai'i, December 26, 2014.

  
\_\_\_\_\_  
AJA ARUNA

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF 'AWAPUHI  
CARMICHAEL

DECLARATION OF 'AWAPUHI CARMICHAEL

I, 'Awapuhi Carmichael, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. My father Henry Ben Kaauamo was from Wahinepee. My mother Sarah Ahkuna Hueau was from Ke'anae.
5. I grew up in Wailua/Ke'anae and was raised by my grandmother Ellen. We were raised traditionally. Although we had no money, we were still rich.
6. When I was growing up, we had so much food. Now no more. It seemed to change after Hawai'i became a state, and the state introduced foreign species.

7. I farmed kalo when I was a little girl with my grandmother. She farmed taro to feed our family, not to sell it, and we farmed in the traditional way and without the use of commercial fertilizers.

8. I learned traditional and customary gathering practices from my grandmother Ellen. Our 'ohana had our own traditions.

9. Traditionally, my 'ohana went all over to gather 'ōpae, watercress, lū'au, haha, pepeiao, hihiwai, pupulo`i and goldfish in Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue. We would gather as far as Kaupo because we were invited. We liked to go to Hanawi at night.

10. Traditionally, we would gather 'opihi on the way home from gathering and also catch 'o'opu at Waiolohe and Ching's pond in Palauhulu.

11. My 'ohana also engaged in mālama 'āina and mālama kahawai at Honomanu, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue by gathering according to the moon and not always going to the same places so we didn't overharvest the stream. We would mālama our own ko`a's to make sure that we could keep the population going.

12. I noticed EMI started to take more water in 1985. I started noticing the stream went dry. We tried to do something about it, but as we talked, EMI took more water. They expected us go to out and clean the ditches.

13. Currently, my 'ohana and I gather 'ōpae, limu, and opihi in or near the mouths of Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue. We have to go farther, higher in the mountains than we used to to find the opae. We also used to go to Honomanu but it's dirty now.

14. I gather to feed my family.

15. I still engage in mālama 'āina and mālama kahawai by gathering according to the moon and not always going to the same places so we didn't overharvest the stream.

16. We also enjoy swimming in Ching's Pond at Piinaau.

17. If there were more water in the streams, my 'ohana would gather 'ōpae, limu, and opihi in or near the mouths of Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue.

18. If water were put back in the streams, I would continue to gather according to the moon and not always go to the same places.

19. The lack of stream flow is a problem for me because we need water so future generations can continue our traditions.

20. I thank God for all of the blessings, for the upbringing we had. We stayed together through the hardships, always together. I didn't really know my parents until I got married. I was raised by my grandmother. I went everywhere with my grandma. I left Ke'anae at 13 to go to Kamehameha. My parents sacrificed so much for me. After Kamehameha, I went to California to work at an insurance company and then Pacific Stock Exchange. I gave it up to be with my husband. When I came back to Maui and saw what my parents did with their lo'i and my brothers and sisters (only one of 13 of us never got a diploma), I was so appreciative. When I came home, I kissed the ground. I was happy to be on Maui.

21. My 'ohana taught me everything I know today. They showed us by example – they did, and we followed. I want to pass it on to the generations that come after us.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Keanae, Maui, Hawai'i, 11/11, 2014.

  
AWAPUHI CARMICHAEL

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF CARL WENDT

DECLARATION OF CARL WENDT

I, Carl Wendt, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko`olau Hui.
4. My family has an interest in property in proximity to Palauhulu and Waikani (Wailuanui) Streams.
5. I am a taro farmer. I grow kalo on property irrigated by Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki streams.
6. Traditionally, my family gathered 'ōpae, 'o'opu, and hihiwai from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.
7. My family also traditionally fished for moi, mullet, turtle, and akule in or near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena,

Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

8. Traditionally, my family engaged in mālama ‘āina and mālama kahawai by being good stewards.

9. In addition to kalo farming, I also engage in mālama ‘āina and mālama kahawai by cleaning the streams, specifically Palauhulu, Waiokamilo, and Kualani.

10. For me, gathering and fishing from the streams is a way to provide food and pass on traditional practices.

11. I appreciate the peace of mind I get when I’m outside and experiencing the natural scenery and beauty of Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki.

12. The lack of stream flow is a problem for me as a Hawaiian. It hurts me to see the ‘āina and its resources suffering.

13. Because of the lack of stream flow, we are losing our cultural practices.

14. If there was enough water in the streams, I would gather and fish as my family before me did. I would gather ‘ōpae and ‘o‘opu from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Hanawi, Makapipi, and Waiohue. I would also gather pohole, water cress, banana, bamboo shoot, pepeiao, and mountain haha alongside those streams.

15. If there was more water in the streams, I would spend more of my time teaching the next generation about our practices at Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki.

16. If water was returned to the streams, I would appreciate seeing mother nature working as intended.

I declare under penalty of perjury that the foregoing is true and correct.

CARL WENDT

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF CHARLES  
BARCLAY

DECLARATION OF CHARLES BARCLAY

I, Charles Barclay, declare that:

1. The statements below are based upon my personal knowledge.
2. I am a member of Nā Moku Aupuni O Ko'olau Hui.
3. My family has an interest in property near Wailua Stream. We currently have about ¾ acre to 1 acre in kalo, which is farmed by Carl Wendt.
4. I am farming this land based on my ownership (through my wife).
5. In the past, I gathered hihiwai, papaya, guava, mountain apple, pohole, 'o'opu, prawns, and 'ōpae in Honomanu, Wailua, Waikani (Wailuanui), and East Wailuaiki. I also fished for kole, noho, aholehole, kumu, moi, anae, menpachi, enenu, palani, poopaa, kala, he'e, Manini, pāpio, ulua, uhu, aweoweo, lobster, and opihi in or near the mouths of Kailua, Nuaailua, Piinaau, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, and Hanawi. I gathered and fished to feed my family.

6. I have also tried to mālama the stream by cleaning the ‘auwai of Wailua.
7. The last time I swam in Waikani (Wailuanui) was about two years ago.
8. The way I see it, the lack of stream flow means no kalo and no ‘ōpae. Without water, kalo becomes unhealthy, watercress becomes unhealthy. Goldfish, ‘ōpae, and ‘o‘opu disappear. My family and I had to leave the area because there was not enough water and that made it harder to continue farming and gathering.
9. If there was enough water in the streams, I would appreciate the natural scenery and beauty of Waikamoi, Wahinepee, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, and Hanawi.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Waiehu, Maui, Hawai‘i, September 5, 2014.

  
CHARLES BARCLAY

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF DAN CLARK

DECLARATION OF DAN CLARK

I, Dan Clark, declare that:

1. The statements below are based upon my personal knowledge.
2. I am a member of Nā Moku Aupuni O Ko`olau Hui.
3. My family has an interest in property in proximity to Piinaau Stream.
4. I am a taro farmer. My family grows kalo on 0.129 acres of property located in Ke'anae and irrigated by Piinaau and Palauhulu. I am farming this land based on my leases with various property owners on the Ke'anae peninsula.
5. I have been kalo farming in Ke'anae for 15 years.
6. The Wailuanui-Ke'anae ahupua'a comprise one of the most beautiful spots on the earth. Once my work is accomplished, I take time to enjoy the beauty of the natural landscape.
7. The fact that the fishing resource is in the process of being restored is a consolation to the hard work required to keep the ecosystem alive. When you can gather, the resource (food) will be there.
8. Currently, my family and I clean both our section of the ditch and above our area at Piinaau and Palauhulu in an effort to mālama the land and streams.

9. The lack of stream flow is a problem for me and my 'ohana because I need cool, fast running water to feed my lo'i for the best production of kalo. The low stream flow has caused a decrease in my kalo production and an increase in disease to my kalo.

10. If there was enough water in the streams, I would be able to harvest a much healthier kalo crop at Piinaau and Palauhulu. Additionally, it would restore the entire ecosystem, which would benefit everyone.

11. If stream flow was restored, my family and I would continue to clean Piinaau and Palauhulu, the streams that water our lo'i.

12. For me, recreation is enjoying the surroundings and gathering around a healthy ecosystem. If the water was to flow again, I would definitely enjoy seeing the Piinaau and Palauhulu areas restored and in good health again. There are songs and legends associated with the spots we go to. It is a spiritual feeling.

13. If water was returned, I would appreciate viewing the beauty of Ke'anae's restored natural ecosystem.

14. Please return the stream flows.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Keanae, Maui, Hawai'i, September 28, 2014.

  
DAN CLARK

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIQHUE,  
PAAKEA, WAIATAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF DARRELL  
AQUINO

DECLARATION OF DARRELL AQUINO

I, Darrell Aquino, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. My father is Eusebio M. Aquino. My mother is Flora Aquino. My mother's father is Harry Pahukoa. My mother's mother is Maryann Pauhokoa from Wahinepee. She gave my mom ½ acre, which is where we began farming.
4. When I retired, I was still farming. I thought I would be a full time farmer but I don't farm anymore.
5. My family grows kalo on about a ½ of property irrigated by Palauhulu Stream.
6. My sister Georgina Garrido is farming this land based on her knowledge from her younger days farming taro. We were taught by my parents when we were old enough to walk and do anything that would contribute to taro farming, including pulling weeds, throwing away rubbish, mowing, cleaning the auwai, etc.

7. I learned how to farm taro from my father. He used to have 52 lo`i and produce about 30 bags a week. In the 1960s, he had 30-40 lo`i. He stopped farming in 1996.

8. I learned how to gather ‘ōpae from my mother.

9. Traditionally, my family gathered ‘ōpae, bamboo shoot, and frogs in and around Piinaau, Palauhulu, ‘Ōhi‘a, and Kopiliula. They gathered ‘O‘opu from Palauhulu. My ‘ohana gathered hihiwai from Hanawi where the water was colder.

10. We used to swim in a swimming hole off Palauhulu and stay in the pond all day.

11. My family also traditionally fished for poopaa, aholehole, and puhi in or near the mouths of Piinaau, Palauhulu, and ‘Ōhi‘a.

12. My family engaged in mālama ‘āina and mālama kahawai in Piinaau and Palauhulu by cleaning the ditches/auwais up to the flume. If nobody cleans it it’s not going to flow.

13. Currently, I gather ‘ōpae, hihiwai, and ‘o‘opu in Wahinepee, Puohokamoa, Haepuaena, Piinaau, Palauhulu, ‘Ōhi‘a, Kopiliula, Hanawi, and Makapipi.

14. I also hunted all the time before I was injured three and a half years ago. I hunt in most of the areas the streams flow, and I notice there is not as much water in the streams.

15. I throw net and dive for lobsters, kumu, uhu, kala, palani, aholehole, and moi in or near the mouth of Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue.

16. I gather and fish for subsistence and also because I enjoy it. I also like teaching my son what I learned growing up.

17. I would practice mālama ‘āina and mālama kahawai when I was farming by cleaning and maintaining the ditch/‘auwai near home that are fed by Piinaau and Palauhulu.

18. When I was living in Ke‘anae full time, I would swim in the swimming hole at Palauhulu.

19. Now I notice there is hardly any water running. I remember Makapipi stopped running in the late 1980s to early 90s. Even the swimming hole in Ke‘anae is low. The water is disappearing someplace; it’s even dry before the diversion in some places. The rivers really only run when there is lots of rain.

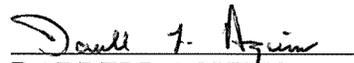
20. The problem with not enough water is that lo'i needs water. It also affects 'ōpae. The water problem combined with the prawns that eat the 'ōpae really changed the population.

21. If water got put back into the stream, I would continue to gather 'ōpae, hihiwai, and 'o'opu in Wahinepee, Puohokamoa, Haepuaena, Piinaau, Palauhulu, 'Ōhi'a, Kopiliula, Hanawi, and Makapipi.

22. If stream flow was restored, I would continue to throw net and dive for lobsters, kumu, uhu, kala, palani, aholehole, and moi in or near the mouth of Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Waiehu, Maui, Hawai'i, Dec. 17, 2014.

  
DARRELL AQUINO

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA), HANEHOI,  
WAIKAMOI, ALO, WAHINEPEE,  
PUOHOKAMOA, HAIPUAENA,  
PUNALAU/KOLEA, HONOMANU,  
NUAAILUA, PIINAAU, PALAUHULU,  
'ŌHI'A (WAIANU), WAIOKAMILO,  
KUALANI, WAILUANUI, WEST  
WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF DAVIANNA  
MCGREGOR, PhD

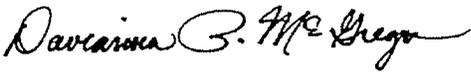
DECLARATION OF DAVIANNA MCGREGOR, PhD

1. I am submitting this expert testimony in support of the petitions filed by Na Moku Aupuni O Ko'olau Hui to amend interim instream flow standards for various East Maui streams located on the Ko'olaupoko, Maui coastline.
2. Attached as Exhibit "A" is a true and correct copy of PETITIONERS' DIRECT EXPERT TESTIMONY OF DAVIANNA POMAIKAI MCGREGOR, Ph.D, filed in the contested case hearing docket DLNR File No. 01-05-MA.
3. Exhibit A is testimony I prepared for and presented to the Board of Land and Natural Resources in 2005 in the contested case proceeding involving Na Moku Aupuni O Ko'olau Hui's challenge to the request of Alexander and Baldwin/Hawaiian Commercial and Sugar/East Maui Irrigation Company for a 30-year lease of the four East Maui water license areas.
4. Attached as Exhibit "B" is a true and correct copy of my most current curriculum vitae.

5. I recognize that in 2008 the CWRM voted to partially restore 5 of 8 streams then under consideration by amending the IIFS for Wailuanui, Waiokamilo, Pi'ina'au, Hanehoi, and Honopou Streams, in order to respond to the claims of active taro farmers depending on those streams for the irrigation of taro crops in Wailuanui, Ke`anae, Hanehoi, and Honopou valleys.
6. However, I further understand that EMI's compliance with those amended IIFS continues to be an outstanding issue before the CWRM in this contested case hearing.
7. Accordingly, I affirm that the substance of the testimony I presented to the BLNR in 2005 is still applicable and material to the current IIFS contested case hearing before the CWRM and I now offer it for consideration in this proceeding.
8. I have reviewed the Declarations of Na Moku Members submitted in 2001 in support of the stream flow petitions, attached as Exhibit "C" hereto that were provided to me by the Native Hawaiian Legal Corporation.
9. I have reviewed the Declarations contained in Exhibit "D" which were provided to me by the Native Hawaiian Legal Corporation and submitted in 2010 during the CWRM's 90-Day factfinding process.
10. I have reviewed the Witness Statements for CCH-MA-13-01 of Emily Akiona Wendt, Aja Akuna, Terrance D.K. Akuna, Darrell Aquino, Charles Barclay, Leonora (Smith) Barclay, Danny Carmichael, Healoha Carmichael, Dan Clark, Harry Hueu, Sandy Hueu, Jonah Jacintho, Juliana Jacintho, Lezley Jacintho, Kames F. "Kimo" Kaaa, Gladys Kanoa, Sanford Kekahuna, Jerome K. Kekiwi, Jr., Pualani Kimokeo, Norman "Bush" Martin, Jr., Lurlyn "Lyn" Scott, Edward Wendt, and Joseph "Jojo" Young.
11. Based on my prior research, it is my opinion that the 2001 Statements, the 2009 submissions, and the 2014 Witness Statements referenced above, describing the areas of use for traditional and customary practices of gathering in streams ranging from Makapipi to Honomanu are consistent with my prior research as presented in the Ke`anae-Wailuanui Cultural Landscape study of July 1995. The statements are also consistent with my prior testimony provided in Exhibit A, in which I reported that community members from the Keanae-Wailuanui region engage in traditional and

customary gathering activities throughout the traditional practices region  
(Makapipi to Honomanu) including in unoccupied areas in order to maintain the  
resources.

DATED: Honolulu, HI, December 23, 2014.



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Davianna Pomaikai McGregor, Ph.D

# **EXHIBIT A**



A. I graduated from the University of Hawaii with a Bachelor of Education degree in Secondary Education in 1972 and a Bachelor of Arts degree in Asian/Pacific History in 1973. I did my graduate work at the UH, where I obtained a Master of Arts degree in Pacific Islands Studies in 1979. I also earned a PhD in Hawaiian and Pacific History from the University of Hawai'i in 1989.

Q. What was your doctoral dissertation topic?

A. The title of my doctoral dissertation is "Kupa`a I Ka 'Aina: Persistence On The Land." It examines the conditions of Hawaiians from 1898 to 1930, the first 32 years of direct U.S. rule over Hawai'i. It compared the conditions of Hawaiians in urban O`ahu with that of Hawaiians in rural Hawaiian communities on the island of Moloka`i, the moku of Hana, Maui and the ahupua`a of Waipi`o, Hawai'i.

Q. Did you prepare a *curriculum vitae* to reflect your education and training?

A. As part of my testimony, I have submitted my *curriculum vitae* which contains information on my academic training, my teaching, my research, and my publications.

Q. Have you previously been qualified to testify as an expert witness?

A. I have served as an expert witness regarding traditional Hawaiian subsistence, cultural, and religious customs and practices in the following Civil Cases: *Kelly v. 1250 Oceanside Partners*, Civ. No. 00-1-0192K (Haw. 3<sup>rd</sup> Cir.); *Office of Hawaiian Affairs, et al vs. Housing and Community Development Corporation of Hawaii, et al*, Civil No. 94-4207-11 SSM, 1994 - 2001; *Kamaka v. Department of Defense; Pele Defense Fund v. Paty*, Civ. No. 89-089 (Haw. 3<sup>rd</sup> Cir.); *Pele Defense Fund v. Campbell Estate*, Civ. No. 89-089 (Haw. 3<sup>rd</sup> Cir.); and *Hanakeawe v. Nansay Hawaii, Inc.*, Civ. No. 90-316 (Haw. 3<sup>rd</sup> Cir.). I have also testified as a cultural expert in the following criminal trespass cases. *State of Hawai'i v. Spalding* (Haw. 3<sup>rd</sup> Cir.); *State of Hawai'i v. Naeole* (Haw. 3<sup>rd</sup> Cir.); *State of Hawai'i v. Kaleo Patterson* (Haw. 3<sup>rd</sup> Cir.); *State of Hawaii v. Keli`ikoa* (Haw. 3<sup>rd</sup> Cir.).

Q. Have you ever been qualified before administrative bodies to testify as an expert?

A. I appeared as an expert before the State of Hawai'i Water Commission in the Waiahole Water Case, Docket No. CCH-0A95-1, and *In re Waiola O Molokai*, Docket No. CCH-MO96-1; before the Public Utilities Commission in Docket # 7259 Relating to Hawaiian Electric Light Company, Regarding Integrated Resource Planning, 1993; and before the Public

Utilities Commission in Docket # 6617 To Require Energy Utilities in Hawai'i to Implement Integrated Resource Planning, 1990.

Q. Have you had the opportunity to study the nature and extent of cultural, religious, and subsistence activity in which the Native Hawaiians have engaged to support themselves?

A. Yes. I first studied rural Hawaiian communities where Native Hawaiians comprised the majority of the population and continued to support their extended 'ohana through traditional Hawaiian subsistence farming, fishing, hunting, and gathering customs and practices when I wrote my PhD dissertation. Subsequently, I conducted a number of studies of the traditional and customary practices of Native Hawaiians, which mirror long-held cultural practices of ancient Hawaiians in several rural communities throughout the state. While all have unique features associated with those communities, these traditions and customs I've recorded are resilient and persistent. In many instances, the continuation of these cultural practices is financially necessary for many families. These studies have taken me to East Maui, where I conducted extensive and expanded research, as well as Moloka'i and the Island of Hawai'i.

Q. What prompted your expanded research for East Maui?

A. In June 1993, the Hawai'i State Legislature approved what later became Act 156 to implement a preexisting statutory mandate requiring planning for the state's physical environment and for socio-cultural enhancement, which recognizes the significance of the state's "cultural landscapes." Accordingly, it established a task force to examine Hawaiian cultural landscapes. This task force was responsible for developing designation criteria, specifying activities and uses consistent with cultural landscape districts, developing procedures for definition of cultural landscape districts and their boundaries, and reporting their findings to the legislature.

Q. What happened as a result of this effort?

A. In January 1994, the DLNR Cultural Landscape Task Force reported back to the Legislature on the importance of landscape preservation within a vital daily living context. The Task Force defined cultural landscapes as geographic areas, which exhibit monolithic characteristics of an ethnic, economic or cultural nature. They reflect the interaction of cultural, economic, and natural forces on the environment. They are a definable area, which clearly defines the settlement or use of the land, water, and/or living systems (plants and animals) over a long period of time, as well as cultural values, norms, and attitudes toward the land, water and/or

living systems. These geographic areas possess a significant concentration, linkage or continuity of landscape components (i.e., vegetation, buildings and structures, archaeological sites, roads and trails, waterways, religious and natural features and resources), which are united by human use and past events and/or aesthetically by plans or physical development. Typically, these landscapes could involve abandoned villages or agricultural systems, taro-producing areas, sugar lands, ranches, fishing areas, traditional gathering areas, and entire islands.

Q. What were the recommendations of the Task Force?

A. The Task Force supported a model project focusing on the Ke`anae-Wailuanui area on Maui, because it recognized that this community is a taro-growing area with long continuity of use and with local support for preservation.

Q. What was the purpose of this model project?

A. The project involved a cultural landscape study to inventory and assess the resources of the Ke`anae-Wailuanui communities. The Maui County General Plan of 1990, on which the Hana Community Plan is based, has themes, one of which under "land use" is:

To preserve for present and future generations existing geographic, cultural and traditional community lifestyles by limiting and managing growth through environmentally sensitive and effective use of land in accordance with the individual character of the various communities and regions of the County.

Maui County adopted the Hana Community Plan as part of its adoption of County General Plan in July 1994, under Section 2.80.050 of the Maui County Code. To implement the Hana Community Plan, the Maui County Planning Department initiated the resulting Ke`anae-Wailuanui Cultural Landscape study. The Hana Community Plan calls for county government to "compile special plans and studies necessary to implement the recommendations of the Community Plan." It also establishes the following goals, policies and implementing actions:

- Land Use: Preservation and enhancement of the current land use patterns which establish and enrich the Hāna Community Plan region's unique and diverse qualities.
- Identify and inventory exceptional open space resources and viewsheds. Explore protective management measures such as covenants, easements, and other planning tools.
  - Explore alternative land use and overlay zoning designations that recognize and preserve the unique natural and cultural characteristics of each community within the Hāna region.
  - Encourage the availability of agriculturally suitable lands to provide opportunities for small diversified agricultural activities with residential tenancy for farmers.

Q. What was the specific goal of the Ke`anae-Wailuanui Cultural Landscape study of July 1995?

A. The goal was to describe and quantify conditions and traditions which have shaped the land and which still affect the patterns of land use. Land use management policies based on a broad foundation of knowledge of resources will better enable the community and its representatives in county and state government to make effective decisions appropriate to this and other rural and agricultural areas.

Q. What were the specific tasks of the study?

A. There were three major tasks: (1) identify the historic context of the landscape, through archaeological research to determine the depth of wetland taro cultivation and a literature search, including a summary of Land Commission Awards for the Ke`anae and Wailuanui ahupua`a, focused on agricultural or other uses of the claims; (2) identification of cultural landscape components, including farm land, crops, vegetation types, water control, gathering, hunting, home sites, ocean-related activities, and lands associated with Hawaiian legends; and (3) preliminary mapping using historical maps, aerial photographs, and detailed land classification maps to identify existing land use areas and the boundaries of the cultural landscape.

Q. What was the methodology for conducting this study and who was the team responsible for conducting the work?

A. The methodology is described on pp. 13-17 of the report. Basically, (1) Cultural Surveys Hawaii, Inc. conducted a literature search, including a review of aerial photographs, (2) Cultural Surveys Hawaii, Inc. and Group 70 conducted field surveys, including mapping of taro lo`i; and (3) I conducted personal interviews, relying heavily on kupuna (9 of 13 interviewees) from Ke`anae and Wailuanui.

Q. How reliable are the sources of oral history, as related by those Hawaiians you interviewed?

A. The oral history interviews were consistent with each other and were cross validated with the information gathered through the literature search and the field surveys.

Q. What are the cultural landscape area boundaries?

A. The team identified the Keanae-Wailuanui core Cultural Landscape area boundaries in Figure 3 of the report. The area encompasses the Ke`anae peninsula and runs southeast along the coast to the southeast ridge of Wailuanui Valley. On the west, it is bounded by the Ke'anae YMCA, Ke`anae Arboretum and the Palauhulu stream. Inland it extends 600 feet mauka of the Hana Highway, stretching from the YMCA camp to the ridge on the east side of Waikani Falls. The informants also identified a wider traditional cultural practices region shown in Figure 4 of the report, for fishing, hunting and gathering. This extends from Makapipi Stream and forest access road in the east, to Honomanu and the Kaumahina ridge on the west and mauka to Pohaku Palaha on the northern rim of the Haleakala Crater.

Q. In summary, what did these sources of information show?

A. The literature search documented the cultural and natural setting of the cultural landscape area, which has a rich and long history of supporting Hawaiians who tilled the land, grew taro and other food crops, and fished the nearshore ocean seas as far as 11 miles offshore. In the various land commission testimonies, maka'ainana from the Ke`anae-Wailuanui community described their agricultural pursuits in the 1840's. The field surveys, combined with the literature search, yielded information that enabled the team to map the cultural landscape - historic locations of buildings, taro lo`i, `auwai, and other cultural features of the communities that settled the area. The interviews helped me link current uses of land and streams by residents to their historic uses and verified those practices that continued to be followed along the traditions of their ancestors. The relative isolation of this cultural landscape enabled it and its residents to avoid or resist intensive modern land developments and retain many of the ancient traditions passed down through the generations of Hawaiians who resided in this area.

Q. Why was the Ke`anae-Wailuanui area selected for this cultural landscape study?

A. Aside from the land use planning angle I've previously mentioned, it was particularly appropriate because it is associated with a deep and long tradition of growing taro, the staple crop of Native Hawaiians for generations. The earliest Polynesian voyagers to Hawai`i brought taro with them. It has been linked mythologically to the origins of Hawaiians as a people. The plant itself has attributes which are embedded in the notion of the family and kinship relations. All parts of the taro plant are used for food. Much of the traditions surrounding the cultivation and use of taro have persisted in Ke`anae-Wailuanui to a much

greater extent than most other parts of Hawai'i. With such an intimate association with the people and culture of Hawai'i, Ke`anae-Wailuanui was a prime candidate for designation as a cultural landscape. Today, large-scale taro cultivation is confined to isolated areas in Hawai'i – Hanalei/Waioli, Hanapepe and Waimea on Kaua'i, Waikane/Waiahole on O`ahu, Onokohau, Waihe`e, Ke`anae-Wailuanui on Maui, and Waipi`o Valley on the island of Hawai'i. The taro landscape of Ke`anae-Wailuanui is a viable traditional economy which has maintained historic and cultural integrity, traditional lifestyles, and social continuity to an equal or greater extent than any of the other taro growing landscapes in Hawai'i.

Q. What physical attributes of Ke`anae-Wailuanui did your study examine?

A. The 1995 study identified 12 components for examination. They are listed on page 44 of the report. Among them are taro cultivation, the Ko`olau Ditch built and maintained by EMI, and cultural resources and use areas.

Q. What did you learn about the taro cultivation in Ke`anae-Wailuanui?

A. Wetland taro cultivation is the most important single component of the cultural landscape of Ke`anae-Wailuanui. Wetland taro cultivation requires a precisely defined, stable field system with a continuous and reliable source of water. The system must be designed so that cool, fresh water can be delivered constantly to every field. In this sense, a taro landscape is designed as a single system with interrelated elements (fields, streams and `auwai). Alteration of any of these elements could affect the entire system. The ancient Hawaiians who designed this landscape were limited in the degree to which they could alter the natural topography. They dealt with this constraint by flexibility of design. Seen as a whole, the taro landscape appears as a simple network of inter-connected rectangles defined by banks, which hold in water. Upon closer inspection, it is apparent that field design, water flow, and water delivery are a response to subtle variations in the natural landscape. A taro landscape is extremely complex in its internal workings.

Q. What areas of taro cultivation exist in Ke`anae-Wailuanui?

A. There are five major locations of active taro cultivation - Ke`anae peninsula, Wailuanui, Ke`anae Arboretum, Waianu Valley, and Lakini. An additional small area of cultivation exists at Waiokamilo Stream just makai of its crossing of Wailuanui Road. There are small lo`i on both sides of the stream. In addition, throughout the district old taro terraces can be found and taro still grows in the wild in the valleys, along streams. Informants speak of going

out and gathering lu`au leaves from the wild taro because it has a good flavor, distinct from the cultivated varieties. Some of the areas for the gathering of wild lu`au include Pi`ina`au, Nua`ailua, Kupa`u, Waipio, Awioiwio, Pohole and Pahoia.

Q. Please describe the Wailuanui taro area.

A. This is the largest taro system of the cultural landscape, with 339 lo`i, that Cultural Surveys plotted off a 1982 aerial photograph in Figure 15. They lie mainly west of Wailuanui Stream and to the north and east below Hana highway. It is an area of mixed cultivation and uncultivated areas. There is also a smaller set of lo`i above Hana Highway in the area known as Lakini. See, Figure 21.

The essence of Wailuanui is water (wai = water). Wailuanui is best viewed looking mauka. The taro lo`i as seen from makai, are framed by the steep green slopes of the valley with Waikani Falls to the east and Waiokamilo Stream waters entering from the center and west. The lo`i themselves, as they ascend the slopes, decrease in size to accommodate the requirements of water control. Nowhere else in Hawai`i are such miniature fields still cultivated in this kind of topography with such integrity. See, p. 126.

Q. Please describe the Wailuanui `auwai system.

A. It is evident that at Wailuanui Valley, the `auwai and lo`i systems were constructed first and subsequent residences and circulation networks accommodated the already established systems. The pattern of cultivated lo`i at Wailuanui is likely close to what existed at the time of the Mahele, but for the time when rice was cultivated just prior to and after the dawn of the 20<sup>th</sup> century.

Cultural Surveys was able to produce a schematic of the `auwai as it takes water from Waiokamilo Stream and passes through Lakini. Figure 21. The water flows past these lo`i, partially returning back to Waiokamilo Stream, but mainly flowing under the existing Hana Highway to irrigate the valley lo`i below that point.

There is another major diversion of Waiokamilo Stream below Hana Highway that irrigates the extreme western end of the valley. See, Figure 22.

Cultural Surveys approximated the direction of flow in the `auwai system servicing the valley, as the system was complex and our team did not have the time or resources to make a definitive map of all aspects of it.

Q. Did you discover any major changes in the use of the valley for taro cultivation since the time of the Mahele?

A. Our team did not find any historic map of the valley. Taro cultivation is well documented for the entire area in the 1850's Land Commission Award documents. In Appendix A of the report, the various claims for Land Commission Awards in Ke'anae-Wailuanui are rendered in a table. The table illustrates the extent to which taro was grown on the claimed parcels. The table summarizes the testimonies submitted in support of the requests for Land Commission Awards and reflects the presence of taro cultivation at the time of the Mahele for these parcels. While it indicates what was happening on those parcels at that time, it does not indicate which of the pieces claimed were actually awarded by the Land Commission. Nevertheless, the table gives an accurate indication of the extent to which active taro cultivation existed and on which parcels in the valley. This activity also indicates where irrigation water from the streams was being applied in pursuit of this activity at the time of the Mahele.

Q. Did you discover any other evidence of the extent of taro growing in the valley during different times in history following the Mahele?

A. Apparently, as an 1896 map (Figure 9) of the lower section of the valley reveals, by then there was a sizable area devoted to rice cultivation, although much of the southeastern portion along Wailuanui Stream remained in taro. This pattern apparently persisted through 1903, according to a similar map of the area (Figure 10). Some of the residents I interviewed indicated that rice was preferred at that period because water temperature was not the crucial consideration as it is for taro cultivation, reflecting a diminished water supply to the valley for irrigation. Chinese farmers grew rice in significant parts of the valley between 1880 and 1927, when the market collapsed because of the competition from California.

A 1936 photograph (Figure 16) shows that a majority of the valley was under taro cultivation, with considerably less tree and bush vegetation than was present in 1994 when I conducted my field research. By 1966, in contrast, while all cultivated areas appeared to be in taro, there is a dramatic increase in forest growth along the periphery of the valley, compared to 1936, as Figures 17 and 18 reveal. Contrasted with current conditions, as depicted in the photographs taken in 2004 and this year in June, it appears that there is now substantially different, as well as fewer, areas of taro lo'i than was being actively cultivated in 1966.

This evidence shows there was apparently a period of decline in taro cultivation in the valley between 1936 and 1966, as well as between 1966 and 1994. However, while to varying degrees, the Wailuanui valley residents, especially Hawaiians, continued a tradition of taro cultivation that continues through the present. This cultural landscape is distinctive in terms of this long tradition, and continues on to this day, reflecting how critical taro production is to this community.

Q. Do you have an opinion as to whether the current taro cultivation reasonably approximates the amount of water used to cultivate taro at the time of the Mahele?

A. Yes.

Q. And what is that opinion?

A. While the rice cultivation earlier last century may have altered some of the pattern of lo`i in the valley, the broad pattern remains since both crops are wetland agricultural products and the irrigation system plays a critical role in their cultivation. The mechanics of irrigation systems must follow gravity. Residences are found on slightly elevated areas at the edges of the fields, not in the center of the lo`i, which would be the low spot and subject to periodic flooding. The roadway network serving these residences skirt the cultivated areas and does not cut into the system of lo`i. This pattern involves frequent tending and fits the horticultural character of Hawaiian agriculture where the cultivated fields are relatively small and are within walking distance of residences. It is a pattern developed before automobiles and mechanized agriculture. The field was central, not the residence. This pattern is found even in areas where residences are not nearby. See, p. 126.

There was far more taro cultivation in the valley in the 1800's than presently. There is also far less water flowing naturally into the valley as a result of the major EMI diversion into the Ko`olau Ditch mauka of Kupau and Akeke Spring. This reduction in taro production is significant compared to historic levels.

Q. On what basis do you make this conclusion?

A. During the fieldwork for this study, which included field trips as well as interviews, it became apparent that the Ke`anae-Wailuanui communities have a long history of small commercial ventures associated with processing and marketing of local taro. Besides the People's Store, which once stood at Ke`anae landing, there were six separate poi mills, each in operation over a different span of time. Each sold local taro processed into poi to the community

itself and also exported taro. Taro was exported in two separate directions: to Hana and to Ha`iku/Kahulu/Wailuku. The Alama Poi Shop operated from the 1920's to the 1950's. The Ching Poi Mill operated in the 1930's through the 1950s, exporting poi to Kahului and Hana. The Ng family operated a mill that exported poi to Hana. The Alu family ran the Kupa`u Mill from the late 1930's to the early 1950's. The Lum Hoy Poi Mill exported poi to Wailuku from the 1930's through the 1940s. The last mill, Ke`anae-Wailua Poi Mill was started in 1975 by Mr. Ed Wendt and operated through 1984. The current level of taro production contrasts sharply with what historic records show.

Q. Do you have an opinion, based on your training, research, and expertise, whether the land uses of Wailuanui residents are linked to Hawaiian cultural mores and practices?

A. Yes.

Q. What is your opinion?

A. The land use patterns of the Ke`anae-Wailuanui region have been shaped by Hawaiian cultural mores and practices. The 'ohana values and practices of the community stress the conservation of natural resources for the benefit of present and future generations. Rules of behavior are based on respect of the 'aina, the virtue of sharing, and a holistic perspective of organisms and ecosystems that emphasize balance and coexistence. The Hawaiian outlook which shapes these customs and practices is lokahi or maintaining spiritual, cultural, and physical balance with nature. In the course of their travels through the various 'ili of the traditional cultural practices region, practitioners of Ke`anae and Wailuanui are able to renew their knowledge and understanding of the landscape, the place names, names of the winds and the rains, traditional legends, wahi pana, historical cultural sites, and the location of various native plants and animals. The region is thus experienced as a part of their 'ohana, necessitating the same care as would a member of their family.

Q. Do you have an opinion, based on your training, expertise, and research, on how important traditional and customary gathering of `o`opu, `opae, and hihiwai is to the Hawaiians of Wailuanui?

A. Yes.

Q. What is that opinion?

A. Ke`anae-Wailuanui is one of the few remaining areas in the Hawaiian Islands where 'opae can be gathered. Virtually every stream has 'opae at some time during the year.

However, it is easier to gather 'opae in the tunnels of the EMI ditch system. The irrigation ditch itself is an excellent breeding area for the 'opae because it has flowing water year round. Some streams below the ditch, however, don't have enough flowing water to sustain the 'opae year round when the water is diverted into the ditch system. Commercial sale of 'opae is prohibited under a state law that went into effect in 1993. 'Opae is still a popular delicacy among the families in the district. They also gather 'opae to share with family and friends outside and on different islands. 'Opae, the 'a'aniu net used to gather it, and the methods of preparing it will continue to be a distinctive aspect of the cultural lifestyle for which Ke'anae-Wailuanui is known and distinguished.

'O'opu and hihiwai are becoming increasingly scarce in the Hawaiian Islands. Certain species of 'o'opu are endangered and others are rare. They require pristine and flowing stream waters to exist. Ke'anae-Wailuanui is one of the few areas where they still can be found in sufficient size to be occasionally caught for subsistence food.

The gathering of hihiwai is also carefully managed. The location of the hihiwai is knowledge that has been passed down from generation to the next for their protection and proper management. It is not information that is made available to the general public.

Q. What is the geographic range of this gathering activity?

A. Family members of all ages engage in some level of gathering activity in the Ke'anae-Wailuanui district. Kupuna like Helen Nakanelua still go out and gathers 'opae with her homemade 'a'aniu net in the 'auwai that runs through her property at Lakini. Waiokamilo Stream still has 'opae which is accessible to the kupuna. The Ka'auamo family is best known for their traditional and customary gathering activities. Awapuhi Ka'auamo Carmichael still goes out gathering for 'opae, hihiwai, and 'opihi from Kailua and over through Kuhiwa. Awapuhi Carmichael identified some of the area which she regularly accessed for gathering of 'opae, hihiwai, and 'o'opu:

We have our own names. Kapa'ula, gather 'opae. We use Puaakaa, we call it Kaunoa. Above the road, the ditch above the road, we use that stream, and then it branches off. Even Makapipi, we use Makapipi stream. We use all the way to the tunnel. We use it. Kuhiwa gulch is used by our family. Kuhiwa gulch we use also. Makapipi is just mauka. Kuhiwa is mauka.

Gathering from a variety of places is important in order to maintain the resources. The choice of place to gather is determined by the weather and other natural signs. Awapuhi Carmichael described the factors which affected her decision as to where to gather on a particular expedition:

It depends on what we're getting, and how we feel . . . We never go to the same place. You know how the Hawaiians used to do, they don't go back to the same place, so can restore. It depends on the weather, and then we go by the moon, the stars. If use one place, then go to another place, depends on the moon and the stars. We go up far . . . We all go to the same places, although each of us have our favorite hole, places, where we go for opae, you know. All mauka for 'opae. And then below have the `o`opu and the prawns, they introduced the prawns, and hihiwai. Above the road is more the `opae. Above the road is where all the opae are. Above the main highway. And then below the road has hihiwai, `o`opu, you know.

Within the traditional cultural landscape area for Ke`anae-Wailuanui unoccupied areas with flowing pristine streams and the forested areas are integral to the livelihoods of the families in the district. For example, nobody lives in the area from Wailuaiki to Kopili`ula and over to Hanawi but there are many gulches and streams flourishing with hihiwai and `o`opu.

Q. What was the importance of subsistence gathering to the health of Hawaiian gatherers who engaged in this traditional activity – historically and in current times?

A. Through subsistence, families attain essential resources to compensate for low incomes. They can also obtain food items, especially seafood, that may be prohibitively costly under a strict cash economy. If families on fixed incomes were required to purchase these items, they would probably opt for cheaper, less healthy foods that would predispose them to health problems. In this respect, subsistence not only provides food, it also ensures a healthy diet.

Subsistence generally requires a great amount of physical exertion (e.g., fishing, diving, hunting) that is a valuable form of exercise and stress reduction and contributes to good physical and mental health. It is also a form of recreation that the whole family can share in. Family members of all ages contribute at different phases of subsistence, be it active hunting, fishing or gathering or cleaning and preparing the food for eating. Older family members teach the younger family members how to engage in subsistence and prepare the food, thus passing on ancestral knowledge, experience and skill.

Q. What was the pattern of these subsistence activities amongst those traditional and customary gatherers of Ke`anae-Wailuanui you interviewed?

A. Subsistence gathering, hunting and fishing is an integral part of the lives of the residents of Ke`anae-Wailuanui. There is general agreement among the informants that their traditional cultural practices region extends from Honomanu in the west to Makapipi in the east and mauka from Pohaku Palaha on the rim of the Haleakala crater makai to the shoreline, and into the ocean as far as the buoy 11 miles offshore. Additional areas are used by residents of Ke`anae-Wailuanui depending on where their family ancestors originated and established subsistence practices. For example, some families fish and gather as far as Kaupo or as far west as Honopou and mauka to Waikamoi. The location and distribution of water is the primary determinant of the distribution of natural resources. Traditional land use boundaries were defined in relation to the amount and location of water. The change of season from wet to dry does affect the distribution and availability of subsistence resources. When there is a lot of rain, the resources are more abundant and spread out over a larger area. During the dry period, the amount of resources shrink and they are distributed near to water sources.

Most subsistence areas can only be accessed by land through a trail or a dirt road. The Pi`ilani Trail affords an important route of access between `ili along the coastline. The Ke`anae-Wailuanui residents also use an extensive network of mauka to makai trails to carry out their subsistence activities. Hunters say that one can readily catch a decent sized pig without venturing far up the mountain. However, the network of trails allows access to upper regions where the larger animals roam. Fishing resources vary by ocean depth. Along the rocky shoreline fishermen gather crab, `opihi, ha`uke`uke, and other shellfish. In the reef, residents gather limu and catch squid, lobster, and reef fish such as `uhu, kala, and manini. At greater depths bottom fish are caught such as weke, ehu, `opakapaka and uku. In the bays, nets are used to surround `akule. `Aholehole, `ama`ama and uouoa are also caught with gill nets. In the deep ocean and out to the buoy the fishermen troll for ono, aku, `ahi, marlin, and mahimahi. Ocean resources are accessed by land through mauka-to-makai trails and along the Pi`ilani Highway. Boats are also used for ocean subsistence activities. The launching areas are Honomanu Bay, Ke`anae Landing, Wailuanui Bay and Hana Harbor.

Resource gathering patterns are also influenced by ho`ailona or spiritual signs in natural phenomena. Ke`anae-Wailuanui residents stay alert to the direction and patterns of clouds, winds, rain, the flight of birds, rainfall and all natural elements to inform them about where the ideal place is to gather on any given day. They also keep track of the moon phases and the effect

on the shifts in the tides. Ancestral knowledge of the interpretation of place names in the district also informs Hawaiians about the special features or qualities of that particular area for subsistence and cultural use.

Q. Is this a traditional pattern of subsistence activity?

A. Traditional factors shape the pattern, nature and purpose of the ongoing subsistence fishing, gathering, farming and hunting activities. These include family and ancestral connections to particular features of the landscape; the distribution of water; access; the type of resource to be obtained; the life cycle of that resource; the diet and feeding habits of fauna; the weather and seasonal changes; and ho`ailona. The subsistence activities are also guided by traditional values and customs which include but are not limited to the following:

1. Only take what is needed.
2. Don't waste natural resources.
3. Gather according to the life cycle of the resources. Allow the resources to reproduce. Don't fish during their spawning seasons.
4. Alternate areas to gather, fish and hunt. Don't keep going back to the same place. Allow the resource to replenish itself.
5. If an area has a declining resource, observe a kapu on harvesting until it comes back. Replant if appropriate.
6. Resources are always abundant and accessible to those who possess the knowledge about their location and have the skill to obtain them. There is no need to overuse a more accessible area.
7. Respect and protect the knowledge which has been passed down intergenerationally, from one generation to the next. Do not carelessly give it away to outsiders.
8. Respect each other's areas. Families in Ke`anae-Wailuanui usually fish, hunt, and gather in the areas traditionally used by their ancestors. If they go into an area outside their own for some specific purpose, they usually go with people from that area.
9. Throughout the expedition keep focused on the purpose and goal for which you set out to fish, hunt, or gather.
10. Be aware of the natural elements and stay alert to natural signs, e.g. falling boulders as a sign of flash flooding.
11. Share what is gathered with family and neighbors.

12. Take care of the kupuna who passed on the knowledge and experience of what to do and are now too old to go out on their own.

13. Don't talk openly about plans for going out to subsistence hunt, gather, or fish

14. Respect the resources. Respect the spirits of the land, forest, ocean. Don't get loud and boisterous.

15. Respect family `aumakua. Don't gather the resources sacred to them.

Q. To what extent, if any, does taro cultivation relate to the traditional and customary gathering of `o`opu, `opae, and hihiwai?

A. These native aquatic marine species and taro rely upon pristine, clear, cold, free running streams that flow year round. All of the great historical taro growing areas of Hawai'i rely on pristine streams where native aquatic species thrive - Ke`anae-Wailuanui, Kahakuloa on Maui; Hanalei on Kaua`i; Waipi`o on Hawai'i, the windward valleys of Moloka`i. `O`opu, `opae and hihiwai have been a part of the traditional diet of taro farmers in these areas.

Q. Were you able to determine the degree to which traditional and customary gathering of `o`opu, `opae, and hihiwai in Wailuanui has changed since the 1890's?

A. Aunty Helen Nakanelua who was 83 in 1994 was born in 1911 and described how she used to go out and gather `opae with her grandmother who would have been born and learned how to gather `opae before the 1890's:

And I used to go along with my grandma, with a five gallon can, you know those tall ones, and I pack some wood, and I pack salt, so that whenever my grandma goes with the upena net, do you have an idea what the upena net looks like and they have a little bag there? Some of the bags are small, but she used to have these long bags, and then she cleans that where I am, she takes that out, we clean it and we cook it in this can. Salt it and cook it there, the wood that I take we cook it. And after it's cooked, I begin spreading it on a table oil cloth and a mat I used to pack along and then she leaves me there I attend that opae while it's drying. By the time she comes back here, it's partly dried, I gather that `opae again, and separate it in another bag, because that's partly dried, and we continue on, she gets another bag to do the same thing, cook, so that by the time she ends up her day, most of the opae, except the last one she has is partly half dried already. Do you know how the upena look like? I show you, cause I have made some for me, because I use it.

Although Aunty Helen continues to gather `opae, it is not as plentiful as it had been in her youth. An indicator of the decline of `opae is the passage of a state law in 1993 which prohibits its commercial sale due to its scarcity.

Q. Do you have an opinion as to the importance of the Ke`anae-Wailuanui region to Hawaiian cultural history?

A. Yes.

Q. What is that opinion?

A. The most distinctive historic association of the Ke`anae-Wailuanui landscape is its unbroken relationship to the foundations of Hawaiian culture through the traditional cultivation of taro, the major component of the cultural landscape. The traditional cultural practices region is also significant as a surviving enclave of Hawaiian subsistence, cultural, and spiritual beliefs, customs, and practices. Rural Hawaiian communities like Ke`anae-Wailuanui are cultural kipuka - places where Hawaiians have maintained a close relationship to the land through their livelihoods and customs - that play a vital role in the survival of Hawaiian culture as a whole. There is a growing recognition that protection of the natural resources and the integrity of the lifestyle and livelihoods within rural districts is essential for the perpetuation of Hawaiian culture. However, the survival of these cultural kipuka and the traditions and customs related thereto are continually eroded by an ever increasing lack of water.

Q. Do you have an opinion on how significant the Ke`anae-Wailuanui region is as judged against federal criteria for cultural significance?

A. Yes.

Q. What is that opinion?

A. The Ke'anae and Wailuanui cultural landscape is significant under the four National Register criteria of significance and an additional Hawai'i state criterion. Under Criterion A, Ke'anae-Wailuanui is associated with significant events affecting broad patterns of history. The evolution of Hawaiian culture and society in the Hawaiian Islands over the past 1500 years was sustained by highly developed and well-managed systems of wetland taro cultivation. Ke'anae-Wailuanui is an extraordinary example of a highly developed historic Hawaiian wetland irrigation system which sustained the complex social organization and sophisticated customs and practices of the Native Hawaiian culture. The cultural landscape also includes the historic network of irrigation ditches and tunnels which were developed in the late

nineteenth and early twentieth centuries. The last completed segment of the Hana Belt Road is also in this cultural landscape.

Under Criterion B, Ke'anae-Wailuanui is associated with events which involved famous people such as the landing of Umi-a-Liloa's war canoes during his 14th century battle over Hana against Ho'olae-Makua and the staging of the battles between Kalaniopu'u and Kahekili in the 18th century.

Under Criterion C, Ke'anae-Wailuanui epitomizes the quality and integrity of a historic landscape centered around the historic wetland cultivation of taro. In addition, the 2 churches, its public school facility and the Waikani Bridge are also excellent examples of each of these types of historic architecture.

Under Criterion D, Ke'anae-Wailuanui provides excellent potential to yield information important in the prehistory and history on the origins, chronology and development of Hawaiian taro cultivation, as well as the complex social structures which both sustained and perpetuated by this kind of agricultural technology.

Q. To what extent are those that now gather and attempt to farm taro in the valley genealogically linked to the Hawaiians that lived in the valley during the 1800's?

A. The informants that I interviewed said that they lived and farmed lands that their ancestors had lived on and farmed in the 1800's.

Q. Do you have any opinion based on your training and education of whether there is any correlation historically between the amount of traditional gathering from the streams and the amount of fish and limu that could be taken from the coastal areas of the valley and the sea for subsistence purposes?

A. Yes.

Q. What is that opinion?

A. The abundance of aquatic and marine resources are dependent upon the pristine, clean, free flowing year round streams flowing into the ocean. The bays where the fresh water mixes into the ocean water are important spawning grounds for the fish. Moki Day, a Hawaiian fisherman from the area, described how the bays are important breeding grounds which deserve protection:

You can consider all the shoreline area between here and Kaupo as breeding grounds for all these shoreline species of fish. They come into our rivers here because we have the fresh water, and they come in here and breed here and lay their eggs here.

According to the late Uncle Harry Mitchell, who had been a long-time resident of the area, the streams and the ocean together provided the breeding ground for `o`opu. He described the lifecycle of the `o`opu as follows:

The first heavy rains usually arrived in August or September, carrying the `o`opu to the ocean where they spawned. Once they laid their eggs, the mother `o`opu died. The baby `o`opu, called hinano, would hatch and develop in the salt water from August/September through November. The salt water made them strong enough to climb up the stream where they would mature. About November, the hinano began to make their way up stream to the large fresh water pools in the mountains. Their migration upstream coincided with the arrival of the migratory birds from the north which fed upon the hinano as they made their perilous journey to the uplands. <sup>1</sup>

Q. Do you have an opinion on how significant the diversion of stream water from Wailuanui Valley by EMI has been on the ability of its residents to continue their tradition of taro growing and gathering from the streams and coastal areas?

A. Yes.

Q. What is that opinion?

A. The diversion of streams in the Ko'olau watershed, via the East Maui Irrigation (EMI) Company system, has reduced the surface water flow in the region mauka of the cultural landscape. The system currently provides most of the irrigation water for central Maui's large-scale agriculture and is the main source for county water supplies to upcountry Maui residents and farmers.

While the degree of reduction has not been quantified, the volumes of water carried by the ditch are significant and impact on the stream ecology in Ke`anae-Wailuanui is probable. Native endemic and indigenous species such as `o`opu and 'opae and hihiwai are likely to have been affected within the last few generations, with consequent impact on the traditional gathering practices that are part of the local lifestyle. During interviews for the study, some residents expressed concern over the impact of the diversion of water by EMI Co. on the ecology of the region. They also questioned the effects that the EMI diversion may have on the temperature and consistent flow of stream water to taro lands.

Q. Do you have an opinion on what positive steps should be taken to promote the perpetuation of the cultural landscape of Ke`anae-Wailuanui?

A. Yes.

Q. What is that opinion?

A. Provide incentives for taro growing, such as tax relief for parcels used for taro farming. Provide support to the community to maintain the water sources and the 'auwai, such as state and county support to clean and maintain the agricultural irrigation systems. Maintain the Pi`ilani Trail along the shoreline as well as the trails and unimproved roads running makai from the highway to the beach, and the trails and unimproved roads running mauka into the forest reserve should be maintained and their significance in the cultural landscape assessed. The watershed's forest should be protected. Access for cultural, subsistence, and spiritual customs and practices should be afforded to those residents of the community who will maintain traditions of respect and stewardship of the land and water resources. Develop the Ke`anae Arboretum to offer interpretation and education, with emphasis on practical and hands-on experience. Improve lookout points with better paving, approach signage, interpretive signage, landscaping and benches. Preserve and maintain the 2 large heiau and other cultural sites. Document and protect historic taro terraces. Perpetuate significant aspects of the cultural landscape without hampering changes beneficial to the community and its residents.

Q. Are you familiar with crucial definitions of traditional land divisions used by Hawaiians?

A. Yes.

Q. What are the land divisions that were common in delineating the various land uses made by Hawaiians?

A. The traditional Hawaiian land divisions according to Malo (1951:16-18) consist of the following district, subdistricts, land divisions and land parcels:

- island: *Moku-puni* (cut off surrounded).
- Large District: *Apana* (pieces) or *Moku-o-loko* (interior division), e.g. Hana.
- Sections: *`Okana* or *Kalana*, e.g. Honua`ula. [*`Okana* is also a district or sub-district and usually comprising several *ahupua`a*; *Kalana* is smaller than a district (Pukui & Elbert 1971: 113, 258).]
- Subsection within *`Okana*: *Poko*. [Dividing a District, or *ahupua`a* into two or more sections, e.g.: Hamakua Poko; Hamakua Loa]

- *Ahupua`a*. (running *mauka-makai*, from the mountains to the sea) [a sub-district land division, some contain a few hundred acres, others 10,000 acres, or more]
- *ʻIli-`aina* [*ʻIli-`aina*, a sub-division of an *ahupua`a*; *ʻili lele*, a discontinuous *ʻili-`aina*, consisting of two or more parcels of land in the same *ahupua`a* and having the same name]
- *Mo`o-`aina* [*mo`o-`aina* is a cultivated garden within an *ʻili-`aina* or *ʻili-lele*]
- *Pauku-`aina* (joints of lands) [*pauku-`aina* is a land section smaller than a *mo`o-`aina*]
- *Kihapai* (patches or farms) [dry land garden]
- *Ko`ele* [*ko`ele*, a cultivated garden, the produce of which went to the *ali`i* of the district or island]
- *Hakuone* (land cultivated by 'ohana with crops going to *konohiki*) [produce of which went to chief of the *ahupua`a*]
- *Kuakua* (broad *kuauna* or *kuaauna*, an embankment) [embankments between wet taro gardens, usually cultivated] (Malo 1951: 16-18). Information in brackets [ ] added.

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<sup>i</sup> Harry Mitchell, April 22, 1988.

CERTIFICATE OF SERVICE

I hereby certify that two (2) copies of the foregoing document were duly served on Linda L. Chow, Deputy Attorney General, for Hearings Officer, The Honorable E. John McConnell on August 1, 2005, by hand delivery. I further certify that one (1) copy was served on the remaining parties as indicated, on August 1, 2005.

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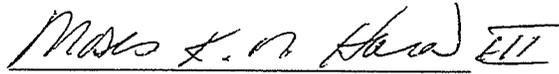
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DATED: Honolulu, Hawai'i, August 1, 2005.

Handwritten signature of Moses K. N. Haia III in black ink, written over a horizontal line.

ALAN T. MURAKAMI

MOSES K. N. HAIA III

Attorneys for Petitioners

Na Moku Aupuni o Ko'olau Hui, et al.

# **EXHIBIT B**

## CURRICULUM VITA

**Davianna Pōmaika'i McGregor**  
**1942 Naio St.**  
**Honolulu, Hawai'i 96817**

### **Personal Data**

Birthplace: Honolulu, Hawai'i

### **Education**

Ph.D., University of Hawai'i, Manoa, Hawaiian/Pacific History, 1989  
M.A., University of Hawai'i, Manoa, Pacific Islands Studies, 1979  
P.D., University of Hawai'i, Manoa, Secondary Education, 1973  
B.A., University of Hawai'i, Manoa, Asian/Pacific History, 1973  
B.Ed., University of Hawai'i, Manoa, Secondary Education, 1972  
High School Diploma, Sacred Hearts Academy, Honolulu, 1968

### **Doctoral Dissertation**

"Kupa'a I Ka 'Aina: Persistence On The Land," University of Hawai'i - Manoa, 1989.

### **Masters Thesis**

"Hawaiian Resistance: 1887 - 1889," University of Hawai'i - Manoa, 1979.

### **Fellowships, Scholarships & Awards**

Awards for book, Na Kua'aina: Living Hawaiian Culture

- Kenneth W. Balridge Prize for best book in any field of history written by a resident of Hawai'i from 2005-2007.
- Hawai'i Book Publishers' Assn. 2008 Po'okela Award, Honorable Mention for Excellence in Hawaiian Culture.

Hung Wo and Elizabeth Lau Ching Foundation Award for Faculty Service to the Community, 2005

Smithsonian Institution Asian Pacific American Program, Inaugural Scholar-In-Residence, Spring 2000

Na Poki'i Graduate Fellowship, 1986 - 1987, 1988-89

Mary Kawena Pukui Hawaiian Studies Scholarship, 1986-87

Ford Foundation Fellowship, 1978 - 1980

### **Teaching Experience**

Ethnic Studies Program/Department, University of Hawai'i - Manoa,  
Professor, 2005 to present  
Associate Professor, 1995 to 2005  
Assistant Professor, 1987 - 1995  
Instructor, 1974 to 1986

**Courses Taught:**

ES 101 Introduction to Ethnic Studies: Basic concepts and theories for analyzing dynamics of ethnic group experiences, particularly those represented in Hawai'i and their relation to colonization, immigration, problems of identity, racism and social class.

ES 221 Hawaiians: Relationship between changes in Hawaiian lifestyle and development of Hawaiian economy; land use and tenure; Hawaiian institutions; Hawaiian resistance movements.

ES 301 Ethnic Identity: Individual and group problems of identity, identity conflict, culture conflict, inter-ethnic relations.

ES 310 Community, Ethnicity and Identity: Overview of ethnic communities with site visits to museums, social welfare unites and community guest lecturers including police, health and education professionals.

ES 340 Land Tenure and Use in Hawai'i: Transformation of the traditional Hawaiian land system into a system of private property that is not completely Western given the ongoing recognition of the rights of access for traditional and customary Native Hawaiian practices. Examination of contemporary issues and concerns related to land and development.

ES 350 Economic Change and Hawai'i's People: Development of modern Hawaiian economy and impact on Hawai'i's people. Sugar, pineapple, and tourism industries; role of local and multinational corporations; scenarios for Hawai'i's future development.

ES 380 Field Work in Ethnic Studies: Oversee student field work projects relating to Hawaiian community issues.

ES 392 Change in the Pacific - Polynesia: examines shared traditional cultural customs and practices and contemporary political, economic, and social trends in the island societies which have been labeled "Polynesia."

ES 399 Directed Reading in Ethnic Studies: Oversee student research into aspects of Hawaiian history or contemporary Hawaiian issues.

ES 495/History 495 Hawaiian Labor History: Conditions of work under varying political, social, and economic transformations in Hawai'i; anthropological, sociological, and historic data.

Hawai'i History Institute, Summer 1992 and Summer 1995: Co-taught institute for secondary teachers of Hawai'i history. The institute reviewed key issues in Hawai'i's history; the findings of most recent research in the field; and historic sites and community resources for teaching Hawai'i history. It was sponsored by the National Endowment for the Humanities and the Historic Hawai'i Foundation.

**Areas Of Research and Teaching Interest**

Native Hawaiians:

- Persistence of subsistence, cultural & religious customs & practices
- Resistance in Nineteenth and Twentieth Centuries
- Well-Being in Territorial and Statehood Periods

- Traditional and Contemporary Land Use & Tenure
- Origin and Implementation of Hawaiian Homes Commission Act
- Sovereignty Movement - Recognition, Rights, Claims, Organizations

Indigenous Land Stewardship and International Rights

U.S. Empire in the Pacific

Cultural Impact Studies On Behalf Of Indigenous and Pacific Island Communities

### **Administrative Experience**

Acting Director, Ethnic Studies Program, University of Hawai'i, Manoa, 1974 - 77, 1990  
Served as director for the fledgling Ethnic Studies Program at the University of Hawai'i - Manoa during its formative years when its faculty struggled to develop the curriculum to establish it as a permanent program, between 1974 - 77.  
Served as Acting Director while regular director was on leave in Spring 1990.

Principal Investigator, Ethnic Studies Oral History Project, 1976-78  
Set up the Ethnic Studies Oral History Project within the administrative framework of the University of Hawai'i - Manoa campus together with the project staff. Funding for the program was attained through direct legislative funding.

Programmer, University of Hawai'i - Manoa Campus Center, 1974  
Coordinator for summer student programs and non-credit courses.

### **Published Works**

#### **Book of Original Scholarship**

Na Kua'aina: Living Hawaiian Culture, Honolulu: UH Press, 2007, xi, 372p..

#### **Edited Textbook**

Our History, Our Way: An Ethnic Studies Anthology, co-edited with Gregory Y. Mark and Linda A. Revilla, Dubuque, Iowa: Kendall/Hunt, 1996, ix, 469p.

#### **Articles in Refereed Journals**

"Statehood: Catalyst of the Twentieth Century Kānaka 'Ōiwi Cultural Renaissance and Sovereignty Movement," Journal of Asian American Studies, October 2010, Volume 13, Number 3: pp 311-326

Guest Editor, Journal of Asian American Studies, special issue on Pacific Islander Americans, Volume 7, Number 3, October 2004. Introduction: "Weaving Together Strands of Pacific Islander, Asian and American Interactions;" p. vii - xii Article: "Engaging Hawaiians in the Expansion of the U.S. Empire." p. 209-222

Co-editor with Rebecca King-O'Rian, Peace Review, A Journal of Social Justice special issue on Justice for Asian and Pacific Islander Americans, 2004.

"Research in Action: Ethnohistory of Puna," Social Process in Hawaii, Volume 39, 1999, p. 181 - 207.

"A Holistic Assessment Method of Health and Well-Being for Native Hawaiian Communities," with Jon Matsuoka and Luciano Minerbi, Pacific Health Dialog, Fall, 1998 Vol 5 (2) p. 361 - 369.

"An Introduction to the Ho'a'aina and Their Rights," The Hawaiian Journal of History, vol. 30 (1996) p. 1 - 27

"Waipi'o Valley, a Cultural Kipuka in early 20th Century Hawai'i," The Journal of Pacific History, 30:2, 1995, p. 194 - 209.

"Kaua'i: Between Hurricanes," with Jon Matsuoka, in Ibrahim Aoude, (ed.), The Political Economy of Hawai'i, Social Process in Hawai'i Volume 35. Honolulu: Department of Sociology, University of Hawai'i, 1994, p 103 - 123.

"Sociodemographic Differences Related To Attitudes Concerning Economic Development In A Hawai'i Community," with Jon Matsuoka, Social Development Issues, 15 (2), 1993.

"Mai Ke Kai Mai Ke Ola, From The Ocean Comes Life", an article on Hawaiian customs and Practices on Kaho'olawe relating to the surrounding ocean, co-authored with Noa Emmett Aluli, M.D., Hawaiian Journal of History, vol. 26 (1992): 231 - 254.

"Aina Ho'opulapula: Hawaiian Homesteading," an article reviewing the original goals and purposes of the Hawaiian Homes Commission Act, as envisioned by the Hawaiian men who drafted the legislation, Hawaiian Journal of History, vol. 24 (1990): 1 - 38.

"Hawaiians: Organizing in the 1970's," Amerasia Journal, "Hawai'i: Issues and Perspectives," 7:2 (1980): 29-55

### **Articles in Scholarly Journals**

"A Community-Based Master Land Use Plan for Moloka'i Ranch? This effort deserves serious reflection," here! Urbanism, Design and Planning, Moloka'i, Department of Urban and Regional Planning, University of Hawai'i, Manoa, 2 Winter 2007, 68 - 87.

"Hawaiian Subsistence and Community Sustainability", here! Urbanism, Design and Planning, Moloka'i, with Jon Matsuoka and Luciano Minerbi, Department of Urban and Regional Planning, University of Hawai'i, Manoa, 2 Winter 2007, 40 - 67.

"Kaho'olawe: Rebirth of the Sacred", Amerasia Journal, "The Politics of Remembering" edited by Henry Yu and Mae M. Ngai, Volume 28: 3, (2002): 68 - 83.

"Voices of Today Echo Voices of the Past: 1845 Petitions," in Malama Hawaiian Land and Water, Honolulu: Bamboo Ridge Press, 29(Winter) 1985, 44 - 58.

"A Comparison of the Terms Malo Used for 'Steal', 'Theft', 'Rob', and 'Covet', With the Terms Used to Translate These Concepts in Baibala Hemolele and the First Penal Codes," Ka 'Unuhi, The Translator 1(May) 1980.

"A Translation and Analysis of No Ka Moe Kolohe, A Law of King Kamehameha Enacted on September 21, 1829," Ka 'Unuhi, The Translator 1(May) 1980.

### **Book Chapters**

'Aina: Ke Ola O Na Kanaka 'Oiwi / Land: The Health of Native Hawaiians with Noa Emmett Aluli, in \_\_\_\_\_, edited by Dr. Benjamin Young, in press, Honolulu: UH Press.

"Wao Kele O Puna and the Pele Defense Fund" with Noa Emmett Aluli, M.D. in A Nation Rising: Hawaiian Movements for Life, Land, and Sovereignty, edited by Noelani Goodyear-Ka'ōpua, Ikaika Hussey and Kahunawaika'ala Wright, Durham: Duke University Press, 2014.

"Our History, Our Way" Ethnic Studies for Hawai'i's People!" with Ibrahim Aoude, in A Nation Rising: Hawaiian Movements for Life, Land, and Sovereignty, edited by Noelani Goodyear-Ka'ōpua, Ikaika Hussey and Kahunawaika'ala Wright, Durham: Duke University Press, 2014.

"Recognizing Native Hawaiians: Reality Bites," in Sovereign Acts, edited by Frances Negrón-Muntaner, in press.

"Recognizing native Hawaiians: A Quest for Sovereignty in Asian American Studies Now: A Critical Reader, edited by Jean Yu-wen Shen Wu and Thomas Chen, New Brunswick, N.J.: Rutgers University Press, 2010.

"An Ecological Model of Wellbeing," with Paula Tanemura Morelli, Jon Kei Matsuoka, and Luciano Minerbi in International Handbook of Social Impact Assessment: Conceptual and Methodological Advances, edited by Henk Becker and Frank Vanclay, 2003, translated into Farsi (Persian), Tehran: Office of Social and Cultural Studies, 2010 p 108-128.

"Using Geographical Information Systems for Cultural Impact Assessment," with Luciano Minerbi and Jon Matsuoka, in International Handbook of Social Impact Assessment: Conceptual and Methodological Advances, edited by Henk Becker and Frank Vanclay, 2003. translated into Farsi (Persian), Tehran: Office of Social and Cultural Studies, 2010, p 195 - 210.

"Nā Kua'āina: Living Hawaiian Culture" in We Go Eat: A Mixed Plate from Hawai'i's Food Culture, Honolulu: Hawai'i Committee for the Humanities, 2008

"Hawaiians in 2000" in The New Face of Asian Pacific America: Demographic and Cultural Change 2000 and Beyond, 2003, p 79 - 84.

"Constructed Images of Native Hawaiian Women," in Asian/Pacific Islander American Women: A Historical Anthology, edited by Shirley Hune and Gail Nomura, NYU press, 2003, p 25 - 41.

"An Ecological Model of Wellbeing," with Paula Tanemura Morelli, Jon Kei Matsuoka, and Luciano Minerbi in International Handbook of Social Impact Assessment: Conceptual and Methodological Advances, edited by Henk Becker and Frank Vanclay, 2003, p 108-128.

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"Hawaiian Subsistence, Culture and Spirituality and Natural Biodiversity: A Complementary Contribution to the Global Biodiversity Assessment," in Cultural and Spiritual Values of Biodiversity, United Nations Environment Programme, 1999.

"Native Hawaiian Women," in The Reader's Companion to U.S. Women's History, edited by Wilma Mankiller, Gwendolyn Mink, Marysa Navarro, Barbara Smith, and Gloria Steinem, Boston: Houghton Mifflin Company, 1998, p 423 - 425.

"Moloka'i: A Study of Hawaiian Subsistence and Community Sustainability," in Sustainable Community Development: Case Studies in Economic, Environmental & Cultural Revitalization, with Jon Matsuoka and Luciano Minerbi, ed. by Marie D. Hoff, St. Lucie Press, 1997, 25 - 44.

"The Cultural and Political History of Hawaiian Native People," and "Self-Determination and Native Peoples: The Case of Hawai'i" in Our History, Our Way: An Ethnic Studies Anthology, ed. Gregory Yee Mark, Davianna Pomaika'i McGregor, Linda A. Revilla, Dubuque, Iowa: Kendall/Hunt, 1996, p 333 - 396.

"Ho'i Ho'i Ea Hawai'i: Restoring Hawaiian Sovereignty," in New Politics in the South Pacific, ed. by Ron & Marjorie Crocombe, Tony Deklin, Werner vom Busch, Esther Williams and Peter Larmour. Suva, Fiji: Institute of Pacific Studies, 1994, p 31 - 54.

"The Healing of Kaho'olawe," with Noa Emmett Aluli in Ulla Hasager and Jonathan Friedman (eds.), Hawai'i: Return to Nationhood. Copenhagen: International Working Group for Indigenous Affairs, Document no. 75, 1994, p 197 - 209.

"'Au'a 'ia' To 'Mele O Kaho'olawe:' Voices of Power and Vision" in Franklin Ng, Judy Yung, Stephen S. Fugita, Elaine H. Kim (eds.), New Visions in Asian American Studies, Diversity, Community, Power, Pullman: Washington State University Press, 1994, 253 - 270.

"Endangered Culture: Hawaiians, Nature, and Economic Development" with Jon Matsuoka in M. Hoff and J. McNutt (eds.), Social Work and The Environment. London: Avebury/Gower House Publishers, 1994.

"Pele vs. Geothermal: A Clash of Cultures," in Bearing Dreams, Shaping Visions: Asian Pacific Americans Facing the 90's, Seattle: Washington State University Press, 1993.

"Redress for Indigenous Peoples' Rights: The Case of Native Hawaiians," in Restructuring for World Peace: On the Threshold of the Twenty-First Century, ed. by Katharine and Majid Tehranian, Cresskill: Hampton Press, Inc, 1992, p 161 - 181.

"Ho'omau Ke Ea O Ka Lahui Hawai'i: The Perpetuation of the Hawaiian People," in Ethnicity and Nation-building in the Pacific, ed. by Michael Howard, Tokyo: United Nations University, 1989, p. 74 - 97, 74 - 97.

"Hanauna," essay on Queen Lili'uokalani in Hanai: A Poem For Queen Lili'uokalani, John Dominis Holt, Honolulu: Topgallant Publishing Co., Ltd., 1986, p. 51 - 70.

"Hawaiian History Timeline Series of Hawaiian History," Honolulu: Editions Limited, 1985.

"The Hawaiian Monarchy Timeline Series of Hawaiian History," co-writer, Honolulu: Editions Limited, 1985.

### **Scholarly Publications**

"Native Hawaiians and Pacific Islanders" in Asian Americans: An Encyclopedia of Social, Cultural, Economic and Political History edited by Zhao Xiaojian and Edward Park, in press

Foreword to Edward Bailey, A Life on Maui, Linda McCullough Decker, Honolulu: Rainsong, 2010, p. xvii - xx.

"Kai Ākea," in Ho'i Hou Ka Wena I Kaiwi'ula: Restoring Bishop Museum's Hawaiian Hall Bishop Museum Press, 2009, p 20 - 23.

Introduction to Kailua: I Ke Oho O Ka Malanai/In the Wisps of the Malanai Breeze, Kailua: Kailua Hawaiian Civic Club, 2009, p xvii - xx.

"Aloha 'Āina" issue paper, 2005 Sustainability Plan, UHM College of Social Sciences Public Policy Center, 2007.

### **Technical Reports**

"Cultural Impact Assessment for Construction and Public Use of the Ala Pālā'au Project, Pā lā'au State Park, Moloka'i" for Ke Aupuni Lōkāhi, Moloka'i Enterprise Community, November, 2009.

Tropical Storm/Typhoon, Tsunami Response Study Commonwealth of the Northern Marianas Islands, 2007-2008, for U.S. Army Corps of Engineers Honolulu District by Group 70 International and University of Hawai'i, Manoa School of Social Work and Ethnic Studies Department, June 30, 2008.

Hurricane Evacuation Behavior Study for Guam and the Commonwealth of the Northern Marianas for the U.S. Army Corps of Engineers with Jon Matsuoka, December 31, 2006.

Cultural Assessment Report for the La'au Point Rural-Residential Development, assisted by Sean McNamara, November 15, 2006.

Cultural Assessment for the Mo'omomi Preserve, Kaluako'i, Island of Moloka'i, for The Nature Conservancy, June 15, 2006, assisted by Blake La Benz.

Cultural Assessment for the Kamakou Preserve, Makakupa'ia and Kawela, Island of Moloka'i, for The Nature Conservancy, June 15, 2006, assisted by Blake La Benz.

Moloka'i Responsible Tourism Initiative: A Community-based Visitor Plan for Moloka'i, for Ke 'Aupuni Lokahi-Moloka'i Enterprise Community, February 2006.

Phase III: Native Hawaiian Access Rights Project, Recommendations for SMA Rules and Process, for Hawai'i Coastal Zone Management Program, Office of Planning, Department of Business, Economic Development and Tourism, Pursuant to National Oceanic and Atmospheric Administration, Award No. NA87OZ0233, 2002.

"Cultural and Socio-economic Assessment." with M.P. Crosby, J.W. Milon, D. Rosen, and D.O. Suman in *Alternative Access Management Strategies for Marine and Coastal Protected Areas, A Reference Manual for their development and assessment*, U.S. Man and the Biosphere Program, 2000.

Phase II: Native Hawaiian Access Rights Project for Hawai'i Coastal Zone Management Program, Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award No. NA87OZ0233, 2000.

Phase I: Native Hawaiian Access Project for Hawai'i Coastal Zone Management Program, Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award No. NA77OZ0185, 1999.

Hawai'i Externalities Workbook, "Chapter 8.0 Native Hawaiian Impacts." Co-authored with Jon Matsuoka and Luciano Minerbi, under contract with Energy Research Group, Inc. for Hawaiian Electric Company, July 1997.

"Contemporary Subsistence Fishing Practices Around Kaho'olawe: Study Conducted for the NOAA National Marine Sanctuaries Program." Co-authored with Noa Emmett Aluli, Manny Kuloloio, Malia Akutagawa, and Kehau Walker. Kaunakakai: Protect Kaho'olawe Fund, May 1997.

"Hawaiian Cultural and Resource Management" in *CRM: Cultural Resource Management*, National Park Service, V. 19, no. 18, pp 17-20, 1996.

"Traditional Hawaiian Cultural, Spiritual, and Subsistence Beliefs, Customs, and Practices and Waiahole, Waikane, Hakipu'u, and Kahana" for Native Hawaiian Advisory Council, September 1995.

"Kaho'olawe Use Plan," with PBR-Hawai'i, for Kaho'olawe Island Reserve Commission, 1995.

"Kalo Kanu O Ka 'Aina: A Cultural Landscape Study of Ke'anae and Wailuanui, Island of Maui," with Group 70, Inc. and Cultural Surveys Hawai'i, Inc., for the County of Maui Planning Department and the Maui County Cultural Resources Commission, May 1995.

"Governor's Moloka'i Subsistence Task Force Report," with Jon K. Matsuoka and Luciano Minerbi, Moloka'i Department of Business, Economic Development, and Tourism, 1994.

"The Cultural, Political and Legal History of Hawaiian Native People," with Professor Rob Williams, Professor James Anaya, Professor Eric Yamamoto, Alan Murakami, Esq., Elizabeth Pa Martin, Esq., Joyce McCarty, Esq., and Professor Emeritus Stephen Boggs, Ford Foundation, 1994.

"Native Hawaiian Ethnographic Study for the Hawai'i Geothermal Project Environmental Impact Study," with Jon K. Matsuoka and Luciano Minerbi for the Oakridge National Laboratories Environmental Impact Study for the U.S. Department of Energy, 1993.

"Kaua'i Island Study," with Jon Matsuoka and Masters in Social Work Students at the Kaua'i Community College, Fall 1991.

"Native Hawaiian and Local Cultural Assessment Project," with Jon K. Matsuoka and Luciano Minerbi, State of Hawai'i Department of Health Hawai'i Environmental Risk Ranking Project, 1991 - 1993.

"Sociocultural Impact Assessment" in the Environmental Impact Statement for the Commercial Satellite Launching Facility, Palima Point, Ka'u, Hawai'i, with Jon Matsuoka, 1991.

### **Grants and Contracts**

Title: Cultural Impact Assessment for Construction and Public Use of the Ala Pālā'au Project, Pā lā'au State Park, Moloka'i"

Principal Investigator: Responsible for 100% of the report, 2009

Funded: Ke Aupuna Lōkāhi, Moloka'i Enterprise Community, \$1500

Title: Tropical Storm/Typhoon, Tsunami Response Study, Commonwealth of the Northern Marianas Islands, 2007 – 2008

Researcher: Responsible for 50% of the report

Funded: U.S. Army Corps of Engineers and Group 70, International, \$103,000

Title: 2050 Sustainability Plan Project – Issue paper and technical support on cultural stewardship, paper entitled, Aloha 'Aina.

Principal Investigator: Responsible for 100 percent of the paper

Funded: UHM College of Social Sciences Public Policy Center, 2007 Sustainability Plan Project, \$5,000.

Title: Tropical Storm/Typhoon, Tsunami Response Study: Guam and Commonwealth of the Northern Marianas Islands, Survey Instrument Development Phase.

Researcher: Responsible for 50% of the report, 2005 - 2006

Funded: U.S. Army Corps of Engineers and Group 70, International, \$100,000

Title: Cultural Assessment for the Mo'omomi Preserve, Kaluako'i, Island of Moloka'i and Cultural Assessment for the Kamakou Preserve, Makakupa'ia and Kawela, Island of Moloka'i,

Principal Investigator: Responsible for 80 percent of the report, 2006

Funded: The Nature Conservancy, \$10,000

Title: Moloka'i Responsible Tourism Initiative

Principal Investigator: Responsible for 100 percent of the study and report 2004 - 2005

Funded: Rural Development Project of Maui Community College and Ke Aupuni Lokahi Moloka'i Enterprise Community Governance Board, \$10,000

Title: Phase III: Native Hawaiian Access Rights Project for Hawai'i Coastal Zone Management Program, Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award

Principal Investigator - responsible for 45 percent of the study and report  
2000 - 2002

Funding: Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award, \$25,100.

Title: Community Assessment of a Community Center in Wai'anāe

Co-Principal Investigator – responsible for 30 percent of the study and report  
2000 - 20003

Funded: Consuelo Zobel Alger Foundation Community and Department of Hawaiian Homelands, \$18,622.

Title: Research and Development Planning For Hawaiian Well-Being

Researcher – responsible for 35 percent of the study

1999 - 2000

Funded: Office of Hawaiian Affairs

Title: Phase II: Native Hawaiian Access Rights Project for Hawai'i Coastal Zone Management Program, Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award No. NA87OZ0233

Principal Investigator - responsible for 35 percent of the study and report  
1999

Funded: Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award No. NA87OZ0233, \$20,000.

Title: Phase I: Native Hawaiian Access Project for Hawai'i Coastal Zone Management Program, Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award No. NA77OZ0185.

Principal Investigator - responsible for 35 percent of the study and report  
1998

Funded: Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award No. NA 77OZ0185, \$22,000.

Title: Hawaiian Externalities for the Hawaiian Electric Company Integrated Resource Plan

Participating Researcher- responsible for 25 percent of the study and report

1997

Funded: Hawaiian Electric Company

Title: Traditional Hawaiian Cultural, Spiritual, and Subsistence Beliefs, Customs, and Practices and Waiahole, Waikane, Hakipu'u, and Kahana  
Pro bono study for the Native Hawaiian Advisory Council  
1995  
Funded: Office of Hawaiian Affairs

Title: Kaho'olawe Land Use Plan  
Pro bono member of the planning team - responsible for 15 percent of the study and report, 1995  
Funded: Kaho'olawe Island Reserve Commission

Title: Ke'anae-Waluanui Cultural Landscape Survey  
Participating Researcher - responsible for 15 percent of the study and report  
1994  
Funded: Maui County Planning Department - \$22,000

Title: Mo'omomi Community-Based Subsistence Fishing Area Management Plan  
Pro bono Participating Researcher - responsible for 15 percent of the study and report  
1994  
Pro bono: Moloka'i Office of Department of Business and Economic Development and Hui O Mo'omomi

Title: Native Hawaiian Ethnographic Study for the Hawai'i Geothermal Project  
Environmental Impact Study  
Participating Researcher - responsible for 30 percent of the entire study  
1993 - 1994  
Funded: U.S. Department of Energy to Oak Ridge National Laboratory- \$100,000

Title: Governor's Moloka'i Subsistence Task Force Study  
Participating Researcher - completed 40 percent of the study and report  
1993 - 1994  
Funded: Department of Business and Economic Development - \$36,000

Title: Kaho'olawe Cultural Resources Ocean Study  
Participating Researcher - responsible for 40 percent of the study and report  
1993 - 1994  
Funded: National Oceanic and Atmospheric Administration to Protect Kaho'olawe Fund  
- \$24,800

Title: Native Hawaiian and Local Cultural Assessment Project, Hawai'i Environmental Risk Ranking Project  
Participating Researcher - completed 35 percent of the study and report  
1992 - 1993  
Funded: State of Hawai'i Department of Health - \$14,600

Title: Status and Entitlements of Hawaiian Natives  
Historical Researcher - completed 10 percent of study and report  
1992  
Funded: Ford Foundation to the Native Hawaiian Advisory Council, 1992 - \$90,000  
Title: Hawaiian Sovereignty Education Grant

Pro bono Curriculum Development Consultant - during the first year, contributed to the development of 5 percent of the curriculum materials, including a documentary video 1991 - 1992

Funded: Administration for Native Americans to Hui Na'auao Hawaiian Sovereignty Education Project - \$364,061 - year 1; \$342,240 year - 2; \$285,515 year - 3

Title: Kaua'i Island Study

Participating Researcher - completed 10 percent of the study and report 1991

Pro bono: in conjunction with Social Work research course at the Kaua'i Community College

Title: Sociocultural Impact Assessment of a Commercial Satellite Launching Facility at Palima Point, Ka'u, Hawai'i.

Participating Researcher - completed 30 percent of the study and report 1991

Funded: Department of Business, Economic Development and Tourism - \$27,000

Title: The Cultural Landscape of Heiau Sites in Hawai'i

Principal Investigator - completed 2 percent of the study 1990-91

Funded: Hawai'i State Department of Land and Natural Resources, Division of Historic Preservation - \$3,997

Educational Improvement Fund, University of Hawai'i, 1987, "Experiential Education at the Kanewai Cultural Garden," Principal Investigator.

### **Audio-Visual Media**

"Ho'ala," documentary video reviewing changes in the sovereignty of Native Hawaiians at key periods in history from the pre-contact period through Annexation in 1898.

Helped to write the script for producers and directors, Hui Na'auao (consortium of 30 Hawaiian sovereignty organizations) and Juniroa Productions, 1992

"Kaho'olawe: Aloha 'Aina," documentary videotape on the natural and cultural resources of Kaho'olawe. Helped to write the script with producers and directors Na Maka O Ka 'Aina, the Protect Kaho'olawe Fund, and Talk Story, Inc. with funding from the Hawai'i Committee for the Humanities and the State Foundation on Culture and the Arts, 1992.

"Pele's Appeal", documentary videotape on the significance of the volcano and the rainforest to native Hawaiian culture and its threatened destruction by geothermal energy development, served as script consultant to the producers and directors, Pele Defense Fund and Na Maka O Ka 'Aina, 1989.

"Na Wai E Ho'ola I Na 'Iwi? Who Will Care For The Bones?," documentary videotape on the Honokahua Burials issue, script consultant to Na Maka O Ka 'Aina, 1988.

"Kapu Ka'u," documentary videotape on the cultural and historical significance of the Ka'u district of Hawai'i Islands, script consultant to Na Maka O Ka 'Aina, 1987.

"Ti Mangyuna: Those Who Led The Way," docudrama on Filipinos in Hawai'i, co-writer, 1981.

### **On Line Resources**

"Healing Elements: A Native Hawaiian Perspective," Voyage to Health Higher Education Module, U.S. National Library of Medicine, 2011  
<http://www.nlm.nih.gov/exhibition/avoyagetohealth/education/HEhealingelements.html>

### **News Articles**

"Proper Recognition: Is the Akaka Bill the Best Prescription for Hawaiians? Yes: Independence Does Not Offer Same Guaranteed Protection of Native Rights," The Honolulu Advertiser, Sunday Editorial Section, p. B-1, April 25, 2004

"Prince Jonah Kuhio: An introduction to his life," Honolulu, Hawai'i, Center for Biographical Research, 2002, 2p.

"There's more to History than Overthrowers Told" The Honolulu Advertiser, Sunday September 7, 1997, Focus, p. B-1& B-4.

"The Hawai'i Land Reform Act: Public Interest or Hawaiian Rights?" Ka Huiiau newspaper, January - February 1985.

### **Refereed Conference Contributions**

Annual Conference of the Association for Asian American Studies (AAAS)

2013 Seattle, Washington

Paper: "Revitalizing a "Sacred" Landscape: Kanaloa Kaho'olawe, Hawai'i"

2012 Washington D.C.

Plenary: Asian American Empire: Revisiting Pacific Island Studies and Pacific Islanders in

Asian America/n Studies

Paper: Alter-Native Energy for Hawai'i: Challenging Lines of Power

2010 Austin, Texas

Plenary: Celebrating the 40th Anniversary of the AAAS

2008 Chicago, Illinois

Paper: Un-melting 20<sup>th</sup> Century Myths of the Chicago School About Hawai'i

2007 New York, New York

Paper: Moloka'i: Not for Sale. Just Visit" - Tourists Encounter the Last Hawaiian Island

2005 Los Angeles, California

Paper: Hawaiian Diaspora and the Culture Drain

2004 Boston, Massachusetts

Paper: Engaging Hawaiians in the Expansion of the U.S. Empire

2003 San Francisco, California

Paper: Natives and Locals: Contested Identities of Hawai'i

- 2002 Salt Lake City, Utah  
Paper: Indigenizing Asian American Studies: Hawai'i and the Pacific
- 2001 Toronto, Canada:  
Paper: "Nature, Class and Constructed Image: Native Hawaiian Women,"  
Panel Chair and Discussant: Locating Hawai'i and the Pacific in Asian American Studies: The Politics of Culture
- 2000 Scottsdale, Arizona  
Paper: Sunbathers vs. Fishermen or Tourism vs. Subsistence: Researching Divergent Rights of Access
- 1999 Philadelphia, Pennsylvania  
Paper: Original Hawaiian and Local Cultures in the New Millennium?
- 1998 Honolulu, Hawai'i  
Paper: Planning to Keep Moloka'i Hawaiian  
Panel Chair and Discussant: Representing Hawaiians and Hawaiian
- 1997 Seattle, Washington:  
Paper: Models of Sovereignty in the Pacific
- 1994 Ann Arbor, Michigan  
Paper: Sovereignty: Hawaiians and Locals
- 2003 First Annual Kamehameha Research Conference on the Education and Well-being of Hawaiians  
Paper: Cultural Kipuka and the Perpetuation of Native Hawaiians  
Panel: A Holistic Model of Native Hawaiian Well-Being
- Western History Association Conference  
1997 Denver, Co.  
Paper: Cultural Change and Continuity in Rural Hawaiian Communities
- 1992 Yale University, New Haven, Connecticut  
Paper: Perpetuation of Hawaiian Custom, Belief and Practice in Rural Hawaiian Communities

### **Invited Conference Presentations**

"Statehood: Unexpected Catalyst of the Hawaiian Cultural Renaissance and Sovereignty Movement" Plenary Panel on Challenging Inequalities Among Nations, Association for Asian American Studies 2009 Conference

"Ka Wai Ola: The Living Water," Panel on Planning Pono - Hawaiian Values, Tradition & Customary Uses & Views of Resources Protection & Process for the Water Use & Development Plans at the Hawaii Water Works Association Conference, October 2008

Reserved Rights of Native Hawaiians, Weaving Together Natural Resource Management and Native Hawaiian Cultural Needs, U.S. Fish and Wildlife Service/Native Hawaiian Workshop, Winter 2007.

U.S. and Hawai'i: Dis-Connecting the Native from the Land, the Demise and Rebirth of the Sacred, University of the Ryukyus, Okinawa, Japan, 2006

"Recognizing Native Hawaiians: Reality Bites," Conference on The Space of Sovereignty: Land, Law and Citizenship at Columbia University, 2005.

"Cultural Impact Assessments," Hawai'i State Association of Counties Conference on "Smart Growth: A Step in the Right Direction," 2001.

"Practicing Native Hawaiian Access and Gathering Rights," Hawai'i Congress of Planning Officials Conference, October 2000.

"Background and History of the Kanaka Maoli Through the Study of the U.S. Apology to the Kanaka Hawai'i Maoli," The Native Hawaiian Convention, 1999

"He Mo'olelo: From Kapu to Kuleana," Hawaiian Historical Society Conference on "Ka 'Aina: Rethinking Our Kuleana," 1998.

"Life After PASH," Native Hawaiian Bar Association Conference, 1997

"GIS Overlay Mapping of Native Hawaiian Cultural and Natural Resources," 15th Annual Pacific Island Coastal Zone Management Conference, 1997.

"Native Hawaiian Sovereignty in Hawai'i's Future in the Global Economy," Hawai'i State Association of Counties, 1996.

"The 'Aina in History," Hawaiian Historical Society Conference, 1996.

"Oral Traditions And Writing Hawaiian History" Hawaiian Historical Society, October 1994.

"Hawaiian Sovereignty and Land Use," HCPO, September 1994.

"Restoring Hawaiian Sovereignty," Second National Conference on Relations Between the United States and American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the United States Virgin Islands, May 1994.

"Protecting Hawaiian Cultural Kipuka," Hawai'i State Association of Counties Conference on Shaping Tourism's Future, Honolulu, 1994.

"Protocol in Conducting Research in Hawaiian Communities," Native Hawaiian Health Conference, Honolulu, 1994.

"The Continuity of Hawaiian Customs, Beliefs and Practices: New Threats to the Perpetuation of Hawaiian Culture," Colloquium; "The Hawaiian 'Ohana/Family," Lecture in Asian American Family Class;

"Pele versus Geothermal Energy," Lecture in Asian American Women Class; Department of American Ethnic Studies, University of Washington, April 1993.

"Hawaiian Culture and Health Environmental Risk Ranking," HPCO, 1993.

"Hawai'i: 1778 - 1992, A Troubled Paradise,"  
"Hawaiians: 1893 to 1993, From Conquest to Sovereignty"  
Lectures at University of Michigan, 1992.

"Hawaiian Sovereignty," Lecture at University of California, Berkeley 1992.

"Hawaiian Perspective On Conflict Resolution," Hawai'i State Association of Counties  
Conference on Conflict Resolution, Hilo, 1991.

### **University Committees**

2012 - 2013 Personnel Committee - ES Department (chair), Center for Pacific Islands  
Studies(chair), Hawaiian Studies  
2011 Tenure and Promotion Review Committee UH Mānoa  
Personnel Committee - ES Department (chair), Center for Pacific Islands Studies  
(chair), Hawaiian Studies  
2010 Personnel Committee - ES Department (chair), Center for Pacific Islands Studies  
2009 Department Personnel Committee (chair), Center for Pacific Islands Studies  
2008 College of Natural Sciences, UH Manoa Program Review Committee  
2003 to Present  
Associate faculty in Culture and Ethnicity with the College of Social Sciences  
Public Policy Center  
2002 to 2005  
University Council on Program Reviews  
2000 - 2001  
Arts and Sciences Educational Planning and Policy Core Curriculum  
Committee  
2000 West O'ahu College Selection Committee for Hawaiian Studies Position  
Social Sciences Core Curriculum Committee  
1999 to 2004  
Ka Papa Lo'i O Kanewai Coordinating Committee  
1997 to present  
Ethnic Studies Department Personnel Committee  
1997 WASC Standard 7 Review Committee  
1995 - 2002  
Manoa Forum II

### **Professional Service**

Bishop Museum Affiliate Faculty, Hawaiian and Pacific Studies, 2004 to present

Asian Pacific American History Collective, 2002 to present

Association of Asian American Studies, Board of Directors, 1999 - 2002

Journal of Asian American Studies Editorial Board, 1998 to present

The Contemporary Pacific Journal Editorial Board, 1998 to present

### **Community Service**

Asian American/Pacific Islander Scholars Expert Panel of the National Park System  
Advisory Board, 2014.

Native Hawaiian Cultural Communications Course, Department of Defense, 2009, 2010; 2011; June 2012, February 2014

Director, Moloka'i Land Trust, 2007 to present; Vice-President 2014 to present.

Native Hawaiian Cultural Communications Course, National Museum of the American Indian Executive Training Session, Department of Defense, December 13, 2007, Washington D.C.

Weaving Together Natural Resource Management and Native Hawaiian Cultural Needs, U.S. Fish and Wildlife Service/Native Hawaiian Workshop, Winter 2007.

Continuing Medical Education Presentation, "Queen Emma Foundation: Auhea Ho'i He Kauoha? Where is the Bequest," 2007

Co-chairperson, Humanities Scholar for Hawaiian Historical Society 2005 Conference, " 'Olelo Makuahine: New Hawaiian Language Based Resources"

Participant in the Moloka'i Ranch Community-Based Master Land Use Planning Committee as a project of the Ke Aupuni Lokahi Moloka'i Enterprise Community Governance Board, 2004

Sustainable Tourism Study, Native Hawaiian Advisory Committee, 2003

"Kaho'olawe: Rebirth of A Sacred Hawaiian Island," script writer and coordinator, Exhibit at the Smithsonian Arts and Industries Building, June 5 to September 2, 2002. Joint project of the Bernice Pauahi Bishop Museum, Community Development Pacific, and Protect Kaho'olawe Fund in cooperation with the Smithsonian Asian Pacific American Program, 2000-2002.

Bishop Museum New Trade Winds U.S.-China Trade Advisory Committee to Renovate Hawaiian Hall, 2000, 2007, 2008

Hawaiian Historical Society, Board of Directors, 2000 – 2004

Reader to screen applicants, Inaugural Gates Millennium Scholars Program, 2000, 2001, 2002

U.S. Department of Interior, research and review of Report on the Reconciliation Process Between the U.S. Government and the Native Hawaiian People, "From Mauka to Makai The River of Justice Must Flow Freely," 2000

Grant Writing Team, Moloka'i Rural Empowerment Zone Application, submitted to United States Department of Agriculture October 9, 1998 by The Community of Moloka'i. The Moloka'i Community was designated a Rural Enterprise Community and was awarded \$2.5 million.

Historic Hawai'i, Board of Directors, 1997 - 2005

PASH/Kohanaiki Study Group, convened by the Office of State Planning of the Hawai'i State Department of Business, Economic Development, and Tourism to report to the

Hawai'i State Legislature on issues arising from the Supreme Court Ruling in PASH v. Nansay and options to help resolve the issues, 1997

Historian consultant, "Lili'uokalani: Hawai'i's Last Queen," produced by Vivien Ducat for the American Experience series of the Public Broadcasting System, 1996.

Vice-chairperson, Hawaiian Sovereignty Elections Council, initially appointed by the Governor of Hawai'i as the Hawaiian Sovereignty Advisory Commission, 1994 - 1996. The Council conducted the Native Hawaiian Vote in 1996.

Kohemālamalama O Kanaloa/Protect Kaho'olawe Fund, Board of Directors, 1996 to present. Secretary-Treasurer, 2006 to present.

Protect Kaho'olawe 'Ohana - O'ahu Access Coordinator, Liaison for the 'Ohana with the U.S. Navy, 1984 to 1999; Access Co-coordinator 2000 – present.

Expert Witness

Civil Cases:

Kostick v Nago, Civil No. 12-00184 JMS-LEK-MMM

Apiki Omerod v C. Brewer and Company, Ltd., Civil No. 03-1-0026

Arakaki v Lingle. Civil No. 02-00139 SOM-KSC

Walter John Kelly v 1250 Oceanside Partners, Civil No. 00-0912K I

Barrett v. Cayetano. Civil No. 00-00645 SOM/UEK

Office of Hawaiian Affairs, et al vs. Housing and Community Development Corporation of Hawaii, et al, Civil No. 94-4207-11 SSM, 1994 - 2001

Malama Makua v. Donald H. Rumsfeld, Civil No. 00-00813 (SOM) (LEK), 2001

Hanakeawe v. Nansay Hawaii. Inc., Civ. No. 90-316 (Kona)

Pele Defense Fund v. Campbell Estate

Pele Defense Fund v. Paty

Kamaka v. Department of Defense

Criminal Trespass Cases:

State of Hawai'i v. Lloyd Pratt

State of Hawai'i v Kaupiko, CR. No. 97-116

State of Hawai'i v. Keli'ikoa

State of Hawai'i v. Kaleo Patterson

State of Hawai'i v. Spalding

State of Hawai'i v. Naeole

Administrative Hearings:

Before the State of Hawai'i Water Commission in the Na Moku Aupuni O Ko'olau Hui Case. 2005

Before the State of Hawai'i Water Commission in the Kamiloloa Aquifer Case, 1997

Before the State of Hawai'i Water Commission in the Ewa Marina Case, 1996

Before the State of Hawai'i Water Commission in the Waiahole Water Case, 1996

Before the Public Utilities Commission, Docket # 7259 Relating to Hawaiian Electric Light Company, Regarding Integrated Resource Planning, 1993

Before the Public Utilities Commission, Docket # 6617 To Require Energy Utilities in Hawai'i to Implement Integrated Resource Planning, 1990

Humanities consultant, Japanese-American National Museum, Kona Coffee Exhibition, 1994

Vice-chairperson, Hawaiian Sovereignty Advisory Commission, appointed by the Governor of Hawai'i to advise the Legislature on the organizing of a convention to draft an organic document for a sovereign Hawaiian nation, 1993.

Member, Hawaiian Electric Company Advisory Groups on Supply-Side Resources and Integration Plan for the Integrated Resources Management Plan. Statewide Panel Presentations on "Externalities," 1992 - 1993.

Consultant, U.S. Navy advisory group to develop a Cultural Resources Management Plan for Kaho'olawe Island as a historic property on the National Register of Historic Places, 1992.

Governor's Planning Committee on Kaho'olawe, 1990 - 1993.

Hui Malama I Na Kupuna O Hawai'i Nei - member, organization is taking responsibility for proper treatment of native Hawaiian burials, 1989 - 1991.

Interim O'ahu Advisory Council on Burials, Department of Land and Natural Resources, State Historic Preservation Office - member, 1989 - 1991.

Pele Defense Fund - Consultant on the Integrated Resource Plan, pro bono, 1989 to 1994.

Selection Committee for Hawai'i Filmmaker's section of the Hawai'i International Film Festival, 1990.

Academic Humanist Scholar for Projects of the Hawai'i Committee for the Humanities:

2009 Hawai'i Book and Music Festival, Essay on "Importance and Significance of "Place" as Kānaka 'Ōiwi," Sense of Place Tabloid, Moderator of Panel on this topic.

"Timeless Craft: Building Mauloa" documentary film, Humanities Scholar, 2009

"Biography Hawai'i: Five Lives, A Series of Public Remembrances," Scholar for programs on Prince Jonah Kuhio Kalaniana'ole, and Koji Ariyoshi, sponsored by the Center for Biographical Reserch of the University of Hawai'i, Manoa and Hawai'i Public Television, 2002 - 2004.

"The Panala'au Years: Survivor - Hawaiian Style," with the Bishop Museum, 2002.

"1898 – 1998: Rethinking the U.S. in Paradise," with the American Friends Service Committee, Principal Humanities Scholar, 1998.

"Indigenous Voices", East-West Film Festival, Principal Humanities Scholar, 1993.

Papakolea: Where the Shorebirds Land," Humanities Scholar, 1992-93.

"Kaho'olawe: Aloha 'Aina Film Project," Principal Humanities Scholar, 1988 - 1994.

"Hollywood's Hawai'i," panel discussant, Principal Humanities Scholar on the portrayal of Hawai'i's people in film, 1992.

"Let's Talk About It," lecture/discussion on Ho'i Ho'i Hou and Malama Hawaiian Land and Water collections of poems and essays in various community libraries, 1989, 1990.

"Let's Talk About It," lecture/discussion on Hawaii's Story By Hawaii's Queen, 1986, 1988, 1989, 1990

"People Speaking," discussion on outstanding women of Hawai'i in conjunction with a play on Mother Jones and Mary Bethune, 1986

Humanities in the libraries, discussion on video regarding the issue of reparations for Native Hawaiians, 1986

"Papa Hana Lanai: Future Changes and Alternatives for the People of Lanai," 1977

Pacific Concerns Resource Center, Advisor, Steering Committee, 1981 to 1989.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINA AU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAI OHUE,  
PAAKEA, WAI AAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF EARL SMITH, SR.

DECLARATION OF EARL SMITH, SR.

I, Earl Smith, Sr., declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I live in Kaupō.
4. My family has about four to five acres of on property irrigated by Waiokamilo Stream. Not all of our lo'i are open because there is not enough water.
5. Traditionally, my family gathered 'ōpae, 'o'opu, and hihiwai from Hanawi, Makapipi, and One`o streams.
6. My family also traditionally fished along the East Maui shoreline near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue.

7. Traditionally, my family engaged in mālama ‘āina and mālama kahawai in the above streams by only taking what they needed for their ‘ohana and to share with family and neighbors.

8. Currently, my ‘ohana gathers ‘ōpae, hihiwai, and ‘o‘opu in Hanawi. It’s the only place where I can find these living things. The other streams are dead.

9. Currently, my ‘ohana fishes for moi, aholehole, manini, and eneneue along the East Maui shoreline near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. There has been a depletion of fish. Eneneue used to be there by the schools but now there are less. Only the strong survive.

10. My family also practices mālama ‘āina/mālama kahawai in and around the above streams by only taking what we need, not to sell. I work with marine biologists so the scientists can survey/research environmental impacts and depletion of resources from Hana to Keanae. I also plant native plants.

11. I gather and fish for home consumption and to share if I have more than enough. I also gather and fish to teach my kids and grandkids how to live off the land and sea (fishing, gathering, hunting) to survive after I’m gone.

12. In the past, my family used to wash clothes and swim in the stream.

13. When I go to the streams, I take in the beauty. I don’t alter what’s there, what’s beautiful. The way it was, that’s the way I leave it.

14. The lack of stream flow is a problem for me because my grandkids don’t have the experience or resources to gather what they need from the land and water. The lack of water has caused too much pilikia. When nobody cares, nobody understands our practices and our need to harvest. It pains me. It’s very emotional.

I declare under penalty of perjury that the foregoing is true and correct.

EARL SMITH, SR.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF EDWARD WENDT

DECLARATION OF EDWARD WENDT

I, Edward Wendt, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am the president of Nā Moku Aupuni O Ko`olau Hui.
4. I am a taro farmer. I farm kalo on more than one acre of land irrigated by Waiokamilo, Kualani, and Wailua.
5. My family has been in Wailuanui for six generations. I still farm on lands that trace back to the Māhele on my mother's side (Kaiha'a-Waila'ahia-Lu`ukia). I farm the same taro patches, 'auwai, and rivers in the same traditional and customary manner. That knowledge was passed on to me through the generations.
6. My ancestors are buried in Lakini and at St. Gabriel's Church located in Wailuanui.

7. Traditionally, my family gathered ‘ōpae, ‘o‘opu, and hihiwai from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

8. My family also traditionally fished for uhu, u‘u, kole, ulua, ‘uku, kumu, moi, honu, and anae in or near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

9. Traditionally, my family engaged in mālama ‘āina and mālama kahawai by being careful not to overharvest the stream animals as well as clearing the vegetation or rubbish blocking stream flow in and around Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

10. Currently, I gather ‘o‘opu and hihiwai in Honomanu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Hanawi, Makapipi, and Waiohue. I also fish for moi, enenu, manini, uaouao, ulua, and anae in or near the mouth of Honomanu, Nuaailua, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Hanawi, Makapipi, and Waiohue.

11. I also engage in mālama ‘āina and mālama kahawai by clearing stream banks of vegetation and rubbish that otherwise block stream flow in and along Honomanu, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Hanawi, and Waiohue.

12. For me, gathering and fishing from the streams enables me to provide a protein source to my ‘ohana and neighbors, including kupuna, who may be unable to gather and catch their own fish. I also aim to teach the ‘ōpio the traditional practices to mālama streams and gather and fish from the streams and coast lines.

13. I appreciate viewing and visiting Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, and East

Wailuaiki. Every morning, my wife and I walk up to Waikani (Wailuanui) waterfall to enjoy the view and experience the beauty of this area.

14. Dewatering the streams prevented my generation from teaching ‘ōpio how to mālama streams and use techniques wisely to gather from streams and fish along coastline near the muliwai.

15. The diminished stream flow has negatively affected the muliwai and the coastal fisheries, including a fish sanctuary in Hana that depends on the water. Much of my kalo could not survive the emptying of these streams, so it has made farming more difficult. The lack of stream flow has also allowed vegetation along the stream banks to block the stream beds, and has permitted invasive snail species and African tulips to take over the taro crop. Additionally, some of my neighbors have abandoned kalo farming because the streams had stopped flowing. Ultimately, the loss of stream water has changed the whole way of life in Wailuanui-Ke‘anae. It takes more time to find the resources to gather, which robs me of my time for recreation and time with my ‘ohana.

16. If there was enough water in the streams, I would gather and fish as my family before me did. I would gather ‘ōpae, ‘o‘‘ōpū, and hihiwai from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue. My family would fish for uhu, uu, kole, ulua, ‘uku, kumu, moi, and honu (if it were legal, of course) in or near the mouths of Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Hanawi, and Waiohue.

17. If there was more water in the streams, I would continue to clear stream banks of the vegetation and rubbish that would otherwise block stream flow.

18. If water was returned to the streams, I would appreciate viewing and visiting Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue.

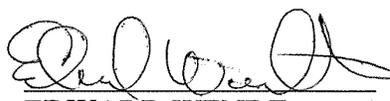
19. Many original members of Nā Moku have died since we first petitioned for the return of water to these streams. It makes me sad and lose hope. They never lived to see the

water return to the lo`i in 2008. I am afraid I will not live to see the return of the water we are now fighting for.

20. Without the water, my whole way of life would be lost. Corporations last forever. Traditional people do not. Crown lands should be set aside for the benefit of the people.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawai`i, September 10, 2014.

  
EDWARD WENDT

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

SUPPLEMENTAL DECLARATION OF  
EDWARD WENDT

SUPPLEMENTAL DECLARATION OF EDWARD WENDT

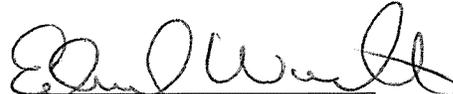
I, Edward Wendt, declare that:

1. The statements below are based upon my personal knowledge.
2. My family has been in Wailuanui for six generations. I still farm on those lands.
3. I am very familiar with the layout of Wailuanui.
4. I know who is farming and where their farms are located.
5. During my lifetime, I became aware of taro farmers leasing the State land consisting of approximately 120 acres, located in the ili of Kupau in Wailuanui Valley, and designated as TMK 1-1-08-5, on the map marked as Exhibit A-143.
6. Exhibit A-142 is a large map made up of three separate tax maps (Tax Maps 1-1-04, 1-1-05, and 1-1-06) depicting areas of taro farming based on what I know and have seen in Wailuanui over the many years that I have lived in the valley.
7. I have also identified on this map, marked as Exhibit A-142, where the supporting 'auwai system is located and how the water flows in it.

8. This map is a true and accurate depiction of the location of lo'i (as shown in green highlighting), the farmers associated with each (as shown on orange labels), and the supporting 'auwai system (as shown in blue highlighting).

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Wailua, Maui, Hawai'i, December 26, 2014.

  
EDWARD WENDT

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANA WI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF EMILY WENDT

DECLARATION OF EMILY WENDT

I, Emily Wendt, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I was born April 7, 1925 in Hana.
4. My parents were James Akiona and Ellen Higgins.
5. My family consisted of my parents, five brothers and three sisters.
6. I was the fourth born of the family.
7. Until 15 years old, from 1925 through 1940, I lived in a house in Keanae peninsula.
8. Thereafter, my family sent me to Maunaolu Seminary, where I boarded and received my education until the 10<sup>th</sup> grade.

9. While going to school, I visited Wailuanui periodically to visit and stay in touch with my `ohana.

10. I got married to Donald Wendt and raised my family of five children in Kahului, where I still reside.

11. During the years I was raising my children, my husband and I visited Wailuanui-Keanae as frequently as weekly.

12. My grandmother, Helena Akiona, who used to live at Lakini, is still buried at St. Gabriel's Church located in Wailuanui.

13. My father died when I was nine years old.

14. When I was between the ages of 10-13, I and my older cousin, Dorothea Lum Ho, who taught me how to gather, would gather `ōpae, `o`opu, and hihiwai from Palauhulu, Waiokamilo, Kualani, Hanawi, Wailuanui Streams.

15. My family also traditionally fished for popa`a, hinale`a, and kupipi from the shoreline near the mouths of West Wailuaiki and Wailuanui Streams.

16. My brother Jimmy, who was my senior by six years, would bring me by canoe to the shoreline near the muliwai of Wailuanui, Kopiliula, and Waiohue Streams to swim and pick opihi. He taught me the most about how to fish and gather.

17. My father, uncle, brothers and cousins also shared and supplied the family with u`u, enenu, kole, ulua, kumu, moi, honu, aholehole and anae, which they fished in or near the mouth of Wailuanui and West Wailuaiki.

18. My family raised pigs, chicken, and cattle while I was growing up in Keanae.

19. My brother Jimmy and I helped raise and brand pipi in our back yard

20. For me, gathering and fishing from the streams and coastlines near streams was a very important food source to my `ohana. In fact, most of the food we ate came from what my `ohana fished, gathered or raised.

21. I recall my relatives, the Akinas, Nakaneluas, and Ka`auamos, as well as my neighbors, all raising taro in Wailuanui and Keanae valleys as the staple for our diets.

22. Many of these families pounded their own poi, as I was taught to do when I was old enough.

23. When my father typically went shopping for food, he only purchased a few items, like sugar, cream, rice, and cookies.

24. The rest of our diet came from what we raised, fished and gathered.

25. As a youth in Wailuanui-Keanae, my `ohana lived a very basic life living off the land and sea.

26. As I was growing up in Wailuanui-Keanae, I was not aware of any complaints against East Maui Irrigation Company about how much water was available in the lo`i and auwai of the valleys.

27. To this day, my nephew Norman Akiona and son Ed catch fish like papio, enenu, pala, manini, and kole from the Wailuanui-Keanae area for me to eat.

28. It makes me sad and lose hope when I see so many original members of Nā Moku who have died since we first petitioned for the return of all water to these streams; water that would support more taro growing, gathering, and fishing along the mouths of those streams.

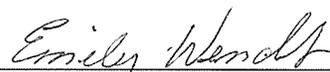
29. I do not understand why Nā Moku members who started in 2001 have had to wait so long for the return of the water.

30. I think the priority should be to leave water in East Maui streams so the people who used it traditionally can continue to survive like my `ohana used to be able to do.

31. To me, I don't know why Hawaiian Commercial and Sugar insists on diverting water that is so important to Hawaiian traditions and customs.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Kahului, Maui, Hawai`i, December 17, 2014.

  
EMILY WENDT

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF GLADYS KANOA

DECLARATION OF GLADYS KANOA

I, Gladys Kanoa, declare that:

1. The statements below are based upon my personal knowledge.
2. I am a member of Na Moku Aupuni O Ko'olau Hui.
3. I am the wife of Isaac Kanoa.
4. Isaac and I farm kalo and lū'au on about four acres of property in Ke'anae irrigated by Palauhulu stream. I also farm about five acres of land in Waianu Valley, located between Wailuanui and Ke'anae, that are irrigated by water from Waiokamilo.
5. As part of farming, I help take care of the streams by cleaning the 'auwai to make sure water reaches everyone who needs it.

6. We enjoy swimming in the ponds of Waiokamilo, Palauhulu, and Piinaau.
7. I appreciate the natural beauty of Ke`anae, including its streams, when I am out on the farm.
8. One of my biggest concerns with the lack of water is the warmth, which is not good for the taro. The water is warm in our patches, some of which are near the top of the `auwai system.
9. Apple snails are a big problem in Ke`anae and affect the quality of the taro. They like warm water. They hibernate in the winter because they don't like cold water.
10. The lack of water has also created a tension in the community as farmers and families compete for water.
11. If there was more water in the streams, Isaac and I would open up more patches. We would continue to clean the `auwai to make sure enough water reaches all of the patches that feed our community.
12. If there was more water, we would enjoy swimming in the ponds of East Maui.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Ke`anae, Maui, Hawai`i, December 21, 2014.

  
GLADYS KANOA

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF HARRY HUEU

DECLARATION OF HARRY HUEU

I, Harry Hueu, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko`olau Hui.
4. I was born on May 29, 1939. I was born and raised in the Ke'anae/Wailua area.
5. My father was James Hueu. He was a taro farmer and a foreman for EMI. My father had about three acres of taro. He never had a problem with the water.
6. Growing up I was always in the taro patch. When we came of age, we did it.
7. In 1976, my main focus became growing taro. The lo'i I farmed was about five acres on family land as well as land now owned by Dr. Keppler and EMI that was irrigated by Piinaau and Palauhulu. I also once farmed some land in Wailua irrigated by Waiokamilo. The land used to farm taro produced about 75 85-pound bags a week.
8. My son, Aukai Hueu, took over the farming about six years ago.

9. Traditionally, my 'ohana gathered 'ōpae and 'o'opu in Honomanu, Nuailua, Palauhulu, and 'Ōhi'a. We would also get akule from Honomanu and Nuailua and pohole from 'Ōhi'a.

10. Traditionally, my 'ohana dove or fished for kole, moi, enenu, pāpio, uhu, kumu, menpachi, and 'opihi in or near the mouths of Piinaau and Palauhulu.

11. My 'ohana also engaged in mālama 'āina and mālama kahawai at Palauhulu and Waiokomilo by cleaning the stream and no make dirty. When I was farming, I would clean the flume every two weeks.

12. We also used to go to Waiolohe to picnic and catch akule. The kids would catch 'o'opu with small poles. We would go barbecue at Ke'anae landing.

13. Currently, my kids and grandkids gather 'ōpae, 'o'opu and hihiwai in Honomanu, Nuailua, Palauhulu, and 'Ōhi'a. There's not as much hihiwai now.

14. My kids also dive for kole, moi, enenu, pāpio, uhu, kumu, menpachi, and whatever else they can get in or near the mouths of Piinaau and Palauhulu. They also gather 'opihi. I want to show my grandkids how to put the net.

15. The ditch is better for gathering than the streams. There is more 'ōpae. By the hundreds.

16. My son Aukai malamas Palauhulu by cleaning the ditches to make sure water is not blocked.

17. Our 'ohana still picnics at Waiolohe and barbecue at Ke'anae landing.

18. There is a big difference in stream flow since 1976. There is a big rock, maybe five to six feet tall, in Palauhulu by Ching's Pond. When there is plenty water, the water covers the rock almost to the top. Now it's low. Also, the water used to be bubbling; now no more nothing.

19. The water in Piinau has changed too. There used to be a pond called Lalaau near where Isaac Kanoa lives. It was always there when I was a kid, but not anymore.

19. I miss the sound of the water roaring.

20. I hate to say it, because it was my dad's working place, but I think EMI is taking more water now.

21. The lack of water has changed people in the community. Now people don't always mālama everyone.

22. The lack of water in the streams hurts the taro because instead we gotta depend on rain. If no rain, no water in lo`i. You gotta have water to raise taro.

23. If there was more water in the streams, my kids and grandkids would continue to gather ‘ōpae, ‘o‘opu and hihiwai in Honomanu, Nuailua, Palauhulu, and ‘Ōhi‘a, fish in or near the mouths of Piinaau and Palauhulu, mālama the ‘auwai off Palauhulu, and swim, picnic, and enjoy each other’s company at Waiolohe and Ke‘anae landing.

24. If there was more water in the stream, I would be more confident that my son could continue farming our family lands and other property he takes care of for other community members.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Keanae, Maui, Hawai`i, 7 Nov., 2014.

  
HARRY HUEU

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF HEALOHA  
CARMICHAEL

DECLARATION OF HEALOHA CARMICHAEL

I, Healoha Carmichael, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko`olau Hui.
4. I grew up in Wailua/Ke`anae.
5. I learned traditional and customary gathering practices from my grandmother,

`Awapuhi Carmichael.

6. Traditionally, my 'ohana gathered 'ōpae, watercress, lū'au, haha, pepeiao, hihiwai, pupulo'i and goldfish in Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiiaaka, Kapaula, Hanawi, Makapii, and Waiohue.

7. Traditionally, my family would also ‘opihī on the way home from gathering and also catch ‘o‘opu at Waiolohe and Ching’s pond in Palauhulu.

8. My ‘ohana also engaged in mālama ‘āina and mālama kahawai at Honomanu, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue by gathering according to the moon, not always going to the same places so we didn’t overharvest the stream, and taking care of the ko‘a’s to keep the population up.

9. Currently, I gather ‘ōpae in Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue. I gather hihiwai in Waiohue and Kopiliula. We have to go high in the mountains to find the ‘ōpae and hihiwai.. I understand the traditions my grandmother taught me, including what colors not to wear when gathering, how we should be quiet when we practice, and how we should walk on the sides of the river. I was taught to always look up at the mountain to look for big water.

10. I currently fish for moi, aholehole, uouo, and mullet in and around the mouths of Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi. I also dive for kole and pick ‘opihī. Now, there’s not much moi.

11. I gather to feed my family and as recreation.

12. I still engage in mālama ‘āina and mālama kahawai as my grandmother taught me by gathering according to the moon and not always going to the same places so we don’t overharvest.

13. We also enjoy swimming in Ching’s Pond at Piinaau. Also, in some places the water is dirty and just sits because there’s not enough flow. I got a staph infection four times just swimming in the water.

14. I’ve noticed the change in water flow. For example, at East Wailuaiki, you can see the ditch, see the water dropping, and look below and see the pond is completely dry. At Hanawi, one side is water, one side has nothing, then you see EMI’s pipe. Mountain Pond at Piinaau is bone dry. So is Kikokiko Spring.

15. Most of the time, you have to wait for it to rain. If you wait a couple days for the rain to clear up, the streams are beautiful. Otherwise it’s dry.

16. If there were more water in the streams, I would gather ʻōpae and hihiwai in Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue.

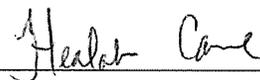
17. If water were put back in the streams, I would continue to gather according to the moon and not always go to the same places.

18. If there was more water, I would keep fishing for moi, aholehole, uouo, and mullet in and around the mouths of Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi. I would also dive for kole and pick ‘opihi.

19. If there was more water in the streams, I would swim in the ponds that are often dry today.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Keanae, Maui, Hawai‘i, 11/11/14, 2014.

  
HEALOHA CARMICHAEL

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINA AU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAI OHUE,  
PAAKEA, WAI AAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF IRE KIMOKEO

DECLARATION OF IRE KIMOKEO

I, Ire Kimokeo, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko`olau Hui.
4. I am a taro farmer. My family grows kalo on about 1 acre of property in Keanae irrigated by Palauhulu and another water source that may be connected to Piinaau.
5. My mother is Pualani Kimokeo. I have an interest in the land I farm based on my connection to Kalilimoku, on my grandmother's side.
6. Traditionally, my 'ohana gathered pohole, 'opihi, 'ōpae, kalo, fish, lū'au leaf, pipi, bananas, strawberry guava and mango in and around Waikamoi, Wahinepee, Puohokamoā, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula

Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. My family also hunted wild pig in those areas.

7. Traditionally, my ‘ohana fished for moi, kole, uhu, ahole, enenu, kumu, and weke in or near the mouths of Puohokamoa, Haipuaena, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Wailua, and West Wailuaiki..

8. My ‘ohana also engaged in mālama ‘āina and mālama kahawai at Waikamoi, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue by always throwing the small fish back into the ocean. Also, when my family would hunt wild pig, we would try and let go the pregnant sows and babies to preserve for the future.

9. Currently, my ‘ohana and I gather ‘ōpae, fish, ‘opihi, and hihiwai in and around Waikamoi, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I also hunt wild pig in those areas.

10. I fish for moi, kole, and ahole in or near the mouth of Punalau/Kolea, Honomanu, Piinaau, Palauhulu, Wailua, and West Wailuaiki.

11. I farm, gather, and fish to feed my family, give to kupuna and to the people that cannot go. I just like māhele with the community.

12. I engage in mālama ‘āina and mālama kahawai by cleaning the ditches and the flume by grandpa’s house to allow for better water flow for the farmers and our family’s lo`i around Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

13. We also enjoy Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, and Wailua for recreation. We hunt, fish, and work taro patch.

14. I appreciate the natural scenery and beauty when I go down to Bird Island and down Nuaailua. I enjoy the scenery around Wahinepee, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, and Makapipi.

15. The lack of stream flow is a problem for my family because there is hardly any water for the taro patch. I also noticed we lost a lot of ‘ōpae.

16. If there was more water in the stream, I would worry less about my kalo. I would expect more cool water to reach my loi

17. If there were more water in the streams, my ‘ohana would gather ‘ōpae, ‘o‘opu, hihiwai, and pohole in or near the mouths of Waikamoi, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

18. If had more water, we would fish for moi, kumu, kole, ahole, and enenu in or near the mouths of Honomanu, Nuaailua, Piinaau, ‘Ōhi‘a (Waianu), Wailua, West Wailuaiki, and East Wailuaiki.

19. With more stream flow, I would clean the ponds and keep trying to conserve ‘ōpae for the next generation in Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, and Kopiliula.

20. If there was more water in the streams, we would enjoy going down Bird Island and enjoy going up the mountain. I love to go up to the mountain and work on the watershed in the area of Wahinepee, , Puohokamoa, Haipuaena, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, and Makapipi. It’s what I enjoy the most. Being up in the mountains feels free.

21. There is something spiritual about being around the streams. I love Ke‘anae and my family. With more water, I would continue to experience the natural beauty of this area, including Wahinepee, Puohokamoa, Haipuaena, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, and Makapipi.

I declare under penalty of perjury that the foregoing is true and correct.

IRE KIMOKEO

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF ISAAC KANOA

DECLARATION OF ISAAC KANOA

I, Isaac Kanoa, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. My mother is Victoria Young. Her mother's name was Keomailani Young.
4. My father's name is Isaac Kanoa. His father was Martin Kanoa, from Ke'anae.

My father's mother was Esther Pueo Kahookele, from Nahiku.

5. I have about four acres in kalo and lū'au. I currently farm land in Ke'anae from my grandmother's side. I also farm property owned by Bill Kepler, Janet Akau, Naome Ching, Jojo Chong Kee, the State, and EMI. These lands are irrigated by Palauhulu.

6. I also farm about five acres of land in Waianu Valley, located between Wailuanui and Ke'anae, that are irrigated by water from Waiokamilo.

7. As far as gathering, I follow in the tradition of my father, who showed me how to do it.

8. Traditionally, my `ohana gathered `ōpae, hihiwai, and `o`opu in all the streams from Honopou to Makapipi.

9. Traditionally, my `ohana would throw net, dive, or troll for aholehole, moi, aku, enenu, u`u, uhu, and kole all along the coast from Honopou to Makapipi. My `ohana also gathered `opihi.

10. I gather `ōpae, hihiwai, and `o`opu in Piinaau, Palauhulu, Kopiliula, PUakaa, Paakea, Waiaka, Kapaula, Hanawi, and Makapipi. Hardly get any `o`opu because of the introduced prawns. I also catch akule in Waiohue.

11. I currently fish for the same types of fish in the same way my grandfather did along the coast from Honopou to Makapipi. I slowed down fishing about eight years ago.

12. Besides making a living and feeding my family, the purpose of my farming, gathering, and fishing is to teach my kids, my son-in-law, and my grandkids the traditions that my father taught me.

13. I currently mālama Piinaau, Palauhulu, and Waiokamilo by cleaning the ditches and streams and cleaning the bamboo out of Palauhulu. Also, during droughts, I close off some of my patches to ensure that more water goes to the people below.

14. My `ohana enjoys swimming in ponds in Waiokomilo and at Ching's Pond in Palauhulu. My kids have also fished in Ke'anae stream, which is where Palauhulu and Piinaau meet.

15. Appreciating the beauty of this place where I live and farm is a given. We are farmers. Piinaau and Palauhulu are beautiful.

16. The water is warm even up in my patches, which are right near the flume. My patches that are further down are much warmer. Warm water indicates low flow. If my water is warm, then the guys on the bottom must have really warm water. If I had more lo`i, there wouldn't be enough cool water to sustain them.

17. If there was more water in the streams, I would open up more patches.

18. If streamflow came back, my kids and grandkids would gather `ōpae, hihiwai, and `o`opu in Piinaau, Palauhulu, Kopiliula, Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, and Makapipi, catch akule in Waiohue, fish as I learned along the entire East Maui coast from Honopou to Makapipi, and continue to mālama Palauhulu and Piinaau by cleaning the rivers that feed us.

19. If there was more water in the stream, I would be more confident that my son-in-law could continue farming our family lands and other property he takes care of for other community members.

20. I am very familiar with the layout of Ke`anae.

21. I know who is farming and where their farms are located.

22. Or I have identified on maps marked as Exhibits A-140 and A-141 and showing the tax map numbers 1-1-03 and 1-1-07, respectively, the areas of taro farming (as shown in green highlighting) and the farmers associated with each area (as shown on orange labels) based on what I know and have seen in this area over the many years that I have lived in Ke`anae.

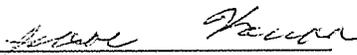
23. I have also identified on the map marked as Exhibit A-140 where the supporting `auwai system is located and how the water flows in it (as shown in blue highlighting).

24. Both maps are true and accurate depictions of the location of lo`i and/or the supporting `auwai system.

I declare under perjury that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Ke`anae, Maui, Hawai`i, December 21, 2014.

  
\_\_\_\_\_  
ISAAC KANOA

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAI OHUE,  
PAAKEA, WAI AAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF JAMES KIMO  
KAAA

DECLARATION OF JAMES KIMO KAAA

I, James Kimo Kaaa, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko`olau Hui.
4. I am a taro farmer. I am trying to grow taro on property irrigated by Piinaau, Palauhulu, Waiokamilo, Kualani, and Wailua streams. Unfortunately, the source is not dependable. I am at the end of the line so I don't get sufficient water to maintain the correct levels and temperatures. If the water level gets too low, the weeds start to grow and overtake the field. Without a constant, continuous, cool flow, it's hard to make it work.
5. I am farming this land based on my responsibility to maintain the culture by keeping alive the traditions and practices that the people before me exercised here. Money is not the driving force. It's about doing what is right in the place that I live. It's about respect for all the generations that came before.

6. I learned how to farm taro from many taro farmers, including Ed and Carl Wendt and Bush Martin. I try to gain information from everyone I know who grows taro and is willing to share their knowledge. Different farmers have different ways of farming based on knowledge each one gathered over time – types of taro grown, how and when to care for the lo‘i, and the amount and quality of water ideal for growing.

7. I gather ‘ōpae and ‘o‘opu from Wailua stream and fish for mullet and moi in or near the mouth of Wailua. I learned how to gather and fish from kupuna and fishermen who shared their knowledge with me. It started when I was young.

8. I mālama ‘āina and mālama kahawai in and around Waiokamilo, Wailua, and Waikani by education, awareness, and involvement. Education is key. To know where the streams ran in the early days, how they were maintained, how they flowed, what areas they fed, where the gathering spots for certain species like ‘ōpae and ‘o‘ōpū can be found. Also to be aware of the effects of the lack of water flow on the ecosystem. Get involved, whether it be by community stream clean up or even discussions on what more needs to be done. For myself, I look at things differently from others. These streams are more than just places to gather from. I see 27 streams that used to be 27 nurseries for both land and sea. What happens to these streams impacts the whole island. Life that depended on this water flow has no other place to go, whether it be for spawning or just protection (a lot of fish sleep upstream for protection, i.e., mullet, aholehole, and even pāpio). The streams not only affect gathering but the island itself. Like everything in life needs water, so does the ‘āina. Take care of Haloa, Haloa take care of you. Take care of ‘āina, ‘āina take care of you.

9. I appreciate the natural scenery of Waikani (Wailuanui).

10. For me, gathering and fishing from the streams is to support my family and sustain life.

11. Because of the lack of stream flow, I am unable to do the necessary farming and gathering needed to supplement my family’s needs. At one point, the water was so low that I had to sponge water into my taro patch.

12. Sometimes I spend all day trying to find ‘ōpae and ‘o‘opu, but see only one or two in the water. I return home empty-handed out of respect for the rehabilitation process. It is frustrating because it is a waste of an entire day. Because of the amount of time and effort to find

the resources, there is less time for recreation. Recreation used to be built into the whole day – hiking, catching fish, swimming, and then returning. It’s not like that anymore.

13. Now that there is more effort involved in just finding the ‘ōpae and ‘o‘opu, because they have to travel further upstream, there’s no time for recreation or to stop and enjoy the natural beauty. The further you have to go, the more difficult it is to do recreation. However, farmers do what they do because there is enjoyment that comes with it – no matter how hard or back breaking the work is.

14. There are many invasive species below the diversion. One example is the African tulip. Native species are being crowded out. This requires additional work to weed out the African tulips from taking over the loi. This additional work takes time away from our other work and opportunities to be with our families.

15. There has also been a lot of displacement of families due to the lack of resources.

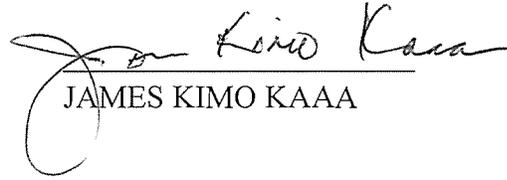
16. People are opening up new patches which require more water. As I understand it, there have been leases arranged for approximately fifteen more patches. More patches means more water is needed.

17. If there was enough water in the streams, I would gather ‘ōpae and ‘o‘opu from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I would also fish for mullet, moi, ahole, manini in or near the mouth of Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I would also continue to mālama these streams and the areas around them by clearing the streams to prevent blockage of the natural water flow.

18. If there was more water in the streams, I would appreciate the natural scenery that comes from restoring water and health to this area. There is beauty in putting life back into the streams and seeing them as they are supposed to be.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Wailuku, Maui, Hawai'i, December 24, 2014.

  
JAMES KIMO KAAA

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF JEROME K.  
KEKIWI, JR.

DECLARATION OF JEROME K. KEKIWI, JR.

I, Jerome K. Kekiwai, Jr., declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko`olau Hui.
4. My family has an interest in property in proximity to Palauhulu and Waikani (Wailuanui) Streams.
5. I am farming this land based on my family roots dedicating my life to Haloa and the Hawaiian culture here in Wailuanui.
6. I am a taro farmer. My family grows kalo on about five acres of property irrigated by Piinaau, Palauhulu, Waiokamilo, Kualani, and Wailua.
7. Traditionally, my family gathered 'ōpae, 'o'opu, and hihiwai from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau,

Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue. My ‘ohana also gathered watercress, pepeiao, bamboo shoot, banana, and pohole in those same streams.

8. My family also traditionally fished for turtle, moi, mullet, aholehole, uha, akule, and enenu in or near the mouth of Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue. My ‘ohana also gathered limu in or near the mouths of those streams.

9. Traditionally, my family engaged in mālama ‘āina and mālama kahawai by being good stewards at Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue.

10. Currently, I gather ‘ōpae, hihiwai, and prawns in Honomanu, Piinaau, Palauhulu, Waiokamilo, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Hanawi, and Makapipi. Before, there was plenty ‘ōpae. You could just grab them from the water. Now, not so much. It takes about four hours to walk to where you can gather. Before you could just get out of the car and you would see them. These days there is sometimes nothing and you need to turn around empty-handed.

11. Currently, I fish for moi, aholehole, anae, pāpio, and enenu in or near the mouth of Honomanu, Nuaailua, Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki.

12. I engage in mālama ‘āina and mālama kahawai by clearing the streams, cutting the grass, removing hau bush and big stones in and around Honomanu, Piinaau, Palauhulu, Waiokamilo, Wailua, and Waikani (Wailuanui).

13. I gather and fish from the streams to eat and keep our traditions going.

14. When gathering, I will stop for a while to take in the natural beauty of Wahinepee, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, and Puakaa.

15. I also use the streams for other purposes, including washing dishes and bathing.

16. Without water, I have a hard time farming kalo. The kalo I do grow is more often diseased because of the lack of stream flow.

17. The lack of stream water below the diversions means I need to walk much farther to gather ‘ōpae, hihiwai, and prawns. There is also less fish near the shoreline for me and my ‘ohana to catch. Because of all of this, many of my ‘ohana had to move away to find a “better” life.

18. If there was enough water in the streams, I would gather and fish like my kupuna did. My family and I would gather ‘ōpae, ‘o‘opu, hihiwai, prawns, water cress, pepeiao, bamboo shoot, banana, and pohole from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue. My family and I would fish for moi, mullet, aholehole, uha, akule, enenu, pāpio, and anae in or near the mouth of Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue.

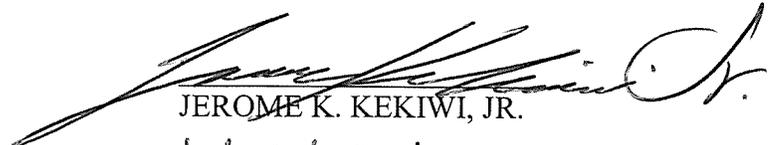
19. If the water was to flow again, I would continue to go to the streams to mālama Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue.

20. If stream flow was restored, I would be able to enjoy the recreational activities that our kupuna enjoyed, including, for example, swimming in Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue.

21. If water was returned to the streams, I would appreciate the beauty of Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue. To me, more water means more beauty.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Wailua, Maui, Hawai'i, September \_\_\_\_, 2014.



JEROME K. KEKIWI, JR.

11/4/2014

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF JOSEPH "JOJO"  
YOUNG

DECLARATION OF JOSEPH "JOJO" YOUNG

I, Joseph "Jojo" Young, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a taro farmer.
4. My family grows kalo on property irrigated by Waiokamilo Stream.

Approximately three to four acres of our ten acres are in taro.

5. I am farming this land based on my lease and ownership of certain Wailua parcels that have been farmed by my family for generations.

6. I learned how to farm taro on these lands from my father, Joseph Young Sr., who fed and supported his entire family as a full-time taro farmer. The traditional knowledge my father passed down to me was passed down to him by my grandparents, Kemalani Wong and Aima Young, who farmed taro on these lands during their lifetime.

7. Traditionally, my family gathered ‘ōpae from West Wailuaiki, East Wailuaiki, Puakaa, Hanawi, and Makapipi. My ‘ohana gathered hihiwai from Hanawi.

8. My family also traditionally fished for moi, aholehole, anae, ‘opihi, akule, enenu, and aweoweo in or near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

9. Traditionally, my family engaged in mālama ‘āina and mālama kahawai in West Wailuaiki, East Wailuaiki, Puakaa, Hanawi, and Makapipi by gathering only as much ‘ōpae as they needed and nothing more.

10. Currently, in addition to kalo farming, I gather ‘ōpae in Piinaau and Palauhulu only. The other streams do not have enough water to support my gathering. I gather maybe two or three times a year in order to supply food for ‘ohana gatherings on special occasions.

11. I no longer fish because I’m older now. I am 65 years old.

12. I continue to practice mālama ‘āina and mālama kahawai in Piinaau and Palauhulu by gathering ‘ōpae for my current needs. I never take more than I need.

13. I am unable to gather from all of the streams I would have in the past because many of the streams are now “dead.” They are not getting enough water. The lack of stream flow is a problem for me because it puts more pressure on other resource areas I wouldn’t normally use or access. I also have to rely on other family members to provide food I used to be able to gather myself. I also sometimes have to spend money to provide substitute foods for meals and special occasions, though there really is no substitute for the ‘ōpae I get myself.

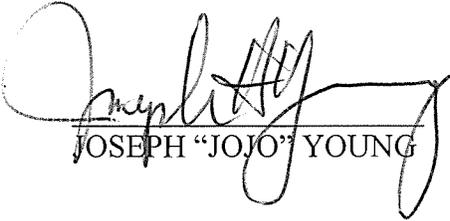
14. If there was enough water in the streams, my ‘ohana would gather ‘ōpae in any stream that has ‘ōpae but only as much as we needed for our ‘ohana. My family would continue to gather ‘ōpae from West Wailuaiki, East Wailuaiki, Puakaa, Hanawi, and Makapipi.

15. If there was more water in the streams, the next generation of my ‘ohana would fish for moi, aholehole, anae, ‘opihi, akule, and enenu aweoweo in or near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani,

Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue as my kupuna did.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Lahaina, Maui, Hawai'i, November \_\_\_\_, 2014.



JOSEPH "JOJO" YOUNG

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF JONAH  
KUPONOIKEAUEA HUEU

DECLARATION OF JONAH KUPONOIKEAUEA HUEU

I, Jonah Kuponoikeauea Hueu, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am 19 years old.
4. For the last four years, I have lived with grandparents, Harry and Sandy Hueu in Ke'anae/Wailua.
5. I learned a lot about growing taro, gathering, and fishing from my grandpa.
6. According to my grandfather, my family used to gather 'ōpae and 'o'opu in Honomanu, Nuailua, Palauhulu, and 'Ōhi'a. They would also get akule from Honomanu and Nuailua and pohole from 'Ōhi'a.
7. Traditionally, my 'ohana dove or fished for kole, moi, enenu, pāpio, uhu, kumu, menpachi, and 'opihi in or near the mouths of Piinaau and Palauhulu.

8. My 'ohana also engaged in mālama 'āina and mālama kahawai at Palauhulu and Waiokomilo by cleaning the stream and no make dirty. When I was farming, I would clean the flume every two weeks.

9. Currently, I help gather hihiwai from Palauhulu. I go swim in the pond and bring home hihiwai to my grandparents. There's not that much hihiwai.

10. I also fish and dive for whatever I can get down Ke'anae, which is fed by Piinaau and Palauhulu.

11. My grandfather wants me to work the taro patch. Sometimes I help Aukai at the lo'i, working the patch and cleaning the ditches.

12. If there was more water in the streams, I would definitely continue the traditions I learned from my grandpa. I would gather hihiwai from Palauhulu, fish in the waters off Piinaau and Palauhulu, work the taro patch, and help keep the streams and ditches clear.

I declare under penalty of perjury that the foregoing is true and correct.

JONAH KUPONOIKEAUEA HUEU

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIQHUE,  
PAAKEA, WAIATAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF JONAH JACINTHO

DECLARATION OF JONAH JACINTHO

I, Jonah Jacintho, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. My family has an interest in property near Honopou. We grow kalo on that property, which is about two acres. I have my own lo'i as do my aunt and sister.
4. I am farming this land based on my family history and the practices passed down to me.
5. I learned how to farm taro from Aunty Beatrice Kepani Kekahuna and Lurlyn Scott.
6. Traditionally, my 'ohana gathered pohole, fish for enenuē, 'o'opu, watercress, hihiwai, prawns, banana, limu, bamboo, and ulu in and around Honopou.

7. Traditionally, my 'ohana fished for moi, enenu, aholehole, 'opihi, kumu, tako or he'e, moanakali, kole, ulua, honu, mullet, omilu, pāpio, uhu, paananu, menpachi, and aweoweo in or near the mouth of Honopou.

8. My 'ohana also engaged in mālama 'āina and mālama kahawai at Honopou by cleaning the 'auwai to our family lo'i, pruning, and cleaning the buildup on the stones in the ponds. My family also fished and planted according to moon phases.

9. My mother, Juliana Jacintho, was baptized in Honopou.

10. I currently gather kalo, pohole, fruit, 'ulu, and watercress in and around Honopou.

11. I fish for enenu, ulua, uhu, 'opihi, haukiuki, poopaa, omilu, aholehole, lae, aweoweo, paananui in or near the mouth of Honopou.

12. I gather and fish to feed my family and myself.

13. My family engages in mālama 'āina and mālama kahawai by fishing and gathering by moon phases. We also clean Honopou for good consistent flow, which keeps the water cooler for planting.

14. I also swim, relax, and get together with my family along Honopou. I learned to swim there.

15. I appreciate the natural beauty of Honopou. I like listening to the stream flow as well as smelling the flowers and fresh flowing water. I love hearing the birds singing and the sound of the wind blowing through the trees. I enjoy the feeling of following what my grandfather did with kalo farming. I feel him with me.

16. The lack of stream flow is a problem because we cannot fish as much. We have to take only a small amount of fish, and much time is needed before the fish replenish. We have lost large amounts of ocean fish due to warmer waters and the fact that less nutrients get into ocean from the land.

17. If there was enough water in the streams, I would farm more kalo because the flow would be sufficient. I would fish more too, because the water would bring back the abundance of fish.

18. More water would also help meet our needs for home use and gardening.

19. If there was more water in the streams, I would fish for ulua, omilu, pāpio, moi, aholehole, uhu, paananu, enenu, he'e, and aweoweo in Honopou.

20. If water was put back in the streams, I would clean Honopou for kalo farming.
21. If water was restored, the streams would flow faster and at cooler temperatures that are ideal for growing taro.
22. More water in the streams would bring back fish, 'o'opu, prawns, and 'ōpae, which my family members rely on. Old ways of life would be more feasible.
23. If there was more water in the streams, I would continue swimming, family picnics, and prawning at Honopou.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honopou, Maui, Hawai'i, December 13, 2014.

  
JONAH JACINTHO

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF JOSEPH KIMO  
DAY

DECLARATION OF JOSEPH KIMO DAY

I, Joseph Kimo Day, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. My family has an interest in property in proximity to Wailuanui.
5. I was a taro farmer. My family used to grow kalo on property irrigated by Waikani Stream. I stopped farming about four years ago and primarily fish now.
6. I was raised by my grandparents, and on weekends, we would throw net and gather from the streams.
7. Traditionally, my family gathered 'ōpae, 'o'opu, hihiwai, aweoweo, and honu from Waikamoi, Alo, Wahinepee, Puohokamoā, Haipuaena, Punalau/Kolea, Honomanu,

Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. ‘Ōpae was for eating and for use as bait for enenu. Honu was for eating and its fat had medical uses. My ‘ohana also hunted for pig up mauka near the streams and gathered black crab near the ocean.

8. My family also traditionally fished for moi, aholehole, and enenu in and around Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. We would lay net at night and also dive for kole. Back then, fish were big and plentiful. We could catch more fish going a shorter distance by canoe.

9. Traditionally, my family engaged in mālama ‘āina and mālama kahawai in and around Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. We knew not to overharvest, were mindful of seasonal spawning, and respected the cycle of life. We would also clean and clear debris in the streams.

10. Currently, my ‘ohana gathers ‘ōpae and hihiwai in Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

11. I have been fishing since I could walk. I currently fish for deep seven bottom fish (onaga, ehu, ‘ōpakapaka, kalekale, lehi, gindai, and hapuupuu), aku, ‘ahi, mahimahi, moi, ‘ō‘io, kole, kumu, and ‘opihi in and around Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. Now, we have to go longer distances to catch more fish because of the lack of stream water flowing to the ocean.

12. My family also practices mālama ‘āina and mālama kahawai in and around these streams. Everything is seasonal. We fish to feed the family; it’s our icebox. We take just what we need and that’s it. We treat the resources as our icebox – that’s how the village works. If we

don't teach our mo'opuna the same, it's a lost art, and they will have to go to the store for their food.

13. I gather and fish in order to put food on the table. It is for subsistence. We live off the land, from mauka to makai. I teach my traditions to my kids and grandkids. But how can I teach them if the streams are dry and there are no resources left? I don't want my kids eating out of a tin can. I want them to eat natural food.

14. I also take my kids and grandkids to the river below my home (Waikani) to swim, picnic, throw net, and go down to the beach. These are my family traditions. Every Sunday after church, we would dive for fish for the table. It was a community thing.

15. The places my grandfather took me to are sacred to me. As I've gotten older, I have learned to appreciate the surroundings, the beauty, because when I see it, I know I'm home.

16. The lack of stream flow is a problem for me because they are taking away the resources we had before and it's not here now. If water was in the streams, we could have our aquatic life back. The mighty dollar is the only thing that matters to HC&S/EMI – that's the bottom line to the big corporations and the state.

17. The lack of stream water has forced me to stop taro farming and close up my patches. I had about three to four acres worth. All of that used to be open, and I used to pull about 12-14 bags a week, even while working full time and fishing on the weekends. I want my kids to learn – that's the most important to me. But they can't without the water. My granddaughter asks me, "Papa, when we going to open up the farm again?"

18. If there was enough water in the streams, I would teach my kids and grandkids to gather 'ōpae, 'o'opu, hihiwai, and aweoweo from the same streams as me and my ancestors (Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue).

19. If there was more water in the streams, I would fish for onaga, ehū, 'ōpakapaka, kalekale, lehi, gindai, and hapuupuu, aku, 'ahi, mahimahi, moi, aholehole, 'ō'io, kole, kumu, and 'opihi in and around Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka,

Kapaula, Hanawi, Makapipi, and Waiohue. I would teach my kids and grandkids what my grandfather taught me about where to fish and how to harvest.

20. If lack of stream flow was not a problem, I would continue to mālama ‘āina and mālama kahawai in and around Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue, making sure I only take what I needed and treating the streams and shoreline waters as my icebox.

21. My ‘ohana and I would continue to swim, picnic, throw net, and go down to the beach in and around these streams if there was enough stream flow. I would also continue to appreciate the natural beauty of these streams, especially with more water.

I declare under penalty of perjury that the foregoing is true and correct.

JOSEPH KIMO DAY

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF JULIANA P.  
ALLEN JACINTHO

DECLARATION OF JULIANA P. ALLEN JACINTHO

I, Juliana P. Allen Jacintho, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am the granddaughter of Lokana Kepani Sr. I was delivered by my grandmother Juliana Koko Kepani, and to my knowledge, I was the last to be born in their home.
4. My family has an interest in property near Honopou. We grow kalo on that property, which is about two acres.
5. The stream has provided my family with an abundance of uses.
6. Traditionally, my 'ohana gathered 'ōpae, hihiwai, 'o'opu, pūpū, watercress, bamboo shoot, bamboo for fishing poles, tī leaf, java plum, rosy apple, Hawaiian crayfish, sweet potato, mango, banana, 'ulu, tamarind, guava, hibiscus, plumeria, ferns, pakalana, puakenikeni, 'awapuhi, and medicinal plants in and around Honopou.

7. Traditionally, my ‘ohana fished for aholehole, pāpio, puhi, honu, mullet, popaa, moi, ulua, uhu, enenu, limu, ‘opihi, pipipi, and kupehe in or near the mouth of Honopou.

8. My ‘ohana also engaged in mālama ‘āina and mālama kahawai at Honopou by taking only what we could eat, using the moon to fish and plant, rebuilding stone walls, and maintaining the level of water for taro at Honopou. My grandfather paid special attention to the ditches and kept them flowing so the taro patch and the home below his house had water for their daily uses. He also made sure there was sufficient water to keep the taro growing by checking the flow at EMI gates.

9. As children, Honopou was our pool on hot days where all of us learned to swim. The mangos, guavas, java plum, and rosy apples provided us with snacks as we played and trekked up and down the stream on our adventures. It taught us to be aware of flash flooding, or “big water,” as we called it. We knew it was coming by the sounds of big rocks moving, the water becoming muddy, and the change of the rushing waters. As the water reached the ocean, it provided the small pools, brackish water, for ocean fish to lay their eggs and a fertile place for food for the ocean fish.

10. My mother used to wash clothing by hand with a stick and the rocks as a clothes line. We also used the waters for bathing, washing dishes, cleaning house, to cleaning chickens or pigs. The water was also used to irrigate the plants growing around the properties, including flowers, sweet potatoes, and even grapes at one time.

11. At any time, just sitting along the stream gave me comfort and peace. It relaxed my mind and body, sometimes to recharge me and sometimes to just enjoy relaxing. I remember at night just listening to the rushing waters. It was relaxing and would put me to sleep. Listening to the sound of the frogs was also very peaceful.

12. I currently gather oranges, sugar cane, mangoes, bamboo shoots, ‘ulu, flowers, ferns, tī leaf, pohole, prawns, and achote in and around Honopou.

13. My ‘ohana currently fishes for aholehole, pāpio, puhi, mullet, popaa, moi, ulua, uhu, enenu, limu, ‘opihi, pipipi, and kupehe in or near the mouth of Honopou.

14. I gather and fish to feed my family, to be self-sufficient, and to be somewhat independent. I am proud of my work and abilities.

15. My family engages in mālama ‘āina and mālama kahawai by fishing for appropriate sizes of fish, eating what we gather, sharing what we have, taking away ‘ōpala, leaving areas clean and fit for the next person, as well as maintaining the streambed at Honopou.

16. I also swim, relax near the water, fish, and gather items as a family. I enjoy just strolling around the Honopou area.

17. I appreciate the scenery at Honopou. It is where my children were able to play and run freely, camp, gather, talk, and remember the past.

18. Water does not flow in the area as it did in my childhood. The lack of stream flow is a problem because there has been decreased productivity. Disease threatens our kalo. There has been a decrease in ‘ōpae and hihiwai. The black ‘o‘opu is gone. We lack the ability to be self-sufficient.

19. If there was enough water in the streams, I would gather ‘ōpae at Honopou. I would also fish, as we did traditionally, for aholehole, pāpio, puhi, mullet, popaa, moi, ulua, uhu, enenu, limu, ‘opihi, pipipi, and kupehe in or near the mouth of Honopou.

20. If there was more water in the streams, I would continue to mālama as we did before by taking only what we could eat, using the moon to fish and plant, rebuilding stone walls, cleaning the ditches, and maintaining the level of water for taro at Honopou.

21. With more water, I would want my family to be able to do to the same sort of recreational activities I did as a child, including swimming, playing, and using water for other domestic needs.

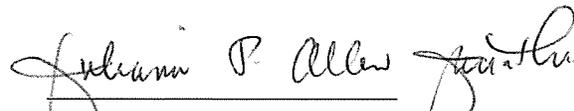
22. If water was returned to Honopou, I would appreciate the natural beauty of the area. It would remind me of my childhood and family that is here as well as family members who have passed on.

23. Without water in the stream, Honopou would not be the same place I have known. It has supplied so much for the people of this area. It is a comfort knowing that the stream is there.

24. It is urgent that we maintain Honopou for our generation and our children. We are learning through trial and error how to improve taro farming as our kupuna have passed on to us.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honopou, Maui, Hawai'i, December 13, 2014.

  
\_\_\_\_\_  
JULIANA P. ALLEN JACINTHO

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIATAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF KAUI  
KANAKAOLE; EXHIBIT "1"

DECLARATION OF KAUI L. KANAKAOLE

I, Kauai L. Kanakaole, declare that:

1. The statements below are based on my personal knowledge and upon research that I have conducted.
2. I reside at 4195 Hana Highway, Hana, Hawaii 96713. I was born in Hilo on Hawaii Island, but moved with my family to Hana, Maui at age 4 and grew up in Hana until graduating from Hana High School.
3. Attached to my declaration as Exhibit "1" is a true and accurate copy of my resume.
4. I received my Bachelors of Arts in English and my Teaching Certificate in Secondary Education from University of Hawaii at Hilo. I started my professional career in teaching at Hilo High School then moved on to Ke Ana Laahana Pubic Charter School before returning home to my alma mater at Hana High and Elementary School. All of my teaching experiences have put me in the middle of high Native Hawaiian populations, from Keaukaha to Hana, public education was an important vehicle for me to reach the native "underprivileged" community and give back what I had gained from my own upbringing in these types of communities.

5. I served as Department Head at Hana High School, trying to rally the school population around reading and raising our students' reading test scores, which came to fruition in 2011 when we scored the highest in Maui County.
6. My hula career started as an 8 year old child in Hana with Namahana Kalama-Panui, learning about the stories and songs of the place I grew up in. Hula had me hiking through the mountains gathering kinolau (body forms of the gods) of the gods we danced about and this practice became my first introduction to the water diversions of East Maui.
7. We were curious about the flumes, waterways, and water pumps that cut through our sacred forest so our kumu and aunties told us about the sugar plantations on the other side of the island needing water and even as a young child I remember feeling angry and confused.
8. My hula career continued on in Hilo with renowned Halau o Kekuhi, which is also my family's halau on my father's side.
9. Hula comes from Edith Kanakaole, my father's mother, and was passed down matrilineal and continues in that vein today.
10. I was a dancer in the PBS broadcast of "Great Performances: Holo Mai Pele" (2000), went on tour for the hula drama "Kamehameha: Na Hoailona" (1999) and "Hanau Ka Moku" (2002).
11. Being an olapa dancer in Halau o Kekuhi has afforded me many cultural learning experiences and opportunities however the added responsibility of being of familial descent from this hula lineage gave this experience deeper meaning.
12. Hula has taught me about the many facets of our culture, from menial work to ritualistic prayer, from the bloom of a leaf-bud to the cycle of water in the forest, from obeying the request of an older sibling to embracing the transformation into your god-self.
13. Hula has given me an education that cannot be translated into any degree at a university, and my family has solidified those teachings and anchored me spiritually and it is this inherited DNA that I pass on to my two children.
14. In 2007, I participated in Halau o Kekuhi's Aha Ailolo Puaalohelohe, which is a rigorous rite of passage from olapa to kumu, and I was granted the right to teach the traditions of hula Aihaa and hula Pele that have been taught to me.

15. In 2009 I started my own hula halau and continue today with children and adult classes for Halau o Nakaulakuhikuhi.
16. I am a member of the Edith Kanakaole Foundation, which was started in 1990 by my father and his siblings in order to maintain and perpetuate the teachings, beliefs, practices, philosophies and traditions of their parents, the late Luka and Edith Kanakaole.
17. I am currently contracted by Ala Kukui Retreat Center to conduct research on water in East Maui looking at it from a cultural perspective.
18. My research is entitled “Ke Ala Huli i Waihanau” and I use Papaku Makawalu to understand the cycles and significances of water in the Koolau, Hana, Kipahulu and Kaupo districts of Maui.
19. My ties to East Maui are from my mother’s side, whose great grandmother, Kahele was a native of Kipahulu and married a Japanese stow-away immigrant by the name of Ishii.
20. My mother remembers her grandmother telling her stories of watching her mother Kahele down at the muliwai (estuary) feed the shark at Maulili. She was of pure Hawaiian descent and although not much was said about Kahele, this little piece of information has been passed down. From this we know that the shark is an aumakua (family deity) of our family and because of that we honor these ocean beings through chant and dance and have an affinity for the muliwai there at Maulili and the flow of fresh water from mauka to makai.
21. These combinatorial experiences, influences, lineages have given me the intimate connection and cultural prowess to understand this land that I live on and the natural cycles it goes through and especially our human role in those natural cycles.
22. East Maui, which is comprised of the four moku (land district) of Koolau, Hana, Kipahulu and Kaupo, is historically significant and is extolled in the chants and stories for time immemorial. In the epic saga of Pele and Hiiaka, when Hiiaka journeys up the island chain from Hawaii to fetch her older sister’s lover on Kauai she lands first at Kauiki in Hana and chants about the majestic Kauiki hill, the outcrop of Mokuhanu in the sea and the fresh water spring of Punahoa that brings life to the area.
23. Through stories we know that the gods Kane and Kanaloa have traversed the region thrusting their staff into the ground at various places and fresh water bubbled up. People of the area worshipped these gods because of the abundance of water as in the story of

Kalemakuakaimano who was a man who lived in the Pauwalu area where the watercress patches are today.

24. When he lived there, there was no spring, just the water from the river that would flow when there was a lot of rain, however because he constantly importuned Kane and Kanaloa as his gods, grew and ate the kinolau of these gods, they visited him one day. At that visit he prepared a feast and chewed the awa for his gods and served them. In return Kane and Kanaloa thrust their staff and springs erupted out of the ground with a loud rumble that continued so one of the springs was closed up and the one that was flowing quietly was left.
25. There are countless stories and chants that communicate the importance of water in this East Maui region. It is this abundance that made and continues to make this particular land waiwai (valuable) to its inhabitants.
26. This high value was not taken for granted or misused at any cost but met with severe punishment if ever abused, punishment of death. There are a few stories about misuse or greed of the water resource in this area that were met with the death penalty because without water there would be significant repercussions. Found in the Hawaiian language newspaper Ka Nupepa Kuokoa was a story about “Na Akua” Kane and Kanaloa.

*Ka Moolelo o Na Akua*

*. . . na laua ka wai o Kou ma Kaupo, na laua i hoomake kahuna oia o Koino ma Kikoo i Kipahulu, a na laua i hoomake ka moopuna a Waiānu ma no ka hoohaumia i ka wai, a na laua i wahi i ka pohaku a puai mai ka wai.*

*The Story of The Gods*

*. . . the water of Kou at Kaupo belongs to them (Kane and Kanaloa), they were the ones who killed the priest Koino who was from Kikoo at Kipahulu, and they were also the ones who killed the grandchild of Waiānu folks because of his defiling of the water there, and it was the gods who split the rock and water bubbled forth.*

27. Tampering with a natural resource to the point where it prohibited the untainted continuance of the natural cycle was met with strict consequences and this was a pervasive understanding. It’s an innate thought process for native people to think this way, which is why as a little girl I was angry and confused about the water diversions in the forest even without any preconceived notions of the sugar industry’s effect on Hawaii.

28. It's fundamental to the psyche of the native Hawaiian that we understand the cycles of our natural world and find our fit, as humans, in it all. My Hawaiian ancestors categorized their world into a system of knowledge known as Papaku Makawalu, whose origin can be found in the Kumulipo (Hawaiian Creation chant).
29. Papaku Makawalu is a Hawai'i ontological knowledge system that assigns the Hawaiian universe to three Papa or houses of knowledge. The first of the three is Papahulihonua, which includes all of the earthly elements such as the ocean, volcanic processes, and the water cycle. Kane (and Kanaloa for that matter) is a vital component of Papahulihonua in his occupation as water, Kane is the entity in and of Papahulihonua that mingles continuously with elements of Papahulilani (the second Papa).
30. Papahulilani is the atmospheric elements including the sun, weather, stars, planets, heavenly strata, and seasonality.
31. The third Papa is Papahanaumoku. This papa is comprised of the living components with the biological intelligence of procreation. Those who belong to the house of Papahanaumoku are the direct beneficiaries of Kane. These individuals include everything from plants, to birds, to coral, to fish, to mea kolo (creepers), and kanaka (man). The house of Papahanaumoku also includes the activities that kanaka engage in, including things like hula and caring for land. Kanaka functions including consciousness and inner conscious are also in the house of Papahanaumoku.
32. Water is one of the few elements that easily traverse all three Papa. It is the nature of the water cycle that make it a part of Papahulihonua when it is on the earth in the form of streams, springs, aquifers or even a puddle. Kane and Kanaloa preside over these waters as in the chant "Ka Wai a Kane":

*E ui aku ana au ia oe,*  
 One question I put to you,  
*Aia i hea ka wai a Kane?*  
 Where is the water of Kane?  
*Aia i ke kuahiwi, i ke kualono,*  
 Yonder on mountain peak, on the ridges steep  
*I ke awawa, i ke kahawai;*  
 In the valleys deep, where the rivers sweep  
*Aia i laila ka wai a Kane.*  
 There is the water of Kane.

33. Then Laka presides over the evaporation/transpiration process, it gets taken up into the atmosphere, which is the realm of Papahulilani and falls to earth in the form of rain, mist, or snow.
34. The role of Laka is illustrated in this chant:
- A ke kuahiwi, i ke kualono*  
From the mountain tops, to the highland ridges  
*Ku ana o Laka i ka mauna*  
Laka presides over the forest  
*Noho ana o Laka i ke po`o o ka ohu*  
Laka is at the pinnacle of the gathering of the mist  
*O Laka kumu hula*  
Laka the source of movement
35. As water accumulates it is the beneficiary of Papahanaumoku that ingest and rely on this element for life. The kanaka (man), the plants and animals, crawlers and winged creatures are the ones who are either made up of water and/or rely on it for survival.
36. Papaku Makawalu gives us a framework to understand the movement of water throughout the different papa (foundations) and this framework can be applied to our own localities to understand peculiarities about the cycles we experience everyday. In looking at the moku of Koolau for example, the water cycle there is a microcosm for what is happening in other moku in East Maui, Maui, Hawaii and the world.
37. Starting with Oopuola stream and continuing on to the end of the Koolau moku at Makapipi stream, each water source was given a name by our ancestors. These names tell us information about that particular source, which we can use to better acquaint ourselves with the land, elemental sources and cycles that occurred.
38. Kaaiea stream, for example, was named for the Aiea tree that grew abundantly in the area. The species of this endemic Hawaiian genus *Nothocestrum* consisted of soft-wooded shrubs and trees with oblong leaves, yellowish flowers and white/red berries, which grew from 1500-5000 feet elevation. The aiea tree acted as a causative in the water cycle and it helped to accumulate water in the forest.
39. Ohia stream and spring was named such not for the ohia tree; ohia also means “tabooed, as food patches during famine”. A native of the area, Henry Kahaleulaokekua Kamali, who has long passed, was born in 1886 at Pauwalu close to Ohia stream and grew up in the area. In his 1970 interview with Clinton Kanahale, which was conducted in Hawaiian and later translated and transcribed he described the water as such:

“Ohia, That is the waters of Kanaloa and Kane. The water gushes forth from inside from a spring. Yes, that is healing water for coughs and all kinds of sicknesses. There the sick were taken. When you have your illness you go into there to bathe. Healed.”

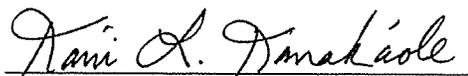
40. The native people in the area understood that this water was special, sacred, kapu (taboo) and only to be used in unique circumstances.
41. A wind of the Wailua area is named Kialeale, meaning stirring, moving, undulating, and rippling with force. This wind is also characteristic of the land because the water sources of Koolau moku (district) are powerful, full of energy and maintain a strong presence over the other elemental forces of nature.
42. The Kialeale wind occupies Papahūlilani and is a manifestation of the god Lono and through its stirring force, clouds accumulate in the uplands and that is when the god Kane releases the rains that penetrate the earth and amass in the kuahiwi (hill) and kualono (mountain ridge), in the awawa (valley) of Honomanu, Waiohūe, Wailua, and Makaiwa.
43. It is in this realm of Papahūihonua that we kanaka (man) have most intimate dealings with this water. It is the kanaka (man) of Koolau who give praise to the god Lono who initiated the Kialeale wind that brought this precious resource to the earth where he is able to utilize its gifts, while still allowing the cycle to continue. It would be requisite of the kanaka to deny this resource its due diligence.
44. Kialeale is of Koolau moku only, it serves this area and it would be wrong to take the product (water) of its service elsewhere because that creates a void, a break in the cycle that is distinctly Koolau.
45. The unique natural cycles that occur in each locality belong to that particular place, the mana (spiritual power) that is created as a result of these cycles belongs to that particular place and the displacement or gross manipulation of that element whether it be water, earth, lava, wind or sun is counter to everything that the kanaka Hawaii believe. And this is illustrated for us in the simple act of naming everything in their world.
46. The wind in Koolau moku is not known as just “Wind” but “Stirring, Moving, Undulating Wind”.
47. The spring in Pauwalu is not named “Spring” but “Tabooed, as a food garden during famine Spring”.

48. There is a reciprocity of energy that occurs between element and kanaka and it is imperative that these relationships are nurtured and continued so that the our island world lives and prospers.

The people of Koolau were not just called “Wailua-ans” or “Keanae-ans” but “Koolau Hauwalaau”. It is a poetic saying, which means “Koolau of the Loud Voices” because inhabitants of the area were said to be loud of voice. And it is this hauwalaau that must be heeded, that must be reckoned with, that must be regarded because they are the mouthpiece of the land of which they occupy.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Hana, Maui, Hawai`i, December 17<sup>th</sup>, 2014.

  
\_\_\_\_\_  
KAULI L. KANAKAOLE

# **EXHIBIT 1**

**Kaui L. Kanakaole**

P.O. Box 1012 Hana, HI 96713

Hawaii Tax ID #W04801158-02

248-7677 (cell) [kkanakaole@yahoo.com](mailto:kkanakaole@yahoo.com)

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**Guiding Principles**

1. A strong cultural foundation that is nurtured in all aspects of life will promote physical, mental and spiritual growth that will give one the foresight of his/her purpose not only to their lāhui but also to the global community.
2. My kupuna comprised a highly advanced society filled with a mix of people who had purpose; and whether that purpose was great or small the idea that everyone and everything was inextricably connected is what allowed them to excel to heights unfathomable by scientific standards today. It is this fact that pushes me to not only understand their view but also find applicability in my time.
3. Kuleana is a two-way street that is bestowed upon those who rise to accept the responsibility in order to enjoy the right. Familial duty is wrapped in this principle of kuleana and it is paramount to the elevation of the family, principles, and race, that one takes the helm, no matter how great or small the vessel.

**Education**

1993-present **Halau o Kekuhi Olapa**

*-Hiiakaikanoeau, Halauaola Hula Conference – Kauai: 2014*

*-Moku o Keawe International Hula Festival- Miyazaki,*

*Japan: 2013-2014*

*-Joint Christmas Concert-Japan Tour: 2010*

*-Aha Ailolo Puaalohelohe, Hawaii: 2007 Kumu Hula*

*-Hanau ka Moku-Maui: 2002*

*-World Performing Arts Festival, Wasshoi-Tokyo, Japan: 2000*

*-Holo Mai Pele, PBS Great Performances-Oahu: 2000*

*-Kilohi, Na Akua Wahine-Oahu, Maui: 2000*

*-Aloha Festivals Investiture-Hawaii: 1995-2000*

*-Kamehameha, Na Hoailona-West Coast Tour: 1999*

*-Holo Mai Pele-Oahu, Hawaii, Kauai: 1996*

1999 **University of Hawaii, Hilo: Teaching Certificate,  
Secondary Education**

1998 **University of Hawaii, Hilo: Bachelors of Arts, English**

<b>Work Experience</b>	2002-2013	<b>Hana High &amp; Elementary School Teacher</b> <i>-9<sup>th</sup>-12<sup>th</sup> Grade English (American, British, World, Hawaiian Lit., Creative Writing, Expository Writing), Health, Public and Human Services, Hawaiian Dance, Hawaiian Language, Hawaiian Studies, Freshmen Transition, Junior and Senior class advisor, High School Department Chair</i>
	2001-2002	<b>Ke Ana Laahana Public Charter School Teacher</b> <i>-7<sup>th</sup> -12<sup>th</sup> Grade English</i>
	1999-2001	<b>Hilo High School Teacher</b> <i>-11<sup>th</sup>-12<sup>th</sup> Grade English (American, British Lit.)</i>
<b>Contractual/Grant Experience</b>	2014-present	<b>Office of Hawaiian Affairs Sponsorship - Makaku: The Dance, the Dancer and Divinity</b> , Authoring a book on the choreographic theories and practices of kumu hula Nalani Kanakaole
	2013-present	<b>Ke Ala Huli o Waihanau</b> , Researcher and Principle Writer
	2013-present	<b>Ke Ola Magazine, Maui County Edition</b> Contributing Writer
	2009-2012	<b>Kamehameha Schools Summer Enrichment Program</b> Curric. Coord. <b>Kulia i ka Pono, Hana</b> Teacher
	2008-2010	<b>Native Hawaiian Scholars Program</b> , Hana Counselor
<b>Boards &amp; Committees</b>	2007-present	<b>Ma Ka Hana Ka Ike</b> Board Member/Vice Pres.
	2003-2011	<b>Hana Advisory to the Maui Planning Commission</b> Advisory Chair/Member
<b>Conferences &amp; Workshops</b>		
Presenter	2014	<b>Hana Limu Festival:</b> Hana, Maui -shared Ke Ala Huli i Waihanau project findings
Presenter	2014	<b>E Alu Pu:</b> Kipahulu, Maui -shared Ke Ala Huli i Waihanau project findings
Teacher/Coordinator	2008-2011	<b>Hula Kahiko Workshop for Häna Festivals of Aloha Kumu</b>

-10 week wksp. meeting twice a week culminating in a performance at the Hana Aloha Festival closing

Presenter 2009

**Papaku Makawalu Workshop:** Kona, Hawaii

-shared classroom application of Papaku Makawalu process

Assistant Co. 1999

**World Indigenous Peoples Conference:** Hilo, Hawaii

-coordinate and organize workshops and huakai

Coordinator 1998

**Haku Mele Workshop:** Hana

-coordinate and organize workshops with high school students from Hana and traditional Hawaiian mele composers

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF LEONORA  
BARCLAY

DECLARATION OF LEONORA BARCLAY

I, Leonora Barclay, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. My family has an interest in property near Wailua Stream. I farmed until I was about 27 years old. I stopped because I went to work, and my father did most of it. My brother and other family friends continued to farm our land until about 1990. My family and I reopened the patches in 1996 and stopped around 2004-2005.
5. I farmed this land based on my upbringing and my parents owned the land and transferred to me the ownership.
6. I learned how to farm taro from my father, Edward Smith, Sr., mother Anna Kaauamo Smith and Tūtū Wahine, Ellen Kapeka Kaauamo.
7. We currently have about ¾ acre to 1 acre in kalo, which is farmed by Carl Wendt.

8. Traditionally, my ‘ohana gathered ‘ōpae, ‘o‘opu, hihiwai, guava, lilikoi, pohole, and prawns in Waikamoi, Wahinepee, Honomanu, Nuaailua, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, and Hanawi.

9. Traditionally, my ‘ohana fished for aholehole, poopaa, ‘o‘opu, nohu, and hinalea in or near the mouths of Honomanu, Nuaailua, Piinaau, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, and Hanawi.

10. My family also engaged in mālama ‘āina and mālama kahawai by constantly keeping ‘auwai clear of ‘ōpala and growth in and around Honomanu, Nuaailua, Piinaau, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, and Hanawi. We would clean the ditch so the water would stay in it. We didn’t want it to overflow and soften people’s land, ruining their patches.

11. Currently, my ‘ohana and I gather pohole around Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki.

12. I gather to eat and feed my ‘ohana.

13. I enjoy nature such as pohole fields, taking pictures of the taro fields and fruit trees in and around Wailua.

14. The lack of stream flow has been a problem for me because less water causes harder farming for my ‘ohana as well as the farmers below my patches. This is in stark contrast to the 1970s, when we still had plenty of water. It was always flowing. We had to upkeep our lo‘i to make sure that the people below got water.

15. In the 1980s, we would go through periods of water then no water. If there was a big rain, we would see water for two or three days.

16. The lack of water caused my family to stop cultivating the land and to instead offer the land to other farmers to farm if they could.

17. If there was enough water in the streams, I would continue to gather pohole and also gather ‘ōpae, hihiwai, and oopu in Wailua, Waikani (Wailuanui), West Wailuaiki and East Wailuaiki.

18. If there were more water in the streams, I would fish for aholehole in or near the mouths of Wailua, Waikani (Wailuanui), West Wailuaiki and East Wailuaiki.

19. If water were put back in the streams, I would mālama the streams by keeping the ‘auwai clear of ‘ōpala and growth. I would clear the ditch for the same reason as in traditional times – to stop the overflow of water and potential destruction. Under current conditions, people have to clean the ditches just to get water.

20. If there was more water in the streams, I would go to the streams and catch goldfish like I did as a child. You don’t see them anymore. You know when the water is flowing because of the goldfish. They don’t survive unless there is a steady flow.

21. If lack of water was not a problem, I would appreciate nature, including pohole fields. I would continue to take photos of the taro fields and fruit trees.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Waiehu, Maui, Hawai’i, September 30, 2014.

  
LEONORA BARCLAY

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF LEZLEY  
JACINTHO

DECLARATION OF LEZLEY JACINTHO

I, Lezley Jacintho, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a taro farmer. I have been growing kalo in Honopou for about six years now on approximately two acres of land.
4. I am farming this land based on my family history and talking with kupuna about practices their parents had done to farm lo'i long before we did.
5. I learned how to farm taro from Beatrice Kepani Kekahuna and Lurlyn Scott.
6. My 'ohana has lived in Honopou for many generations.

7. Traditionally, my 'ohana gathered 'ulu, kalo, uala, moi, aholehole, banana, 'o'opu, pūpū, kala, hau, native crayfish, hihiwai, 'opihi, limu, pohole, mango, 'awapuhi, tī leaf, lū'au, guava, watercress, oranges, and medicinal plants in and around Honopou.

8. Traditionally, my 'ohana fished for aholehole, honu, moi, mullet, poopaa, puhi, ulua, lobster, pāpio, 'ō'io, lae, uhu, menpachi, kole, black crab, haukiuki, kupipi, and opihi in or near the mouth of Honopou, Punalau/Kolea, Honomanu, Hanawi, and Makapipi. They also gathered limu in those areas.

9. My 'ohana also engaged in mālama 'āina and mālama kahawai. They were aware of spawning times, they cleaned the 'auwai, gathered only what was needed, gathered and fished with the moon cycle, rebuilt walls, and cleaned Honopou.

10. Currently, my 'ohana and I gather pohole, banana, avocados, 'ulu, mango, orange, puakenikenī, and lū'au in and around Honopou and Honomanu. We also pull kalo if it is not rotten.

11. My family and I fish for pāpio, enenu, moi, prawns, lobster, haukiuki, 'opihi, and kupipi in or near the mouth of Honopou and Honomanu.

12. I gather and fish to feed my family, teach my kids to feed themselves, and live as our grandparents did.

13. My family engages in mālama 'āina and mālama kahawai by cleaning Honopou and nearby ponds, planting kalo, cleaning, and working together to grow food.

14. We also swim in the ponds, teach our kids how to swim, catch prawns, fish, and play games in and around Honopou.

15. I appreciate the natural beauty of Honopou, including the birds and dragon flies. I love the smells of 'awapuhi and other flowers. I enjoy looking around, taking in the beauty and the greenery, and hearing rushing water while sitting on Lynn's deck next to the pond.

16. Water is used to irrigate my lo'i as well as other lo'i. The level of water barely can feed those lo'i. More water is needed as we continue to open more lo'i. Around these lo'i the water also feeds homes that have been established from generations.

17. The lack of stream flow affects our taro. We have lost taro due to root rot and other diseases.

18. Because the streamflow connects to the ocean, improper flow restricts spawning of different species of fish. Thus, the lack of stream flow affects our gathering rights as

Hawaiians to feed our ‘ohana as was once possible. Native species like ‘o‘opu cannot travel back up stream due to lack of water, which compromises their reproduction. Our families who live in this area cannot gather enough resources from the ocean and streams because there is not enough fish, hihiwai, ‘ōpae, and ‘o‘opu. The low stream flow has also caused people to move away to provide better for their family.

19. Additionally, swimming in the ponds is what we all enjoy and should continue to be enjoyed, not compromised by improper flow which can cause stagnate water, bringing leptospirosis and other bacteria.

20. If there was enough water in the streams, I go back to traditional gathering practices, being more self-sustainable as a valley. Everything in Honopou would be in abundance.

21. If there were more water in the streams, I would fish for what was traditionally fished for in Honopou. Aholehole would come back as well as other species like moi, nohu, and menpachi.

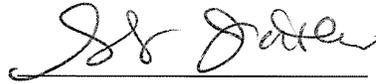
22. If water were put back in the streams, I would mālama the streams the same way as my kupuna did. We would open more lo‘i and continue to monitor fishing practices in and around Honopou.

23. If there was more water in the streams, I would make even more use of the ponds, teach our kids to fish and gather to make traditional tools and implements. I would also appreciate the beauty of the strong flow of water, the additional greenery at Honopou because everything would flourish.

24. Spiritually, we are connected to the water. Water is life. Without water we will not be.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honopou, Maui, Hawai'i, December 13, 2014.

A handwritten signature in black ink, appearing to read "Lezley Jacintho", written in a cursive style.

LEZLEY JACINTHO

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPULA,  
HANA WI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF LURLYN SCOTT

DECLARATION OF LURLYN SCOTT

## Declaration of Lurlyn Scott

I, Lurlyn Scott, hereby declare that:

1. I am Hawaiian by birth.
2. I am the daughter of the late Marjorie Walleth, and the niece of the late Beatrice Kekahuna, both of whom were original petitioners to amend the interim instream flow standard (IIFS) for Honopou Stream before this Commission in May 2001.
3. I was born on July 2, 1959 in California after my mother left the U.S. Air Force to begin a family.
4. My mother, Marjorie Walleth, was the daughter of Maria Kaehukai Kepani and John Kalia Kaleialoha.
5. The name listed on the current tax map of this area of Honopou, tax map zone 2, section 9, plat 1 is "Elizabeth Kepani."
6. Elizabeth Kepani's husband, Jerry Kepani, is my mother's first cousin..
7. My extended 'ohana has lived in Honopou for many generations and after returning to Maui from California as a young girl, I grew up along Honopou Stream.
8. As a young girl growing up, I both played in Honopou Stream and enjoyed the scenic beauty of the stretches of stream where I swam and played.
9. During my lifetime, my 'ohana gathered 'ōpae, 'o'opu, hihiwai, watercress, medicinal plants, and crayfish from Honopou Stream to supplement our diet.
10. My 'ohana also traditionally gathered rocks for the imu in and around Honopou Stream.
11. Traditionally, my 'ohana fished for āholehole, enenuē, po`opa`a, moi, weke, moana, kole, 'opihi, uhu, and honu in or near the stream mouths of Honopou, Punalau/Kolea, Honomanu, Hanawi, and Makapipi.
12. They also gathered limu in and along those coastal areas.
13. My 'ohana would mālama Honopou by cleaning out the hau, only taking what they needed, cleaning limu off rocks, and being aware of the spawning cycle of fish and other creatures.
14. My family also used the stream to wash clothes and soak hau to make rope.

15. I also helped my `ohana raise kalo in lo`i tended to by my mother and other members of my family and located on the properties designated as TMK 2-9-1-14, being portions of Grant 1082 and 3101:2. LCA 5595E-1, and Grant 1918:1.

16. My mother passed away on April 3, 2010.

17. After her passing, I continued to farm kalo in the Honopou lo`i.

18. My cousins Sanford Kekahuna, Richie and Leilani English, Maudrey English, and various youth groups like Kukulū Kumuhana, Mormon Young Women's Group and the Royal Hawaiian Guard help me work the Honopou lo`i. My cousins Kainani Kaleialoha, Lezley Jacintho and Jonah Jacintho have their own lo`i in the system and have their friends come to work with them..

19. My daughter, Wyonette and her children, and Kainani Kaleialoha and her ohana all reside in homes location on these parcels.

20. My family and I currently gather 'o`opu, crayfish, hihiwai, rocks for the imu, pohole, and ferns for lei making in and around Honopou, Honomanu, Hanawi, and Makapipi Streams.

21. We fish for lobster, enenue, po`opa`a, aholehole, uhu, mullet, and ulua in or near the mouths of Honopou, Honomanu, Hanawi, and Makapipi streams.

22. I gather and fish to perpetuate my cultural food and traditions so my grandchildren will be able to live off the land like our kūpuna did.

23. My family would mālama Honopou by cutting back the hau, trying to regulate shoreline fishing, and breaking apart dams built by other people.

24. We also swim, cliff dive, and enjoy the tranquility at Honopou, Honomanu, Hanawi, and Makapipi after a hard day at work.

25. Our children and grandchildren learned to swim at Honopou.

26. I like hearing and seeing the natural flowing streams at Honopou, Honomanu, Nuailua, Pi`ina`au, Palauhulu, Waiokamilo, Hanawi, and Makapipi.

27. Attached as Exhibit "A-149" is a schematic drawing of the various kalo lo`i that my `ohana has collectively tended over the decades I have witnessed kalo farming on these properties (hereafter, "Honopou lo`i").

28. Included on Exhibit "A-149" are arrows which depict the direction of water flow passing through the various designated lo`i.

29. I certify that the layout of the Honopou lo`i, albeit not to scale, and direction of water flow is truly and accurately depicted in Exhibit "A-149".

30. I estimate that the land area covered by the Honopou lo`i is about one acre.

31. On September 25, 2008, the Commission on Water Resources Management voted to amend the IIFS for Honopou by establishing a flow of 2.0 cubic feet per second (cfs) at Station A.

32. Station A is located about a half mile below the lowest EMI dam on Honopou Stream, known as "Haiku Dam."

33. Attached as Exhibit "A-151" is an aerial photograph of the Honopou drainage basin, which truly and accurately reflects the location of Station A, which is where the amended IIFS for Honopou stream is measured, and the USGS metering locations that once measured flow and temperature readings of water flow into and out of the Honopou lo`i.

34. When the CWRM amended the IIFS for Honopou Stream to 2.0 cfs at Station A in Exhibit "A-151" in September 2008, I elected not to appeal the decision, although I had reservations about whether this amount of flow would be sufficient to support the kalo cultivation on the Honopou lo`i, the gathering of o`opu, o`pae, and hihiwai, and fishing along the mouth of the stream at the coastline.

35. After consulting with attorneys for my mother and aunt, we decided not to appeal the September 2008 CWRM decision because it specifically incorporated an Adaptive Management Strategy (AMS).

36. As a result of the amended IIFS, I looked forward to monitoring the work of EMI workers who installed modifications to the Haiku Dam to supposedly allow more water to pass over that dam to meet the amended IIFS.

37. With great optimism, in 2009-12, I witnessed CWRM and USGS staff periodically install, and download raw data from, instruments at Stations A and B on Honopou Stream in what appeared to be a sustained effort to monitor and enforce stream flow compliance with the amended IIFS established in 2008.

38. I also witnessed USGS staff from Maui separately installed metering in and around the Honopou lo'i at strategic spots to monitor the temperature and flow of the water we diverted from, and later returned to, Honopou Stream.

39. The metering of water temperature and flow *in real time*, apparently through a satellite upload to the USGS website, was especially useful.

40. Access to this metering data, especially the real time information, provided valuable objective information on whether my `ohana was getting adequate water to irrigate our kalo.

41. In March 2009, I witnessed EMI workers cooperating with CWRM staff to install modifications to the Haiku Dam at Honopou Stream to allow more water to bypass the diversions at that dam.

42. One of the major modifications included a metal bypass flume installed on top of the cement grate feature of the Ha'iku Dam to allow a limited amount of additional stream water to pass over this diversion structure.

43. Attached as Exhibit "A-146" is a photograph taken on March 23, 2009, which I took the day EMI workers installed that metal flume over the Haiku Dam.

44. Despite the collection of stream flow data since the IIFS for Honopou was amended in 2008, I have been supplied with flow measurements for Honopou only sporadically when my attorneys asked CWRM staff for them.

45. The CWRM has not provided me regular or reliable access to flow measurements, either online or by other means of communication.

46. I learned of flow measurements only through my attorneys at NHLC.

47. I have only recently been made aware that the CWRM staff presented its flow data to the CWRM.

48. Attached as Exhibit "A-145" is a true and correct copy of September 24, 2009 update, which I downloaded from the CWRM website.

49. As shown in Exhibit "A-145", the AMS adopted by the CWRM appeared to protect my interests in restoring flow to Honopou Stream, and I looked forward to "[c]ollaborat[ing] with agency staff and registered diversion owners to determine appropriate actions," as stated on page 12 of Exhibit "A-145."

50. In addition, as the graphic on page 11 of Exhibit "A-145" indicates, the AMS process allowed for continuous adjustments based on the CWRM staff 's ongoing monitoring and evaluation, enabling the CWRM to revise the IIFS to address the needs of kalo farmers, cultural gatherers and people who fish.

51. I sincerely believed and relied on CWRM's pledge that the AMS was the key to restoring stream flow where conditions and needs required it and that the CWRM would finally and timely meet the needs of kalo farmers, cultural gatherers, and fishermen.

52. As indicated on page 16 of Exhibit "A-145," EMI diverts water from Honopou Stream at 4 elevation levels with the Wailoa, New Hamakua, Lowrie and Haiku ditches.

53. As shown on page 20 of Exhibit "A-145," EMI failed to abide by the amended IIFS (2.0 cfs @ Station A) for all of the field measurements recorded between October 2008 and July 2009 during the initial implementation phase.

54. Despite the stream channel modifications installed after the 2008 IIFS amendment, I experienced low flows to the Honopou lo'i cultivated by my `ohana.

55. Since the 2008 IIFS amendments for Honopou Stream, I have not been able to cultivate all 30 lo'i shown in Exhibit "A-149", because there is inadequate stream flow in Honopou to support all the kalo I and my `ohana could otherwise plant and grow successfully without experiencing harm to our kalo crop from the lack of stream flow.

56. Without adequate stream flow we could otherwise tap to irrigate more kalo, we were forced to reduce the amount of kalo planted in the Honopou lo'i and the dry cracked lo'i that I saw in the summer of 2009, as depicted in Exhibit "A-147".

57. Unfortunately, apparent funding shortages began to affect my ability to access the real time metering by the USGS in and around the Honopou lo'i after I have begun downloading important objective evidence of the shortage of irrigation water negatively affecting by kalo.

58. Ultimately, when the USGS staff removed gauging stations that it had previously installed at strategic points on or near the Honopou lo'i due to lack of funding, I lost access to important flow and temperature data being recording in real time at the intake to the Honopou lo'i and the outflow from that lo'i system.

59. Before the removal of these meters, working with my attorneys, I was able to download various graphs depicting the water flow and temperature into, and the outflow from, the Honopou lo`i at various times between November 2008 and 2010, all of which is attached as Exhibit "A-150".

60. Attached as Exhibit "A-148" is a video which truly and accurately depicts the amount of water that flows past the Haiku Dam, as a result of the modifications undertaken in 2010 to meet the 2008 IIFS amendments for Honopou Stream, and the amount of water that continues to fall into the diversion ditch at that point.

61. The Haiku Ditch transports those diverted water to points northwest to irrigate Hawaiian Commercial and Sugar fields in Central Maui.

62. As shown in Exhibit "A-148," I estimate that, in 2014, despite the Haiku Dam modifications, EMI still diverts over 80% of the Honopou stream flow at Haiku dam.

63. The restoration of natural flow to Honopou Stream would enhance kalo cultivation in the Honopou lo`i, the gathering of o`opu, o`pae, and hihiwai in Honopou Stream, and fishing along the mouth of the stream at the coastline.

64. Also, during summer months, we have stagnant, smelly water that is not useable for domestic use.

65. In addition, from 2009 through 2014, although i repeatedly reported to the CWRM staff members that I was not receiving sufficient flow to irrigate the Honopou lo`i, I did not see the staff attempt to increase stream flow as a remedy to my problems.

66. If there was enough water in the streams, I would grow more kalo, raise watercress, gather o`opu, crayfish, hihiwai, rocks for the imu, pohole, and ferns for lei making in Honopou, and fish for lobster, enenu, po`opa`a, aholehole, uhu, mullet, and ulua in or near the mouths of Honopou, Honomanu, and Makapipi.

67. If water were put back in the streams, I would mālama the streams the same way I do now.

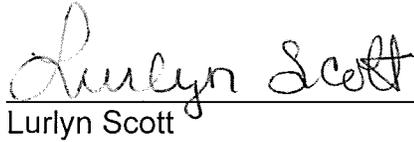
68. I would also clean the muliwai, move rocks for better flow, and observe ancient fishing practices at Honopou.

69. If there was more water in the streams, I could swim and enjoy Honopou recreationally all year round.

70. I would also get to enjoy watching the ulua go upstream, smelling the clean breeze, hearing the water flowing, and watching for 'o'opu.

71. If there was more natural flow restored to Honopou Stream, I would be better able to teach the opio of my `ohana and others in my community how to mālama the kahawai, perpetuate the traditions and customs of my ancestors and enhance our food security for future generations.

DATED: Honopou, Maui, HI, December 16, 2014.

  
Lurlyn Scott

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAUOLA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF NORMAN "BUSH"  
MARTIN

DECLARATION OF NORMAN "BUSH" MARTIN

I, Norman "Bush" Martin, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. My family has an interest in property in proximity to Wailua Stream.
5. I am a taro farmer. My family grows kalo on about three to four acres of property irrigated by Piinaau, Palauhulu, Waiokamilo, Kualani, and Wailua streams.
6. I am farming this land based on my cultural and traditional inheritance of land and knowledge passed on to each generation.
7. I learned how to farm taro from my great grandparents and grandparents.

8. Traditionally, my family gathered ‘ōpae, ‘o‘opu, and hihiwai from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. My `ohana would also gather pohole, water cress, banana, bamboo shoot, pepeiao, and mountain haha alongside those streams.

9. My family also traditionally fished for shoreline reef fish, including uhu, puhi nikiniki, uha, honu, moi, mullet, uoauoa, aholehole, poopaa, ulua, akule, ‘ō‘io, and aweoweo in or near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailunui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. My `ohana would also gather limu near the mouth of those streams.

10. Traditionally, my family engaged in mālama ‘āina and mālama kahawai by being good stewards. My `ohana would protect the resources and take only what was needed from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. It was my family’s kuleana to maintain the entire moku.

11. In addition to farming, I currently gather ‘ōpae from above the diversions in Honomanu, Piinaau, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, and Hanawi. It takes about four hours to walk to the place where I gather because you cannot find the ‘ōpae below the diversions. Even so, sometimes I only see one ‘ōpae in eight hours. I usually do not gather ‘o‘opu and hihiwai because there isn’t enough. I leave them behind so they can propagate.

12. I fish for uhu, puhi nikiniki, uha, moi, mullet, uoauoa, aholehole, poopaa, ulua, akule, ‘ō‘io, and aweoweo in or near the mouth of Honomanu, Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki. I don’t catch very much fish. Sometimes I don’t catch anything. Families in our community will often take turns fishing and share with each other to be sure there is enough to go around.

13. I engage in mālama ‘āina and mālama kahawai by cleaning the streams. I also will not gather any resources if there is not enough so that they can propagate. This is automatic. It goes hand in hand with gathering practices.

14. For me, gathering and fishing from the streams is to feed my family, put a roof over our head, and teach the next generation – at least those who still reside here.

15. Gathering, fishing, and farming are also recreational for me because I enjoy practicing my traditions. I appreciate the views, the sounds, and the smells of nature that I experience while gathering. Seeing water in the stream is beauty to me.

16. The lack of stream flow has caused many families to leave Wailuanui because the resources aren't there. There are very few people we can pass down these traditions to. We call that generation "the lost generation."

17. Other specific negative effects of the lack of stream flow is that people are not opening their lo'i. And if someone above you doesn't maintain their lo'i, water flow to your lo'i is affected. That has been a real problem. There are also so many invasive species below the diversion due to the lack of stream flow, that I have to walk for four hours to be able to gather above the diversion. That takes time away from other work. Even after the four hour hike to the stream, sometimes I will see some fish and 'ōpae, but I cannot take them because there isn't enough.

18. The lack of stream flow also affects the fish near the shoreline. Fish are dependent on brackish water to spawn. With twenty-seven streams, there are twenty-seven fish nurseries. With only eight streams, there are only eight nurseries. Without all of the streams being restored, it blocks everything out. When the limu came back after the Waikani diversion was opened, there was a noticeable difference after only two weeks. The smell changed with the brackish water. The fish returned to that area.

19. The lack of stream flow has also caused me to lose approximately \$13,000-\$15,000 a year in revenue. I have not been able to pull taro in four years.

20. Ultimately, the low stream flow has displaced my community and changed our way of life.

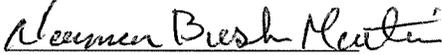
21. If there was enough water in the streams, I would gather and fish as my family before me did. I would gather 'ōpae, 'o'opu, and hihiwai from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu,

Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I would also gather pohole, water cress, banana, bamboo shoot, pepeiao, and mountain haha alongside those streams. I would also fish for uhu, puhi nikiniki, uha, moi, mullet, uoauoa, aholehole, poopaa, ulua, akule, ‘ō‘io, and aweoweo in or near the mouth of Honopou, Hanehoi, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I would expect to be able to catch fish in greater numbers. I would also continue to mālama the streams and the areas around them.

22. If there was more water in the streams, I would appreciate the natural scenery even more. There is beauty in putting life back into the streams and seeing them as they are supposed to be.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Wailua, Maui, Hawai‘i, September \_\_\_\_, 2014.

  
NORMAN "BUSH" MARTIN

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF PAUL REPPUN

DECLARATION OF PAUL REPPUN

Petitioners' Direct Testimony of Paul Reppun

1. I am submitting this expert testimony in support of the petitions filed by Na Moku Aupuni O Ko`olau Hui to amend interim instream flow standards for various East Maui streams located on the Ko`olaupoko, Maui coastline.

2. Attached as Exhibit "A" is a true and correct copy of PETITIONERS' DIRECT EXPERT TESTIMONY OF PAUL REPPUN, filed in the contested case hearing docket DLNR File No. 01-05-MA.

3. This is the testimony I prepared for and presented to the Board of Land and Natural Resources in 2005 in the contested case proceeding involving Na Moku Aupuni O Ko`olau Hui's challenge to the request of Alexander and Baldwin/Hawaiian Commercial and Sugar/East Maui Irrigation Company for a 30-year lease of the four East Maui water license areas.

4. Attached as Exhibit "B" is a true and correct copy of my most current resume.

5. I recognize that in 2008 the CWRM voted to partially restore 5 of 8 streams then under consideration by amending the IIFS for Wailuanui, Waiokamilo, Pi`ina`au, Hanehoi, and Honopou Streams, in order to respond to the claims of active taro farmers depending on those streams for the irrigation of taro crops in Wailuanui, Ke`anae, Hanehoi, and Honopou valleys.

6. However, I further understand that EMI's compliance with those amended IIFS continues to be an outstanding issue before the CWRM in this contested case hearing.

7. Accordingly, I affirm that the substance of the testimony I presented to the BLNR in 2005 is still applicable and material to the current IIFS contested case hearing before the CWRM and I now offer it for consideration in this proceeding.

DATED: Waiahole, O`ahu, HI, December \_\_, 2014.

A handwritten signature in black ink, appearing to read "Paul Reppun", is written over a horizontal line.

Paul Reppun

# **EXHIBIT A**



A. I have been farming for 31 years. In 1974, I began farming taro in Ka'alaia Valley (O'ahu). Several years later, I began growing taro in Waihe'e Valley and Waiāhole as well. I continue to farm taro in Waihe'e and Waiāhole.

Q. What is your educational background?

A. I have a bachelor's degree in biology. After receiving my degree I spent a year in Argentina gathering data for a botanist, as part of a large project comparing desert ecosystems in Argentina and Arizona.

Q. During your 31 years of farming taro, have you learned anything about the impact of water volume and temperature on taro farming?

A. In the late 1970s, when I began taro farming in Waihe'e, I was a party to Reppun v. Board of Water Supply in which we sought to retain enough stream flow to grow our taro. During this case, I observed the methods and models used to take water volume and temperature measurements of my lo'i. Since that time I have, on occasions too numerous to mention, observed, conducted and assisted with taro lo'i water quantity and temperature measurements. I have reviewed and discussed a number of reports on water use in taro cultivation -- stream flows, 'auwai flows, water consumption rates, and amount and temperature of water going in and coming out of the lo'i. These practical experiences have provided me with a pretty good "eye" and feel for water quantity and quality in terms of temperature necessary for the proper and efficient growing of taro.

Q. Based on your 31 years of experience as a taro farmer, can you describe how water is used in the various stages of taro cultivation?

A. When you prepare the field, you flood it, but you don't need very much water, you just need enough to cover the surface. Using the water as your level, you level all the high spots into the deep spots until you've got your patch level.

When you plant your taro, you don't need very much water at that time; you just need enough to cover the surface to keep the weeds from growing. From that point on, as the taro starts to grow, you start to increase the water a little bit at a time. Taro can handle more depth of water as it grows.

During the period of fertilization, which usually occurs approximately every two months, water in the patch is at a fairly low level, say an inch deep. When a sufficient level of water is reached, the flow into and out of the patch is stopped. Once inflow and

outflow are stopped, the banks of the patch are checked to make sure there is no leakage of water. This minimizes the loss of fertilizer. When there is no water leaking out, the fertilizer is applied and dissolves. The water subsides into the soil and carries the fertilizer with it. Approximately a week after applying the fertilizer after the patch has gone dry, waterflow is returned to the patch. For that period of a week, which occurs approximately every two months, the taro doesn't need any water.

My own observations tell me that little fertilizer is lost in taro cultivation. There is little greening of plants along the ditches that carry water away from lo'i, indicating little loss of nitrogen. The taro responds to this single application of fertilizer for approximately two months, indicating long term retention of nutrients in the soil. When weeding or harvesting are expected to severely stir up the mud and cause muddy water to run out of the patch, farmers usually stop the water in and out to minimize soil loss.

After about eight or ten months, depending on the variety of taro, farmers no longer use any fertilizer. The taro will grow for another four to six months before harvesting, and during that time there is no fertilizing. Except when fertilizing, the water is flowing constantly, especially when the corm starts to form.

As the taro gets taller it shades out the soil, it provides more leaf cover, and water temperatures are cooler. As this occurs, the taro becomes more sensitive to temperature because this is when the corm starts to form. At about eight months or so, as the taro begins to shrink down each new leaf that comes out is smaller. Every ten days a new leaf comes out. The corm really starts to fill out in the last half of the crop cycle.

As the next leaf comes out, it's a little bit smaller, your leaf cover, the canopy over the taro patch, starts to decrease, and sunlight starts to penetrate. At that point your flow of water is especially critical because the corm is starting to fill out, and that's what you want to protect the taro from rot.

It's important to keep a good flow of water at this point. Usually, at this point, as the corm starts to rise up out of the ground, the depth of water increases as well.

Q. Based upon your 31 years of taro farming experience, how do you know if you are using too much or too little water?

A. I think the best way to know is by experience. If you want to find out what the lower limit is, then you have to experience taro crops that fail. Over the years,

I've learned that taro crops could fail for a number of reasons, but the primary reason is lack of water.

When I first grew taro, in Ka'ala'ea, we constructed an 'auwai out of aluminum gutter pieced together to bring the water several hundred feet from the stream. We used to bathe in the outflow from the patch, which was comfortably warm. The crop was pretty much of a disaster and was lost to hard rot (also known as guava seed). It taught me the effects of too warm water, which include guava seed and pythium rot.

When I began farming in Waihe'e, it was a time when the Board of Water Supply ("BWS") had drilled new wells and seriously depleted Waihe'e Stream and dried up the waterfall. Farmers began experiencing severe disease problems with two major root diseases: hard rot, commonly known as guava seed; and soft rot, which is caused by pythium, a mutating fungus. The farmer closest to the water source, who had the most water per acre, had the least problems. As a farmer in Waihe'e, I experienced many partial crop failures.

I have visited many taro farms on all the islands, observed how other farmers use water, and talked with them about problems with water flow and disease. My experience of chronic water shortage is not unique.

Q. Based upon your 31 years of taro farming experience, what variables affect the amount of water used in growing taro?

A. There are many. The most obvious is cultivation practices resulting in no water use, such as when the field is dried after leveling and puddling to let the mud settle before planting or when fertilizer is applied. The usual way to fertilize is to have the field flooded, but stop the water flowing in and out, throw the soluble fertilizer in the water, and let it slowly seep into the soil. Depending on percolation rates, it can take a day or a week for the field to dry. Often a patch of taro is dried for a month or two prior to pulling, to hasten its maturity and make it easier to pull.

The stage of the crop is another factor. Initially, when the taro is just planted, less water is needed, and the flow is increased as the taro starts to grow. When the taro is maturing, it shrinks down vegetatively, reducing leaf cover, which exposes the water surface to the sun. It is especially important at this time to have good flow-through, to

keep the water temperature down. If the farmer needs to hold the crop, to delay harvest, it needs to be kept cool with plenty of water.

The weather and the season also affect water use. Hot, sunny days, of course, cause the water to heat up more. Summer is a critical time because the sun is more directly overhead, and the days are longer.

Often on a rainy, cloudy day I won't bother to check the inlets to my lo'i, but on a sunny day it is the first thing I do in the morning because on sunny days the water heats up and can cause rot.

The initial temperature of the water in the stream also affects water use. More water in the stream means lower temperatures, which in turn means that the capacity of the water to absorb heat is higher, so the quantity needed is less. A farmer who uses water downstream of where an upstream user returns water to the stream must use more water because he starts with warmer water.

Some studies mention the possibility that larger acreages of taro might need less water per acre than small acreages. I don't agree. In my opinion there is a linear relationship between the amount of water needed and the area in taro cultivation. Here's why: the minimum amount of water needed is the amount that flows through the lo'i and exits at 77 degrees. This is the temperature that everyone seems to agree is the critical temperature needed in growing taro. Above this temperature pythium rot begins to accelerate unacceptably. Water that has absorbed enough heat to rise to this temperature can be said to be "used up." It has no capacity left to keep temperatures below the critical level. If a downstream farmer, irrigating the same acreage as that which has already been irrigated, were to reuse this water, it would need to be mixed with an equal amount of unused water. His water use would therefore be double that of the upstream user, but the amount of new water would be the same. The rate of water use would now be twice that of the upstream farmer, but the capacity of the total amount of water to absorb heat would be the same.

Q. Based upon your 31 years of experience as a taro farmer, what is the amount of "new" water needed per acre?

A. I believe taro needs 100,000 to 300,000 gallons of water per acre per day ("gad"). There is no precise figure because of the many variables, such as those I have

described. In an area of taro containing many lo'i, one can assume that there will be all stages of the crop cycle and that different lo'i will have different rates of use at any given time. Any figures named can be assumed to be an average of all these various use rates. The range of figures results from the other parameters discussed -- percolation rates, weather, season, location on the stream relative to other diversions, initial water temperature, and rate of dilution of used water.

What's important is that there are times when the taro farmer must use the maximum amount and that needs to be taken into account when determining how much water is required.

Q. Dramatically different figures from yours are cited in some of the reports done in the past on taro water usage. Can you discuss what you know about these studies and explain why the figures might be different from yours?

A. Studies on the water requirements of taro in Hanapēpē Valley on Kaua'i done by Kirk Miles for McBryde Sugar Company, in 1930-1931, and H.A.R. Austin & Associates for Gay & Robinson, in 1959, were used in connection with the McBryde v. Robinson case. The conclusion of those studies was that taro needs about 70,000 gad. Although this amount is called the total water use, it is a very misleading figure because it is a measurement of the water consumed in the taro patch and fails to consider the actual water need for taro, particularly "flow through" water.

Q. In your expert opinion, how was this figure arrived at in the studies?

A. The amount of water flowing into the lo'i was measured. The amount flowing out the other side was also measured. The amount flowing out was less than the amount flowing in because some water was lost through percolation, evaporation and transpiration. The amount of water lost in the lo'i was considered to be the total water use. The water that flowed through and was not lost was not included in the total water use figure.

Q. Does the water that flows through serve any function?

A. This "flow through" water is critical because it carries away heat and keeps the taro cool so that it doesn't develop pythium rot.

Q. Were the authors of the studies aware that their figures for total water use of taro did not include flow-through?

A. Yes. As Joel Cox said in the introduction to the study done for the McBryde Sugar Company, “a considerably greater amount would have to be diverted in order to successfully grow taro with proper circulation of water.” The studies also noted the relationship between decreased flow and increased rot.

Q. Did the researchers take into account variations in water use based on some of the parameters you mentioned?

A. Yes. The actual measurements of what farmers in Hanapēpē were using ranged from 200,000 gad to over 1,000,000 gad. These were not quantities manipulated for experimental purposes, but were actual existing uses where the farmers were farming downstream of large diversions of water by the two contending sugar plantations. It is highly unlikely that there was a surplus of water.

Q. Why do you think these studies did not include flow-through as part of the total water use of taro?

A. These studies were done for and by the major sugar companies who were fighting for the water. The more water taro needed, the less they might get, so there was an incentive to minimize the amount of water needed for taro.

Q. Before moving on to the next report, can you discuss the effect of return flow from taro on water temperature?

A. There is no question that the return flow from taro fields can increase stream temperatures. The function of water flowing through lo‘i is to cool the taro by carrying away heat. If we assume that the minimum amount of water is being used for this purpose, then the maximum allowable temperature of the water leaving the field is 77 degrees, the temperature above which pythium rot develops. Ideally, water leaving the field is well below this temperature, reducing further the likelihood of pythium rot.

The extent of any rise in stream temperature will depend on the amount of dilution that occurs when used water rejoins the stream. In the worst case scenario, all the water in the stream would be used for taro cooling, and the lower reaches of the stream would reach a temperature of 77 degrees. To my knowledge, it is not known how this might affect native stream life.

This worst case scenario is unlikely to occur. Water flowing through lo‘i at night and early and late in the day has much less of a burden on its cooling function. The

highest temperatures would only be reached in the middle of the hotter days, and probably not in all the lo'i of an extended pondfield system at the same time.

Q. What effect, if any, would the increased temperatures have on native stream life?

A. While there has been speculation on the potential harm to 'o'opu of increased temperatures, to my knowledge, the levels at which 'o'opu could be affected are not known. This speculation indicates that there may need to be a component of stream flow above and beyond the projected needs of taro, to serve the function of dilution and thus preserve the health of the stream. We know that colder water has the capacity to contain more dissolved oxygen than warmer water.

Q. Chronologically, what would be the next report you are aware of?

A. Leslie J. Watson did a report on the water requirements of taro in Waihe'e and Waiāhole valleys on O'ahu. That report was done for the Board of Water Supply in 1962 to 1964.

Q. What was Watson's methodology and what were his results?

A. As in the Hanapēpē studies, he measured existing uses by farmers. The actual flows of water into lo'i ranged up to 200,000 gad. However, he used the same method of finding the difference between in-flow and out-flow to determine that the total water usage averaged 30,000 gad. At the beginning of his report, Mr. Watson sites numerous reports done in connection with court cases, mostly agreeing with his figures. Although no details are given as to the methodology used in these other cases, their close agreement and his use of them as precedent indicates to me that the methods were the same.

Q. Was Watson aware of the variable nature of taro's water requirements?

A. Yes. He wrote a paper for a symposium on root crops in 1970. It was called "The Legal Importance of the Water Requirements of Taro in Hawai'i." In that paper he reaffirms the figure of from 15,000 to 60,000 gad, and he lists some of the reasons for variations in requirements. He mentions a dependency on: (1) the available supply of water and the necessity to conserve; (2) the degree of puddling of the lo'i; (3) the stage of the crop; (4) rainfall, elevation, hours of sunshine and wind conditions; (5) soil characteristics; and (6) whether or not there is a profit motive.

Q. Do you find any significance in the BWS having been the sponsor of the study?

A. The BWS wanted to take water. Minimizing water use of taro made more water available for BWS to take.

Q. Are there any more recent studies, other than measurements of your own 'auwai, that you are aware of?

A. There is the Sumida report, done in 1976, that measured existing uses in Waihe'e, O'ahu. There is nothing worth discussing in that report, however, because it was done in the winter, under conditions of water shortage, with no consultation with farmers, and uses the same methodology as Watson. Ramon de la Peña and F.M. Melchor did some controlled experiments, published in 1983, on amounts and depth of water and effects on yields of taro.

Q. What did de la Peña and Melchor conclude?

A. They found that varying the flow between 30,000 and 105,000 gad caused no significant difference in yield. They quote Watson's 1970 paper as mentioning water use being from 15,000 to 40,000 gad. De la Peña's and Melchor's estimate would not be adequate to grow taro. Although I cannot offer "scientific" proof that the quantity of water recommended by Mr. de la Peña is too little, based on my visits to all the major taro growing areas in Hawaii and to many minor ones, I can say that I have never seen lo'i with inflows approaching this small quantity of water by choice of the farmer.

Q. What methodology did de la Peña and Melchor use?

A. They planted a series of 6 x 9 meter plots, used the same variety of taro and the same fertilizer treatments, harvested at 15 months, and compared yields at harvest.

Q. How do you account for the results?

A. The report is not very detailed. In the study of water depth, the experimental plots were cement lined. If this was also true for the flow rate studies, the concrete lining could have acted as a heat sink, absorbing heat from the water during the day and releasing it to the water at night. There is no discussion of water temperature. Especially important would be the initial starting temperature of the incoming water. There appears to have been no variation in the flow rate according to the stage of the

crop, and there is no mention of the presence or absence of disease in the harvested taro. Where did the soil in the plots come from? Had it been sterilized? Only one crop cycle was studied, so perhaps disease organisms were not present or as numerous as they might be in soils successively planted in taro.

It was noted that vegetative growth was highest with the highest flow rate. Plants were tallest at time of harvest with the high flow rate. This suggests that the taro might not have been fully mature, and yields could have been higher.

Q. What were the results of de la Peña's and Melchor's depth of flooding experiments?

A. They found that yields were highest at a depth of 0 cm. The same kinds of questions come up. What was the effect of using cement tanks? What were water temperatures? If water depth was not varied over the life of the crop, according to the stage of growth, what effect could this have had?

The tests in these experiments were done in what is called "Kapa'a" soil. In experiments using "Hanalei" soil, it appears that contradictory results were obtained, but again, the conditions of the tests are not discussed.

Q. The results of these experiments seem to agree with those of the previous studies discussed. How do you relate the figures in these studies?

A. The water use rates for taro from the Miles and Watson studies clearly show how much water is consumed in the lo'i. If those amounts of water are flowed into the patch, then none will flow out. There will be no flow-through. Since de la Peña and Melchor use figures that are about the same, then in actual practice by farmers, using that quantity of water would result in no flow-through. Taro grown using the water quantities discussed in these studies would be dryland taro, which is not suitable for poi.

Q. Are there any other reports that you are familiar with?

A. There is a 1980 report by Farrington and Bellwood on the "Prehistoric Irrigation Hydrology of Pondfield Taro." This report uses a different method to determine possible uses of water in prehistoric times. The researchers analyze two 'auwai systems, one in the South Pacific and the other in Halawa Valley, Moloka'i. Based on the size and slope of the 'auwai, they determined the amount of water it could safely carry.

Once again, Watson is cited as the authority on taro water use, and his figure of 30,000 gad is referred to as the “Hawaiian Legal Requirement”, or “HLR.” This is referred to as the minimum needed, and is the amount they say should be used to settle disputes.

What is interesting in this report, however, is that by correlating the acreage of taro land with the capacity of the ‘auwai, the researchers estimated that 85% to 90% of the ‘auwai flow was used for flow-through. They say that Watson’s figure would have applied only in times of extreme scarcity of water.

Q. You stated earlier that you believed 100,000 to 300,000 gad to be the amount of water needed to grow wetland taro. In some of the reports you discussed, the actual amounts of water flowing into taro patches were in the millions of gallons per acre per day range. Can you account for this great range of figures and summarize your conclusions about taro’s water needs?

A. In using the 100,000 to 300,000 gad figure, I am referring to “new” water, that is, water that has not been warmed up by previous use. I think the lower figure would be sufficient in the winter or during rainy periods, when water temperatures and isolation are low. The higher figures would be necessary during periods of peak isolation. I suspect that the extremely high figures, such as are found in the Hanapēpē studies, came from lower in the valley, where most of the water used by farmers would already have been used higher up in the valley.

CERTIFICATE OF SERVICE

I hereby certify that two (2) copies of the foregoing document were duly served on Linda L. Chow, Deputy Attorney General, for Hearings Officer, The Honorable E. John McConnell on August 1, 2005, by hand delivery. I further certify that one (1) copy was served on the remaining parties as indicated, on August 1, 2005.

Linda L. Chow, Esq. Deputy Attorney General For Hearings Officer The Honorable E. John McConnell (Ret.) 465 S. King Street, Room 300 Honolulu, Hawaii 96813	<input type="checkbox"/>	U. S. MAIL
	<input checked="" type="checkbox"/>	HAND DELIVERY

Randall K. Ishikawa, Esq. Ishikawa Morihara Lau & Fong, LLP 841 Bishop Street, Suite 400 Honolulu, Hawaii 96813	<input checked="" type="checkbox"/>	U. S. MAIL
	<input type="checkbox"/>	HAND DELIVERY

Elijah Yip, Esq. David Schulmeister, Esq. Cades Schutte 1000 Bishop Street, 10 <sup>th</sup> Floor Honolulu, Hawaii 96813	<input checked="" type="checkbox"/>	U. S. MAIL
	<input type="checkbox"/>	HAND DELIVERY

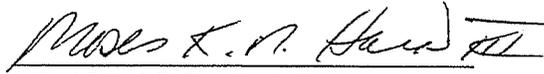
Isaac Hall, Esq. 2087 Wells Street Wailuku, Maui, Hawaii 96793	<input checked="" type="checkbox"/>	U. S. MAIL
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Robert H. Thomas, Esq. 1001 Bishop Street Pauahi Tower, Suite 1600 Honolulu, Hawaii 96813	<input checked="" type="checkbox"/>	U. S. MAIL
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Brian T. Moto, Esq. Jane Lovell, Esq. Deputy Corporation Counsel County of Maui 200 S. High Street Wailuku, Hawaii 96793	<input checked="" type="checkbox"/>	U.S. MAIL
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Richard Kiefer, Esq. David Merchant, Esq. 444 Hana Hwy, Suite 204 Kahului, Hawaii 96732	<input checked="" type="checkbox"/>	U.S. MAIL
	<input type="checkbox"/>	HAND DELIVERY

DATED: Honolulu, Hawai'i, August 1, 2005.

Handwritten signature of Moses K. N. Haia III in cursive script, underlined.

ALAN T. MURAKAMI

MOSES K. N. HAIA III

Attorneys for Petitioners

Na Moku Aupuni o Ko'olau Hui, et al.

# **EXHIBIT B**

**PAUL REPPUN**

47-415 Mahakea Street, Kāne`ohe Oahu Hawai'i 96744

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**Education**

**PUNAHOU SCHOOL**, Honolulu, Hawaii  
1968

**HARVARD UNIVERSITY**  
1974, *Biology, PhD.*

**Experience**

**Farmer**  
1975,  
Kaalaea, Oahu, Hawai'i

**Farmer**  
1975 – present  
Waihe`e, Oahu, Hawai'ip

**Farmer**  
1975 – present  
Waiāhole, Oahu, Hawai'i

**Testimony**

Reppun v. Board of Water Supply, 65 Haw. 531; 656 P.2d 57 (1982).

In the Matter of the Water Use Permit Applications, Petitions for Interim Instream Flow Standard Amendments, and Petitions for Water Reservations for the Waihole Ditch Combined Contested Case Hearing, CCH-OA95-1.

In The Matter of the Contested Case Hearing Regarding Water Licenses at Honomanu, Ke'anae, Nahiku, and Huelo, Maui

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF PUALANI  
KIMOKEO

DECLARATION OF PUALANI KIMOKEO

I, Pualani Kimokeo, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. My father Henry Ben Kaauamo was from Wahinepee. My mother Sarah Ahkuna

Hueu was from Ke'anae.

5. I grew up in Wailua/Ke'anae.

6. When I was growing up, my mother had different leases from the state. She had about fifty patches. My mother worked the patches until I was in high school. She continued farming most of them until the 90s and stopped when she was 70 years old. My father worked as a taro farmer until he was 80-something. He refused to give up. My dad was also a garbage collector for the County. He also did a lot of hunting for pigs in these mountains as well.

7. I too am a taro farmer. I grow kalo on about one acre of property in Keanae that is irrigated by Palauhulu and another water source that may be connected to Piinaau.

8. I have an interest in the land I farm based on my connection to Kalilimoku, on my mother's side.

9. Before times, the fathers worked the taro patches. Mothers fought to get stream flow and worked on the traditional gathering.

10. I learned traditional and customary gathering practices from my grandmother Ellen. She and my mother taught us about what to look for, how to know when big water is coming, how to respect the seasons. We would pull kalo, pick 'opihi, and gather 'ōpae all in the same day.

11. Traditionally, my 'ohana gathered 'ōpae, watercress, lū'au, haha, pepeiao, hihiwai, pupulo`i and guava in Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

12. Traditionally, my 'ohana fished for 'o'opu, aholehole, uau, and pāpio in or near the mouths of Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

13. My 'ohana also engaged in mālama 'āina and mālama kahawai at Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue by respecting the seasons. They didn't have problems that required the same kind of cleaning because there was more flow.

14. Currently, my 'ohana and I gather 'ōpae, and limu in or near the mouths of Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I also gather 'opihi in those same areas.

15. I farm, gather, and fish to feed my family.
16. I taught my kids what I know about farming, gathering, and fishing. My kids also started hunting when they were three. They learned from Doug Chong. They are now teaching their own children our practices.
17. I engage in mālama ‘āina and mālama kahawai by cleaning the ditches with a sickle. That allows better flow to my lo‘i, which are the last lo‘i to get fed by the streams.
18. We also enjoy Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue recreationally.
19. I thank Ke Akua for everything before our eyes, everything he gives us. My mom was a strong woman. I learned a lot from her. I love that she tried to teach us. I try to instill all of that into our children. To me, Ke‘anae will always be what I envision from when my mom instilled these lessons in me. To me, that’s the biggest gift from Ke Akua.
20. The lack of stream flow is a problem for my family because we cannot grow kalo how we would like to. The taro gets diseased and damage. We get pocket rot and what we call “guava seed,” or growths on the taro that affects the quality. We have apple snails, which like the warm water. Also, farmers in Ke‘anae have to compete for water. It’s not like before – we used to share and it wasn’t a problem.
21. If there was more water in the stream, I would worry less about my kalo. I would expect more cool water to reach my lo‘i.
22. If there were more water in the streams, my ‘ohana would gather ‘ōpae, limu, and opihi in or near the mouths of Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue. I also gather ‘opihi in those same areas.
23. If water were put back in the streams, I would continue to mālama the streams and cleaning the ditches.
24. If there was more water in the streams, I would appreciate the natural scenery. It would be nice to see the streams of Ke‘anae the way I knew them when I learned how to farm and gather from my mother.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Keanae, Maui, Hawai'i, 11/01/2014, 2014.

  
PUALANI KIMOKEO

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF SANFORD  
KEKAHUNA

DECLARATION OF SANFORD KEKAHUNA

I, Sanford Kekahuna, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am the son of Beatrice Kekahuna and nephew of Marjorie Wallet, who were some of the first farmers who tried to get more water.
4. My family grows kalo on about two acres by Honopou stream.
5. Traditionally, my 'ohana gathered pohole, watercress, 'ōpae, hihiwai, 'o'opu, and prawns in and around Honopou, Kualani, Wailua, and Makapipi.
6. My family fished for ulua, aholehole, enenue, kupipihī, 'ō'io, weke, lae, poopaa, uhu, hinalea, kole, and he'e in or near the mouth of Honopou, Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki.
7. My 'ohana mālama-ed Honopou, Kualani, and Wailua by cleaning them, cutting wildlife back, and putting rocks back to the stream.

8. When I was small, we used to fish by the streams. We would take bamboo and a small lead line and worms. We would leave it by the stream, go do what we would do, then come back and there would be something on the line.

9. Now, I gather 'o'opu, prawns, and small baby fish at the edge of the shoreline at Honopou.

10. I fish for ulua, aholehole, enenu, kupipihi, 'ō'io, weke, lae, poopaa, uhu, hinalea, kole, and he'e from Honopou out past Ke'anae, Hana, and Kaupō.

11. I gather and fish to feed my family and friends.

12. I still mālama the streams by cleaning them and cutting back wildlife. I mostly do this at Honopou because I live here but sometimes I go and help at Kualani and Wailua.

13. My family and I swim and fish for fun at Honopou. You work first, then you do what you like do.

14. At Honopou, I appreciate the rainfall, the sound of the stream by my house, the wind, the smell of flowers, and the sound of birds – they talk.

15. Because there isn't as much water, there isn't as much fish as there were before. I see the fish are slowly starting to come back. I count them to see how much. At the diversion, some 'ōpae are coming back. If they let water down, it would be more. If more water, life would come back.

16. I make more money where I work than farming. If I could, I would rather farm.

17. If there was more water, I would gather watercress, 'ōpae, and prawns. I would also gather hihiwai, which would probably come back with more water, because they eat the algae on the rocks.

18. If they gave us more water, I would fish for the same fish I do now but I would try to get more here in Honopou. If not, I would have to go someplace else. Why go there, when I can go here? I'd rather go here.

19. If there was more water, I would mālama Honopou the same way I do now. I would also fish up stone walls and put the river back where it was.

20. If they put more water in Honopou, I would appreciate the natural beauty the same way I do now. Maybe more. That's life right there, so I would appreciate it.

21. H2O for Honopou!

I declare under penalty of perjury that the foregoing is true and correct.

SANFORD KEKAHUNA

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIQHUE,  
PAAKEA, WAIATAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF SOLOMON  
KAAUAMO

DECLARATION OF SOLOMON KAAUAMO

I, Solomon Kaaauamo, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. My family has an interest in property in proximity to Waiokamilo Stream.
5. I am a taro farmer. My family grows kalo on property irrigated by Waiokamilo Stream. I have about four to five acres, but not all my lo'i are open because there is not enough water.
6. I am farming this land based on my love for this 'āina and to preserve our culture and traditions which in turn will preserve Hawaii.
7. I learned how to farm taro from my parents, grandparents, uncles, and aunties. I grew up on this property.

8. Traditionally, my family gathered ‘ōpae, ‘o‘opu, and hihiwai from Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. My ‘ohana also gathered plants off stream, including watercress, haha, and hapuu.

9. My family also traditionally fished for ‘opihi, enenu, anae, ‘ō‘io moi, popaa, and other fish in or near the mouth of Honomanu and all along the coastline up to Nahiku. My ‘ohana would also gather hihiwai in those streams near the shoreline.

10. Traditionally, my family engaged in mālama ‘āina and mālama kahawai in and around Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue by clearing away the ‘ōpala when they gathered. They also made sure to leave enough resources behind so they could propagate.

11. Currently, my ‘ohana gathers ‘ōpae above the diversions in Wailua, West Wailuaiki, East Wailuaiki, Hanawi, Makapipi, and Waiohue. We have to go above because there is no ‘ōpae below. We gather hihiwai in Hanawi, Makapipi, and Waiohue. There is no ‘o‘opu for us to gather.

12. Currently, my ‘ohana fishes for ‘opihi, enenu, anae, ‘ō‘io moi, popaa, and other fish in or near the mouth of Honomanu and all along the coastline up to Nahiku. However, the fish are now scarce so we don’t catch very many.

13. My family also practices mālama ‘āina and mālama kahawai in and around the areas that stretch from Honomanu to Nahiku by doing what our kupuna taught us – taking out all of our ‘ōpala when we leave the stream area and leaving resources behind so they can propagate.

14. I gather and fish in order to supplement my family’s food resources. Living off of this food is much better than McDonalds or whatever. I also gather and fish to help pass on the tradition to my kids and grandkids.

15. My family also enjoys swimming in Wailua and Waikani.

16. I gather maybe two or three times a year in order to supply food for ‘ohana gatherings on special occasions.

17. The lack of stream flow is a problem for me mostly because of the taro. Kalo is our supplemental income. I brought up my kids working the taro patch and gathering. When we had a lot of water, the taro was growing. Then came apple snails, which set us back. Then the lack of water set us back. The quality of the taro was no longer there, so the poi factory wouldn't take the taro. It is a hard life. My kids want to come home and continue this life, but it's hard to do under current conditions.

18. The lack of water has caused financial setbacks, and it has reduced the quality and quantity of taro. Additionally, not all of the lo'i on my property are opened up. Abandoned lo'i above our patches requires more work and maintenance to get water to our lo'i.

19. If there was enough water in the streams, my 'ohana would gather as my kupuna did. We would gather ōpae, 'o'opu, hihiwai, watercress, haha, and hapuu in and around Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue. We would have more choices, which would mean more resources. If you rotate from stream to stream, you can give the streams a break.

20. If there was more water in the streams, my family and I would fish for opihi, enenu, anae, 'ō'io moi, popaa, and other fish in or near the mouth of Honomanu and all along the coastline up to Nahiku.

21. If lack of stream flow was not a problem, I would continue to mālama 'āina and mālama kahawai in and around Honomanu up through Nahiku, ensuring I didn't leave any 'ōpala behind or take too much of any resource.

22. My 'ohana would continue to enjoy swimming in Wailua and Waikani (Wailuanui) and maybe other streams if there was enough stream flow.

23. I continue to work the land in my old age so that I will leave something worthwhile for my kids. It has been a hard life, but I want to make sure that my 'ohana will be ok.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Haiku, Maui, Hawai'i, December 15, 2014.

  
SOLOMON KA'AUAMO

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF STEVEN  
HO'OKANO

DECLARATION OF STEVEN HO'OKANO

I, Steven Ho'okano, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. I was born September 19, 1973 to Clarence Joseph Nishioka Hookano and

Stephanie Hookano.

5. My father's father was Genzo Nishioka and his mother was Kanekoa.
6. My father was a good fisherman. He always gave away, that was the tradition.

He learned how to fish from his family and by watching Kalalani, who was a master fisherman in our community.

7. I am a taro farmer. My family grows kalo on property irrigated by Waiokamilo. I'm farming this land because I got permission from my Uncle Jojo Young. I don't farm my own family's property because there's not enough water.
8. Traditionally, my family fished and gathered for what they like eat.
9. My 'ohana gathered 'ōpae, 'o'opu, prawns, and frogs in Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, and Puakaa. Lakini (off Waiokamilo) and Puakaa were good places for 'ōpae.
10. Traditionally, my 'ohana fished for akule, enenu, uu, menpachi, anae, manini, moi, 'ahi, aholehole, pāpio, 'ō'io, and opihi in or near the mouths of Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, and Waiohue. They would live bait and throw net. They even used to throw net in the spring at Nuailua. My
11. My 'ohana also engaged in mālama 'āina and mālama kahawai in the streams they used for farming, fishing and gathering by not overfishing or overgathering. They were self-monitoring.
12. When I was a kid, I used to be able to gather 'ōpae right from the 'auwai. Once the water flow changed, the 'ōpae never came back into the 'auwai so I don't really gather anymore. Too far.
13. I currently dive and lay net for the same kind of fish my family would get from Honomanu to East Wailuaiki. I don't see as much fish as before.
14. I fish because it is part of my diet. I fished like my father did to help raise our family. It is also important now to do it to help feed the older generations in our community.
15. I practice mālama 'āina and mālama kahawai by not overfishing. I self-regulate. This applies to all the streams that feed the ocean where I fish. I also clean the ditches off Waiokamilo.
16. The lack of stream flow has been a problem. I cannot farm on two acres of my family's land because there is not enough water. The property sits at the end of the flow and the water is too warm. That can cause pocket rot. Instead, I farm on my Uncle's property (Jojo Young). The taro quality isn't as good.
17. My brother, who owns a catering business, has been affected by the junk taro that we have been producing the last few years so he has to get taro from other valleys.

18. Also, there has been fighting amongst community members over water needs. This shouldn't be happening.

19. If there was more water, I would definitely open up a few more acres of kalo in Wailua.

20. If stream flow were restored, I would probably gather 'ōpae in the 'auwai again off Waiokamilo.

21. If water was put back in the streams, I would definitely continue fishing in the ocean fed by Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki for the same kind of fish we got traditionally and that I fish for now. Hopefully there would be more.

22. If water was restored, I would keep self-regulating my fishing practices and cleaning the ditches to allow for stream flow to reach the lo'i fed by Waiokamilo.

23. Honestly, when I came home and never had the waterfall, I was pissed off. Growing taro is what I love to do, so when no more water, I get pissed off.

24. Even though EMI put water back, I keep wondering if this is a blessing or a curse. I don't see the water!

25. After those releases, EMI was making record profit. What's up with that?

26. I have friends and family who work for EMI. They say they are concerned about their jobs, but I always think, you can get another job, but you can't get another culture!

I declare under penalty of perjury that the foregoing is true and correct.

STEVEN HOOKANO

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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIQHUE,  
PAAKEA, WAIATAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF TERESA M. "TERI"  
GOMES; EXHIBITS "A-2"- "A-136"

**DECLARATION OF TERESA M. "TERI" GOMES**

I, TERESA M. "TERI" GOMES, hereby declare based upon personal knowledge of the facts stated herein.

1. I am presently employed as a title and genealogy researcher at the Native Hawaiian Legal Corporation (hereafter, "NHLC") and have been involved in researching Hawaiian land titles and family genealogies for over 35 years.

2. My duties as a title and genealogy researcher regularly require me to trace evidence of title in various public and private repositories of documents and information related to the title to fee simple lands, including but not limited to the Bureau of Conveyances, Department of Land and Natural Resources (hereafter, "Bureau"), Land Management Office, Department of Land and Natural Resources (hereafter, "LMO"), and the Hawai'i State Archives, Department of Accounting and General Services (hereafter, "Archives"), back to the Mahele of 1848.

3. Where a holder of title may have died without signing a deed, will or other conveyance of one's property interest during his or her lifetime, I conduct research on the genealogy of the relevant title holder in order to determine how title may have passed down to succeeding generations through intestate succession.

4. To the extent permitted by law, I also research the records of other repositories, including but not limited to: (a) the Circuit Courts of the State of Hawai'i; (b) the Hawai'i Supreme Court; (c) Hawai'i State Public Libraries; (d) the Hawai'i State Department of Health, Bureau of Health Statistics; and (e) County Real Property Tax Assessment Offices.

5. The exhibits, findings and conclusions described below are based upon my examination of records, including but not limited to: (a) the Archives; (b) the Bureau; (c) the Board of Commissioners to Quiet Land Titles; (d) the Survey Division, Department of Accounting and General Services; and (e) the County of Mau'i, Real Property Tax Assessment Office.

6. **Exhibit "A-2"** is County of Mau'i, Second Division, Tax Map Key (hereafter, "TMK (2)") 1-1-03-11, containing 2.27 acres, more or less, being (a) Land Commission Award (hereafter, "LCA") 4665-G (Volume 9 Page 361); (b) Native Testimony (hereafter, "NT")

Volume 5 Page 402 (Hawaiian and English); (c) Foreign Testimony (hereafter, "FT") Volume 8 Pages 265-266 and Volume 16 Page 114; (d) Royal Patent (hereafter, "RP") 3341 (Volume 14 Pages 475-476); (e) Translation of Apana 2 LCA 4665-G; and (f) Derivation Instrument(s).

7. As adjudicated, LCA 4665-G is a kuleana award for lands claimed by a native tenant pursuant to the Act of August 6, 1850, commonly called the "Kuleana Act." *See L. 1850, p. 202.* As described by testimony thereto, Apana 2 contained 6 lo'i poalima (chief's irrigated terrace plantation).

8. **Exhibit "A-3"** is TMK (2) 1-1-03-15, containing 1.99 acres, more or less, being (a) LCA (hereafter, "LCA") 4848-F (Volume 9 Page 362); (b) NT (hereafter, "NT") Volume 5 Pages 436-437 (Hawaiian and English); (c) FT (hereafter, "FT") Volume 8 Page 296; (d) RP (hereafter, "RP") 3332 (Volume 14 Pages 457-458); (e) Translation of Apana 2 LCA 4848-F; and (f) Derivation Instrument(s).

9. As adjudicated, LCA 4848-F is a kuleana award for lands claimed by a native tenant pursuant to the "Kuleana Act." As described by testimony thereto, Apana 2 was a lo'i (irrigated terrace) patch.

10. **Exhibit "A-4"** is TMK (2) 1-1-03-16, containing 0.87 acres, more or less, being (a) LCA 4853-L (Volume 3 Pages 827-828); (b) NT Volume 5 Page 434 (Hawaiian and English); (c) FT Volume 8 Page 294; (d) RP 3268 (Volume 14 Pages 329-330); (e) Translation of Apana 1 LCA 4853; and (f) Derivation Instrument(s).

11. As adjudicated, LCA 4853-L is a kuleana award for lands claimed by a native tenant pursuant to the "Kuleana Act." As described by testimony thereto, Apana 1 was an ili (land area).

12. **Exhibit "A-5"** is TMK (2) 1-1-03-17, containing 0.07 acres, more or less, being

(a) LCA 4848-E (Volume 3 Pages 824-825); (b) NT Volume 5 Page 436 (Hawaiian and English); (c) FT Volume 8 Pages 295-296 and Volume 16 Page 107; (d) RP 3232 (Volume 14 Pages 337-338); (e) Translation of Apana 2 LCA 4848-E; and (f) Derivation Instrument(s).

13. As adjudicated, LCA 4848-E is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 was a lo’i (irrigated terrace).

14. **Exhibit “A-6”** is TMK (2) 1-1-03-18, containing 0.469 acres, more or less, being (a) LCA 4848 (Volume 7 Page 447); (b) Native Register (hereafter, “NR”) Volume 6 Page 208 (Hawaiian and English); (c) NT Volume 5 Pages 434-435 (Hawaiian and English); (d) FT Volume 8 Page 294; (e) RP 3655 (Volume 16 Pages 69-70); (f) Translation of Apana 2 LCA 4848; and (g) Derivation Instrument(s).

15. As adjudicated, LCA 4848 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 was a lo’i kalo (irrigated taro terrace).

16. **Exhibit “A-7”** is TMK (2) 1-1-03-22, containing 1.00 acre, more or less, being (a) LCA 4848-E (Volume 3 Pages 824-825); (b) NT Volume 5 Page 436 (Hawaiian and English); (c) FT Volume 8 Pages 295-296 and Volume 16 Page 107; (d) RP 3232 (Volume 14 Pages 337-338); (e) Translation of Apana 1 LCA 4848-E; and (f) Derivation Instrument(s).

17. As adjudicated, LCA 4848-E is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 was an ili (land area).

18. **Exhibit “A-8”** is TMK (2) 1-1-03-23, containing 0.71 acre, more or less, being (a) LCA 4848-G (Volume 3 Pages 826-827); (b) NT Volume 5 Pages 436-437 (Hawaiian and

English); (c) FT Volume 8 Page 296; (d) RP 3346 (Volume 14 Pages 485-486); (e) Translation of Apana 1 LCA 4848-G; and (f) Derivation Instrument(s).

19. As adjudicated, LCA 4848-G is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 was an ili (land area).

20. **Exhibit “A-9”** is TMK (2) 1-1-03-24, containing 0.75 acre, more or less, being (a) LCA 4847 (Volume 3 Pages 445-446); (b) NR Volume 6 Pages 207-208 (Hawaiian and English); (c) NT Volume 5 Pages 375-376 (Hawaiian and English); (d) FT Volume 8 Page 242; (e) RP 3266 (Volume 14 Pages 325-326); (f) Translation of Apana 3 LCA 4847; and (g) Derivation Instrument(s).

21. As adjudicated, LCA 4847 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 3 contained eight (8) lo’i (irrigated terraces).

22. **Exhibit “A-10”** is TMK (2) 1-1-03-25, containing 0.74 acre, more or less, being (a) LCA 4854 (Volume 3 Page 477); (b) NR Volume 6 Page 210 (Hawaiian and English); (c) NT Volume 5 Pages 378-379 (Hawaiian and English); (d) FT Volume 8 Page 245; (e) RP 3270 (Volume 14 Pages 333-334); (f) Translation of LCA 4854; and (g) Derivation Instrument(s).

23. As adjudicated, LCA 4854 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot was kalo (taro) land containing four (4) lo’i (irrigated terraces).

24. **Exhibit “A-11”** is TMK (2) 1-1-03-29, designated Lot 15-B, containing 0.25 acre, more or less, being (a) Land Patent Grant (hereafter, “LP Grant) S-13698 (Volume 98 Pages 477-478) and (b) Derivation Instrument(s).

25. As granted, LP Grant S-13698 is a fee simple conversion of Homestead Lease No. 92 for agricultural homestead purposes. As described therein, Lot 15-B is a taro lot.

26. **Exhibit “A-12”** is TMK (2) 1-1-03-31, designated Lot 17, containing 2.50 acres, more or less, being (a) LP Grant S-14514 (Volume 110 Pages 53-56) and (b) Derivation Instrument(s).

27. As granted, LP Grant S-14514 is a purchase of government land for agricultural homestead purposes. As shown on map therein, Lot 17 runs along Kukuipuka Gulch and two (2) kuleana awards.

28. **Exhibit “A-13”** is TMK (2) 1-1-03-34, containing 0.511 acre, more or less, being (a) LCA 4665-G (Volume 9 Page 361); (b) NT Volume 5 Page 402 (Hawaiian and English); (c) FT Volume 8 Pages 265-266 and Volume 16 Page 114; (d) RP 3341 (Volume 14 Pages 475-476); (e) Translation of Apana 1 LCA 4665-G; and (f) Derivation Instrument(s).

29. As adjudicated, LCA 4665-G is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 was an ili (land area).

30. **Exhibit “A-14”** is TMK (2) 1-1-03-36, designated Lot 17-A, containing 1.05 acre, more or less, being (a) LP Grant S-14514 (Volume 110 Pages 53-56) and (b) Derivation Instrument(s).

31. As granted, LP Grant S-14514 is a purchase of government land for agricultural homestead purposes. As shown on map therein, Lot 17-A is a “Wet Land” lot (currently zoned for agricultural use).

32. **Exhibit “A-15”** is TMK (2) 1-1-03-37, designated Lot 14-A of Homestead Lease No. 17, containing 0.53 acre, more or less, a portion of the Government (Crown) Land of

Keanae, being (a) Tax History Sheet(s) showing usage, (b) Tax Assessment Sheet(s) showing current lessee(s), and Derivation Instrument(s).

33. As assessed, TMK (2) 1-1-03-37 is zoned for agricultural use and leased for homestead agricultural purposes.

34. **Exhibit “A-16”** is TMK (2) 1-1-03-38, designated Lot 15-A, containing 0.42 acre, more or less, being (a) LP Grant S-13698 (Volume 98 Pages 477-478) and (b) Derivation Instrument(s).

35. As granted, LP Grant S-13698 is a fee simple conversion of Homestead Lease No. 92 for agricultural homestead purposes. As described therein, Lot 15-A is a taro lot.

36. **Exhibit “A-17”** is TMK (2) 1-1-03-39, designated Lot 13-A, containing 0.52 acre, more or less, being (a) LP Grant S-14821 (Volume 110 Pages 78-81) and (b) Derivation Instrument(s).

37. As granted, LP Grant S-14821 is a purchase of government land for agricultural homestead purposes. As described therein, Lot 13-A is a taro lot.

38. **Exhibit “A-18”** is TMK (2) 1-1-03-40, containing 0.30 acre, more or less, being (a) LCA 4848-H (Volume 3 Page 829); (b) NT Volume 5 Page 438 (Hawaiian and English); (c) FT Volume 8 Pages 297-298; (d) RP 3271 (Volume 14 Pages 335-336); (e) Translation of Apana 1 LCA 4848-H; (f) Assessment Instrument(s); and (g) Business registration.

39. As adjudicated, LCA 4848-H is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 contained five (5) lo’i (irrigated terraces).

40. **Exhibit “A-19”** is TMK (2) 1-1-03-41, containing 6.12 acres, more or less, designated Lots 1 and 3 of Land Court Application 240 of Annie Amoy Ah Quai Chamberlain,

being (a) Tax History Sheet(s) showing usage; (b) Tax Assessment Sheet(s) showing current ownership; and (c) Derivation Instrument(s).

41. As assessed, TMK (2) 1-1-03-41 is zoned for agricultural use.

42. **Exhibit “A-20”** is TMK (2) 1-1-03-42, containing 0.13 acre, more or less, being (a) LCA 4874 (Volume 7 Page 506); (b) NR Volume 6 Page 214 (Hawaiian and English); (c) RP 3656 (Volume 16 Pages 71-72); (d) Translation of Apana 2 LCA 4854; and (e) Derivation Instrument(s).

43. As adjudicated, LCA 4874 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 contained two (2) lo’i (irrigated terraces).

44. **Exhibit “A-21”** is TMK (2) 1-1-03-43, containing 0.146 acres, more or less, a portion of the Government (Crown) Land of Keanae, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

45. As assessed, TMK (2) 1-1-03-43 is zoned for agricultural use and leased for agricultural purposes.

46. **Exhibit “A-22”** is TMK (2) 1-1-03-44, containing 0.201 acres, more or less, a portion of the Government (Crown) Land of Keanae, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

47. As assessed, TMK (2) 1-1-03-44 is zoned for agricultural use and leased for agricultural purposes.

48. **Exhibit “A-23”** is TMK (2) 1-1-03-45, designated Lot 11-A, containing 0.80 acre, more or less, being (a) LP Grant S-14818 (Volume 110 Pages 67-70) and (b) Derivation Instrument(s).

49. As granted, LP Grant S-14821 is a purchase of government land for agricultural homestead purposes. As described therein, Lot 11-A is a taro lot.

50. **Exhibit “A-24”** is TMK (2) 1-1-03-48, designated Lot 10-B, containing 0.11 acre, more or less, being (a) LP Grant 13164 (Volume 93 Pages 333-339) and (b) Derivation Instrument(s).

51. As granted, LP Grant 13164 is a purchase of government land for agricultural homestead purposes. As described therein, Lot 10-B is a taro lot.

52. **Exhibit “A-25”** is TMK (2) 1-1-03-49, containing 0.27 acre, more or less, being (a) LCA 4856 (Volume 7 Pages 444-445); (b) NR Volume 6 Pages 210-211 (Hawaiian and English); (c) NT Volume 5 Page 375 (Hawaiian and English); (d) FT Volume 8 Page 241; (e) RP 3357 (Volume 14 Pages 507-508); (e) Translation of Apana 2 LCA 4856; and (f) Derivation Instrument(s).

53. As adjudicated, LCA 4856 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 contained two (2) lo’i (irrigated terraces).

54. **Exhibit “A-26”** is TMK (2) 1-1-03-50, designated Lot 10-C, containing 0.06 acre, more or less, being (a) LP Grant 13164 (Volume 93 Pages 333-339) and (b) Derivation Instrument(s).

55. As granted, LP Grant 13164 is a purchase of government land for agricultural homestead purposes. As described therein, Lot 10-C is a taro lot.

56. **Exhibit “A-27”** is TMK (2) 1-1-03-53, containing 2.40 acre, more or less, being (a) LCA 4665-F (Volume 3 Page 831); (b) NT Volume 5 Page 401 (Hawaiian and English); (c) FT Volume 8 Page 265; (d) RP 3274 (Volume 14 Pages 341-342); (e) Translation of Apana 1

LCA 4665-F; and (f) Derivation Instrument(s).

57. As adjudicated, LCA 4665-F is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 was an ili (land area).

58. **Exhibit “A-28”** is TMK (2) 1-1-03-57, designated Lot 9-A, containing 0.85 acres, more or less, being (a) LP Grant S-14783 (Volume 109 Pages 308-311) and (b) Derivation Instrument(s).

59. As granted, LP Grant S-14783 is a purchase of government land for agricultural homestead purposes. As described therein, Lot 9-A is a taro lot.

60. **Exhibit “A-29”** is TMK (2) 1-1-03-65, containing 0.18 acres, more or less, a portion of Lot 1 of Land Court Application 240 of Annie Amoy Ah Quai Chamberlain, being (a) Tax History Sheet(s) showing usage; (b) Tax Assessment Sheet(s) showing current ownership; and (c) Derivation Instrument(s).

61. As assessed, TMK (2) 1-1-03-65 is zoned conservation.

62. **Exhibit “A-30”** is TMK (2) 1-1-03-75, containing 0.128 acres, more or less, being (a) LCA 4856 (Volume 7 Pages 444-445); (b) NR Volume 6 Pages 210-211 (Hawaiian and English); (c) NT Volume 5 Page 375 (Hawaiian and English); (d) FT Volume 8 Page 241; (e) RP 3357 (Volume 14 Pages 507-508); (e) Translation of Apana 1 LCA 4856; and (f) Derivation Instrument(s).

63. As adjudicated, LCA 4856 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 contained four (4) lo’i (irrigated terraces).

64. **Exhibit “A-31”** is TMK (2) 1-1-03-76, containing 0.09 acre, more or less, being

(a) LCA 2441 (Volume 7 Page 444); (b) NR Volume 3 Page 501 (Hawaiian and English); (c) NT Volume 3 Pages 373-374 (Hawaiian and English); (d) FT Volume 8 Page 240; (e) RP 2946 (Volume 13 Pages 375-376); (e) Translation of Apana 2 LCA 2441; and (f) Derivation Instrument(s).

65. As adjudicated, LCA 2441 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 contained two (2) lo’i (irrigated terraces).

66. **Exhibit “A-32”** is TMK (2) 1-1-03-81, containing 0.66 acre, more or less, being (a) LCA 2442 (Volume 7 Pages 443-444); (b) NR Volume 3 Page 501 (Hawaiian and English); (c) NT Volume 3 Page 374 (Hawaiian and English); (d) FT Volume 8 Pages 240-241; (e) RP 2017 (Volume 8 Pages 353-354); (e) Translation of LCA 2442; and (f) Derivation Instrument(s).

67. As adjudicated, LCA 2442 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot contained six (6) lo’i (irrigated terraces).

68. **Exhibit “A-33”** is TMK (2) 1-1-03-82, containing 1.42 acres, more or less, being (a) LCA 4856 (Volume 7 Pages 444-445); (b) NR Volume 6 Pages 210-211 (Hawaiian and English); (c) NT Volume 5 Page 375 (Hawaiian and English); (d) FT Volume 8 Page 241; (e) RP 3357 (Volume 14 Pages 507-508); (e) Translation of Apana 1 LCA 4856; and (f) Derivation Instrument(s).

69. As adjudicated, LCA 4856 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 contained four (4) lo’i (irrigated terraces).

70. **Exhibit “A-34”** is TMK (2) 1-1-03-83, designated Lot 8-A, containing 0.70 acre,

more or less, being (a) LP Grant 13164 (Volume 93 Pages 333-339) and (b) Derivation Instrument(s).

71. As granted, LP Grant 13164 is a purchase of government land for agricultural homestead purposes. As described therein, Lot 8-A is a taro lot.

72. **Exhibit “A-35”** is TMK (2) 1-1-03-89, designated Lot 7-A-1, containing 0.48 acre, more or less, being (a) LP Grant 13208 (Volume 94 Pages 31-35) and (b) Derivation Instrument(s).

73. As granted, LP Grant 13208 is a purchase of government land for agricultural homestead purposes. As described therein, Lot 7-A-1 is a taro lot.

74. The total acreage for all parcels assessed under TMK (2) 1-1-03, situate in Ke‘anae, Ko‘olau, Hana, Maui, is 29.695 acres, more or less.

75. **Exhibit “A-36”** is TMK (2) 1-1-04-03, containing 0.46 acres, more or less, being (a) LCA 4853-G (Volume 3 Page 612); (b) NT Volume 5 Pages 432-433 (Hawaiian and English); (c) FT Volume 8 Page 292; (d) RP 3255 (Volume 14 Pages 303-304); (e) Translation of Apana 2 LCA 4853-G; and (f) Derivation Instrument(s).

76. As adjudicated, LCA 4853-G is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 contained two (2) lo‘i (irrigated terraces).

77. **Exhibit “A-37”** is TMK (2) 1-1-04-05, containing 4.82 acres, more or less, a portion of the Government (Crown) Land of Keanae, being (a) Tax History Sheet and Tax Assessment Sheet(s) showing no lessee(s).

78. As assessed, TMK (2) 1-1-04-05 is zoned for agricultural use.

79. **Exhibit “A-38”** is TMK (2) 1-1-04-06, containing 1.53 acres, more or less, a

portion of the Government (Crown) Land of Keanae, being (a) Tax History Sheet showing usage and Tax Assessment Sheet(s) showing no lessee(s).

80. As assessed, TMK (2) 1-1-04-06 is zoned for agricultural use.

81. **Exhibit “A-39”** is TMK (2) 1-1-04-09, containing 0.62 acres, more or less, being (a) LCA 4779 (Volume 3 Page 488); (b) NR Volume 6 Page 542 (Hawaiian and English); (c) NT Volume 5 Page 367 (Hawaiian and English); (d) FT Volume 8 Page 233; (e) RP 3279 (Volume 14 Pages 351-352); (e) Translation of LCA 4779; and (f) Derivation Instrument(s).

82. As adjudicated, LCA 4779 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot contained eight (8) lo’i (irrigated terraces).

83. **Exhibit “A-40”** is TMK (2) 1-1-04-11, containing 0.360 acres, more or less, being (a) LCA 11043-B (Volume 3 Page 614); (b) NR Volume 6 Page 541 (Hawaiian and English); (c) NT Volume 5 Pages 429-430 (Hawaiian and English); (d) FT Volume 8 Page 289; (e) RP 2786 (Volume 13 Pages 33-34); (e) Translation of Apana 2 LCA 11043-B; and (f) Derivation Instrument(s).

84. As adjudicated, LCA 11043-B is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 was a mo’o (narrow strip of land).

85. **Exhibit “A-41”** is TMK (2) 1-1-04-12, containing 0.35 acres, more or less, being (a) LCA 5068 (Volume 3 Page 832); (b) NR Volume 6 Page 543 (Hawaiian and English); (c) NT Volume 5 Pages 371-372 (Hawaiian and English); (d) FT Volume 8 Page 238; (e) RP 7025 (Volume 26 Pages 469-470); (e) Translation of Apana 1 LCA 5068; and (f) Derivation Instrument(s).

86. As adjudicated, LCA 5068 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 contained twenty-four (24) lo’i (irrigated terraces).

87. **Exhibit “A-42”** is TMK (2) 1-1-04-13, containing 1.27 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

88. As assessed, TMK (2) 1-1-04-13 is zoned for agricultural use and leased for agricultural purposes.

89. **Exhibit “A-43”** is TMK (2) 1-1-04-14, containing 0.19 acres, more or less, being (a) LCA 6769 (Volume 3 Page 615); (b) FT Volume 8 Pages 273-274; (c) RP 3260 (Volume 14 Pages 313-314); (d) Translation of LCA 6769; and (f) Derivation Instrument(s).

90. As adjudicated, LCA 6769 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot contained six (6) kalo lo’i (irrigated taro terraces).

91. **Exhibit “A-44”** is TMK (2) 1-1-04-15, containing 0.620 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax Assessment Sheet(s) showing no lessee(s).

92. As assessed, TMK (2) 1-1-04-15 is zoned for agricultural use.

93. **Exhibit “A-45”** is TMK (2) 1-1-04-16, containing 4.905 acres, more or less, being (a) LCA 4853-E (Volume 3 Page 844); (b) NT Volume 5 Page 432 (Hawaiian and English); (c) FT Volume 8 Page 292; (d) RP 3277 (Volume 14 Pages 347-348); (e) Translation of LCA 4853-E; and (f) Derivation Instrument(s).

94. As adjudicated, LCA 4853-E is a kuleana award for lands claimed by a native

tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot is a mo’o (narrow strip of land).

95. **Exhibit “A-46”** is TMK (2) 1-1-04-17, a parcel of land dropped into TMK (2) 1-1-04-13 (**Exhibit “A-42”**) and no longer assessed as a separate parcel of land.

96. **Exhibit “A-47”** is TMK (2) 1-1-04-18, containing 0.65 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax Assessment Sheet(s) showing no lessee(s).

97. As assessed, TMK (2) 1-1-04-18 is zoned for agricultural use.

98. **Exhibit “A-48”** is TMK (2) 1-1-04-20, containing 1.006 acres, more or less, being (a) LCA 5056 (Volume 3 Page 486); (b) NR Volume 6 Pages 234 (Hawaiian and English); (c) NT Volume 5 Page 368 (Hawaiian and English); (d) FT Volume 8 Page 235; (e) RP 2804 (Volume 13 Pages 69-70); (e) Translation of LCA 5056; and (f) Derivation Instrument(s).

99. As adjudicated, LCA 5056 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot contained twenty-one (21) lo’i (irrigated terraces).

100. **Exhibit “A-49”** is TMK (2) 1-1-04-21, containing 0.75 acres, more or less, being (a) LCA 4853-G (Volume 3 Page 612); (b) NT Volume 5 Pages 432-433 (Hawaiian and English); (c) FT Volume 8 Page 292; (d) RP 3255 (Volume 14 Pages 303-304); (e) Translation of Apana 1 LCA 4853-G; and (f) Derivation Instrument(s).

101. As adjudicated, LCA 4853-G is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 is a mo’o (narrow strip of land).

102. **Exhibit “A-50”** is TMK (2) 1-1-04-22, containing 2.75 acres, more or less, being

(a) LCA 5051 (Volume 3 Pages 613-614); (b) NR Volume 6 Page 233 (Hawaiian and English); (c) NT Volume 5 Pages 236 and 370 (Hawaiian and English); (d) FT Volume 8 Page 236; (e) RP 3788 (Volume 13 Pages 37-38); (e) Translation of Apana 1 LCA 5051; and (f) Derivation Instrument(s).

103. As adjudicated, LCA 5051 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 contained twenty-six (26) lo’i (irrigated terraces).

104. **Exhibit “A-51** is TMK (2) 1-1-04-23, containing 1.41 acres, more or less, being (a) LCA 4867 (Volume 3 Pages 493-494); (b) NR Volume 6 Pages 211-212 (Hawaiian and English); (c) NT Volume 5 Pages 363-364 (Hawaiian and English); (d) FT Volume 8 Page 280; (e) RP 2787 (Volume 13 Pages 35-36); (e) Translation of LCA 4867; and (f) Derivation Instrument(s).

105. As adjudicated, LCA 4867 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot is a mo’o (narrow strip of land).

106. **Exhibit “A-52”** is TMK (2) 1-1-04-24, containing 0.614 acres, more or less, being (a) LCA 5030 (Volume 3 Pages 488-489); (b) NR Volume 6 Page 229 (Hawaiian and English); (c) NT Volume 6 Page 367 (Hawaiian and English); (d) FT Volume 8 Page 233; (e) RP 2811 (Volume 13 Pages 83-84); (e) Translation of Apana 1 LCA 5030; and (f) Derivation Instrument(s).

107. As adjudicated, LCA 5030 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 contained ten (10) lo’i (irrigated terraces).

108. **Exhibit “A-53”** is TMK (2) 1-1-04-25, containing 0.42 acres, more or less, being (a) LCA 5066-B (Volume 3 Pages 487-488); (b) NR Volume 6 Page 545 (Hawaiian and English); (c) NT Volume 5 Page 367 (No Hawaiian; only English); (d) FT Volume 8 Page 233; (e) RP 3254 (Volume 14 Pages 301-302); (e) Translation of Apana 1 LCA 5066-B; and (f) Derivation Instrument(s).

109. As adjudicated, LCA 5066-B is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 is an ili (land area).

110. **Exhibit “A-54”** is TMK (2) 1-1-04-26, containing 0.31 acres, more or less, being (a) LCA 4587 (Volume 3 Page 845); (b) NR Volume 6 Pages 186-187 (Hawaiian and English); (c) NT Volume 5 Pages 411 and 430 (Hawaiian and English); (d) FT Volume 8 Pages 274, 289, and 294; (e) RP 2806 (Volume 13 Pages 73-74); (e) Translation of LCA 4587; and (f) Derivation Instrument(s).

111. As adjudicated, LCA 4587 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot contained twelve (12) lo’i (irrigated terraces).

112. **Exhibit “A-55”** is TMK (2) 1-1-04-27, containing 1.60 acres, more or less, being (a) LCA 5062 (Volume 3 Pages 843-844); (b) NR Volume 6 Page 544 (Hawaiian and English); (c) NT Volume 5 Page 370 (Hawaiian and English); (d) FT Volume 8 Pages 236-237; (e) RP 3263 (Volume 14 Pages 319-320); (e) Translation of LCA 5062; and (f) Derivation Instrument(s).

113. As adjudicated, LCA 5062 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot contained twenty (20)

lo'i (irrigated terraces).

114. **Exhibit "A-56"** is TMK (2) 1-1-04-28, containing 1.25 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax Assessment Sheet(s) showing no lessee(s).

115. As assessed, TMK (2) 1-1-04-28 is zoned for agricultural use.

116. **Exhibit "A-57"** is TMK (2) 1-1-04-30, containing 1.72 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

117. As assessed, TMK (2) 1-1-04-30 is zoned for agricultural use and leased for agricultural purposes.

118. **Exhibit "A-58"** is TMK (2) 1-1-04-38, containing 0.125 acres, more or less, being (a) LCA 3499 (Volume 3 Pages 844-845); (b) NR Volume 6 Pages 94-95 (Hawaiian and English); (c) NT Volume 5 Page 429 (Hawaiian and English); (d) FT Volume 8 Pages 288-289; (e) RP 3264 (Volume 14 Pages 321-322); (e) Translation of LCA 3499; and (f) Derivation Instrument(s).

119. As adjudicated, LCA 3499 is a kuleana award for lands claimed by a native tenant pursuant to the "Kuleana Act." As described by testimony thereto, the lot contained seven (7) lo'i (irrigated terraces).

120. The total acreage for all parcels assessed under TMK (2) 1-1-04, situate in Wailua, Ko'olau, Hana, Maui, is 27.73 acres, more or less.

121. **Exhibit "A-59"** is TMK (2) 1-1-05-12, containing 0.338 acres, more or less, being (a) LCA 10828-B (Volume 3 Pages 377-378); (b) NT Volume 5 Pages 378-379 (Hawaiian and English); (c) FT Volume 8 Page 244; (d) RP 2802 (Volume 13 Pages 65-66); (e) Translation

of Apana 1 LCA 10828-B; and (f) Derivation Instrument(s).

122. As adjudicated, LCA 10828 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 was a loko (pond).

123. **Exhibit “A-60”** is TMK (2) 1-1-05-15, containing 1.684 acres, more or less, being (a) LCA 4865 (Volume 3 Pages 494-495); (b) NR Volume 6 Page 211 (Hawaiian and English); (c) NT Volume 5 Page 262 (Hawaiian and English); (d) FT Volume 8 Pages 229-230; (e) RP 6144 (Volume 23 Pages 455-456); (e) Translation of Apana 1 LCA 4865; and (f) Derivation Instrument(s).

124. As adjudicated, LCA 4865 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 was a mo’o (narrow strip of land).

125. **Exhibit “A-61”** is TMK (2) 1-1-05-16, designated Lots 45 and 45-A, containing 2.33 acres, more or less, being (a) LP Grant S-14662 (Volume 108 Pages 247-250) and (b) Derivation Instrument(s).

126. As granted, LP Grant S-14662 is a purchase of government land for agricultural homestead purposes. As described therein, Lots 45 and 45-A are two (2) Wailua Homestead lots.

127. **Exhibit “A-62”** is TMK (2) 1-1-05-17, containing 3.03 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

128. As assessed, TMK (2) 1-1-05-17 is zoned for agricultural use and leased for agricultural purposes.

129. **Exhibit “A-63”** is TMK (2) 1-1-05-18, containing 4.92 acres, more or less, being

(a) LCA 5059 (Volume 3 Page 834); (b) NR Volume 6 Page 235 (Hawaiian and English); (c) NT Volume 5 Page 362 (Hawaiian and English); (d) FT Volume 8 Page 229; (e) RP 3258 (Volume 14 Pages 309-310); (e) Translation of LCA 5059; and (f) Derivation Instrument(s).

130. As adjudicated, LCA 5059 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot was a mo’o (narrow strip of land).

131. **Exhibit “A-64”** is TMK (2) 1-1-05-19, designated Lot 6-A, containing 0.60 acres, more or less, being (a) LP Grant S-15305 (Volume 115 Pages 21-25) and (b) Derivation Instrument(s).

132. As granted, LP Grant S-15305 is a purchase of government land for agricultural homestead purposes. As described therein, Lot 6-A is a taro lot.

133. **Exhibit “A-65”** is TMK (2) 1-1-05-20, designated Lot 7-A, containing 0.57 acres, more or less, being (a) LP Grant 13129 (Volume 92 Pages 131-135) and (b) Derivation Instrument(s).

134. As granted, LP Grant 13129 is a fee simple conversion of Homestead Lease No. 40 for agricultural homestead purposes. As described therein, Lot 7-A is a taro lot.

135. **Exhibit “A-66”** is TMK (2) 1-1-05-21, designated Lot 8-A, containing 0.79 acres, more or less, being (a) LP Grant 13329 (Volume 95 Pages 123-127) and (b) Derivation Instrument(s).

136. As granted, LP Grant 13329 is a fee simple conversion of Homestead Lease No. 61 for agricultural homestead purposes. As described therein, Lot 8-A is a taro lot.

137. **Exhibit “A-67”** is TMK (2) 1-1-05-22, designated Lot 9-A, containing 0.77 acres, more or less, being (a) LP Grant S-15850 (LMO Copy), (b) Tax History Sheet(s), and (c)

Tax Assessment Sheet(s).

138. As granted, LP Grant S-15850 is a transfer of government land for agricultural homestead purposes. As assessed, Lot 9-A is zoned for agricultural use.

139. **Exhibit “A-68”** is TMK (2) 1-1-05-23, designated Lot 10-A, containing 0.67 acres, more or less, being (a) LP Grant 13127 (Volume 93 Pages 119-123) and (b) Derivation Instrument(s).

140. As granted, LP Grant 13127 is a fee simple conversion of Homestead Lease No. 74 for agricultural homestead purposes. As described therein, Lot 10-A is a taro lot.

141. **Exhibit “A-69”** is TMK (2) 1-1-05-24, designated Lot 11-A, containing 0.60 acres, more or less, being (a) LP Grant S-15078 (Volume 112 Pages 375-380) and (b) Derivation Instrument(s).

142. As granted, LP Grant S-15078 is a purchase of government land for agricultural homestead purposes. As described therein, Lot 11-A is a taro lot.

143. **Exhibit “A-70”** is TMK (2) 1-1-05-25, containing 1.31 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

144. As assessed, TMK (2) 1-1-05-25 is zoned for agricultural use and leased for agricultural purposes.

145. **Exhibit “A-71”** is TMK (2) 1-1-05-28, containing 0.162 acres, more or less, being (a) LCA 4561 (Volume 7 Pages 441-442); (b) NR Volume 6 Page 181 (Hawaiian and English); (c) NT Volume 5 Page 361 (Hawaiian and English); (d) FT Volume 8 Pages 227-228; (e) RP 3281 (Volume 14 Pages 355-356); (e) Translation of Apana 4 LCA 4561; and (f) Derivation Instrument(s).

146. As adjudicated, LCA 4561 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 4 contained one (1) lo’i (irrigated terrace).

147. **Exhibit “A-72”** is TMK (2) 1-1-05-29, containing 0.86 acres, more or less, being (a) LCA 5058 (Volume 3 Pages 842-843); (b) NR Volume 6 Pages 235-236 (Hawaiian and English); (c) NT Volume 5 Page 369 (Hawaiian and English); (d) FT Volume 8 Pages 235-236; (e) RP 3256 (Volume 14 Pages 305-306); (e) Translation of Apanas 1 and 2 LCA 5058; and (f) Derivation Instrument(s).

148. As adjudicated, LCA 5058 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apanas 1 and 2 contained twenty-two (22) lo’i (irrigated terraces).

149. **Exhibit “A-73”** is TMK (2) 1-1-05-30, containing 2.67 acres, more or less, being (a) LCA 5060 (Volume 3 Page 485); (b) NR Volume 6 Page 542 (Hawaiian and English); (c) NT Volume 5 Page 369 (Hawaiian and English); (d) FT Volume 8 Page 235; (e) RP 3259 (Volume 14 Pages 311-312); (e) Translation of LCA 5060; and (f) Derivation Instrument(s).

150. As adjudicated, LCA 5060 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot contained ten (10) lo’i (irrigated terraces).

151. **Exhibit “A-74”** is TMK (2) 1-1-05-31, containing 1.545 acres, more or less, being (a) LCA 4561 (Volume 7 Pages 441-442); (b) NR Volume 6 Page 181 (Hawaiian and English); (c) NT Volume 5 Page 361 (Hawaiian and English); (d) FT Volume 8 Pages 227-228; (e) RP 3281 (Volume 14 Pages 355-356); (e) Translation of Apana 3 LCA 4561; and (f) Derivation Instrument(s).

152. As adjudicated, LCA 4561 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 contained one (1) lo’i (irrigated terrace).

153. **Exhibit “A-75”** is TMK (2) 1-1-05-32, containing 1.44 acres, more or less, being (a) LCA 5054 (Volume 7 Pages 440-441); (b) NR Volume 6 Page 234 (Hawaiian and English); (c) NT Volume 6 Page 366 (Hawaiian and English); (d) FT Volume 8 Page 232; (e) RP 3278 (Volume 14 Pages 349-350); (e) Translation of Apana 2 LCA 5054; and (f) Derivation Instrument(s).

154. As adjudicated, LCA 5054 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 was a mo’o (narrow strip of land).

155. **Exhibit “A-76”** is TMK (2) 1-1-05-33, designated Lot 25-A, containing 0.63 acres, more or less, being (a) LP Grant S-14236 (Volume 104 Pages 133-136) and (b) Derivation Instrument(s).

156. As granted, LP Grant S-14236 is a purchase of government land for agricultural homestead purposes. As described therein, the lot abuts government land.

157. **Exhibit “A-77”** is TMK (2) 1-1-05-34, containing 0.60 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

158. As assessed, TMK (2) 1-1-05-34 is zoned for agricultural use and leased for agricultural purposes.

159. **Exhibit “A-78”** is TMK (2) 1-1-05-41, containing 0.97 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet(s) showing

usage and (b) Tax Assessment Sheet(s) showing no lessee(s).

160. As assessed, TMK (2) 1-1-05-41 is zoned for agricultural use.

161. **Exhibit “A-79”** is TMK (2) 1-1-05-42, containing 3.40 acres, more or less, being (a) LCA 5059 (Volume 3 Page 834); (b) NR Volume 6 Page 235 (Hawaiian and English); (c) NT Volume 5 Page 362 (Hawaiian and English); (d) FT Volume 8 Page 229; (e) RP 3258 (Volume 14 Pages 309-310); (e) Translation of LCA 5059; and (f) Derivation Instrument(s).

162. As adjudicated, LCA 5059 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot was a mo’o (narrow strip of land).

163. **Exhibit “A-80”** is TMK (2) 1-1-05-44, containing 0.59 acres, more or less, being (a) LCA 5059 (Volume 3 Page 834); (b) NR Volume 6 Page 235 (Hawaiian and English); (c) NT Volume 5 Page 362 (Hawaiian and English); (d) FT Volume 8 Page 229; (e) RP 3258 (Volume 14 Pages 309-310); (e) Translation of LCA 5059; and (f) Derivation Instrument(s).

164. As adjudicated, LCA 5059 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot was a mo’o (narrow strip of land).

165. **Exhibit “A-81”** is TMK (2) 1-1-05-45, containing 0.65 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

166. As assessed, TMK (2) 1-1-05-45 is zoned for agricultural use and leased for agricultural purposes.

167. **Exhibit “A-82”** is TMK (2) 1-1-05-46, designated Lot 16-A, containing 0.75 acres, more or less, being (a) LP Grant S-14978 (Volume 111 Pages 327-332) and (b) Derivation

Instrument(s).

168. As granted, LP Grant S-14978 is a purchase of government land for agricultural homestead purposes. As described therein, Lot 16-A is a taro lot.

169. **Exhibit “A-83”** is TMK (2) 1-1-05-54, containing 0.94 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

170. As assessed, TMK (2) 1-1-05-54 is zoned for agricultural use and leased for agricultural purposes.

171. **Exhibit “A-84”** is TMK (2) 1-1-05-58, containing 0.216 acres, more or less, being (a) LCA 4866 (Volume 3 Page 494); (b) NR Volume 6 Page 211 (Hawaiian and English); (c) NT Volume 5 Page 363 (Hawaiian and English); (d) FT Volume 8 Page 229; (e) Translation of Apana 1 LCA 4866; and (f) Derivation Instrument(s).

172. As adjudicated, LCA 4866 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 was a kula (plain) and house lot.

173. The total acreage for all parcels assessed under TMK (2) 1-1-05, situate in Wailua, Ko‘olau, Hana, Maui, is 33.035 acres, more or less.

174. **Exhibit “A-85”** is TMK (2) 1-1-06-12, containing 6.00 acres, more or less, being (a) LCA 4853-D (Volume 3 Pages 832-833); (b) NT Volume 5 Pages 431-432 (Hawaiian and English); (c) FT Volume 8 Page 291; (d) RP 3276 (Volume 14 Pages 345-346); (e) Translation of Apana 1 LCA 4853-D; and (f) Derivation Instrument(s).

175. As adjudicated, LCA 4853-D is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 was an ili

(land area).

176. **Exhibit “A-86”** is TMK (2) 1-1-06-15, containing 0.55 acres, more or less, being (a) LCA 5055 (Volume 3 Pages 490-491); (b) NR Volume 6 Pages 234-235 (Hawaiian and English); (c) NT Volume 5 Page 365 (Hawaiian and English); (d) FT Volume 8 Page 231; (e) RP 2943 (Volume 13 Pages 369-370); (f) Translation of Apana 1 LCA 5055; and (g) Derivation Instrument(s).

177. As adjudicated, LCA 5055 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 contained eleven (11) lo’i (irrigated terraces).

178. **Exhibit “A-87”** is TMK (2) 1-1-06-16, containing 0.25 acres, more or less, being (a) LCA 5055 (Volume 3 Pages 490-491); (b) NR Volume 6 Pages 234-235 (Hawaiian and English); (c) NT Volume 5 Page 365 (Hawaiian and English); (d) FT Volume 8 Page 231; (e) RP 2943 (Volume 13 Pages 369-370); (f) Translation of Apana 1 LCA 5055; and (g) Derivation Instrument(s).

179. As adjudicated, LCA 5055 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 contained eleven (11) lo’i (irrigated terraces).

180. **Exhibit “A-88”** is TMK (2) 1-1-06-17, containing 0.79 acres, more or less, being (a) LCA 5052 (Volume 3 Pages 489-490); (b) NR Volume 6 Page 233 (Hawaiian and English); (c) NT Volume 5 Page 366 (Hawaiian and English); (d) FT Volume 8 Page 233; (e) RP 3275 (Volume 14 Pages 343-344); (f) Translation of LCA 5052; and (g) Derivation Instrument(s).

181. As adjudicated, LCA 5052 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot contained a house with

twenty-nine (29) lo'i (irrigated terraces).

182. **Exhibit "A-89"** is TMK (2) 1-1-06-18, containing 2.933 acres, more or less, being (a) LCA 10828-B (Volume 9 Pages 377-378); (b) NT Volume 5 Page 378 (Hawaiian and English); (c) FT Volume 8 Page 244; (d) RP 2802 (Volume 13 Pages 65-66); (e) Translation of Apana 3 LCA 10828-B; and (f) Derivation Instrument(s).

183. As adjudicated, LCA 10828-B is a kuleana award for lands claimed by a native tenant pursuant to the "Kuleana Act." As described by testimony thereto, Apana 3 was a mo'o (narrow strip of land).

184. **Exhibit "A-90"** is TMK (2) 1-1-06-21, containing 0.87 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

185. As assessed, TMK (2) 1-1-06-21 is zoned for agricultural use and occupied for homestead agricultural purposes.

186. **Exhibit "A-91"** is TMK (2) 1-1-06-22, containing 0.488 acres, more or less, being (a) LCA 4773 (Volume 3 Pages 491-492); (b) NR Volume 6 Page 199 (Hawaiian and English); (c) NT Volume 5 Pages 364-365 (Hawaiian and English); (d) FT Volume 8 Page 231; (e) RP 3261 (Volume 14 Pages 315-316); (f) Translation of Apana 1 LCA 4773; and (f) Derivation Instrument(s).

187. As adjudicated, LCA 4773 is a kuleana award for lands claimed by a native tenant pursuant to the "Kuleana Act." As described by testimony thereto, Apana 1 contained nine (9) lo'i (irrigated terraces).

188. **Exhibit "A-92"** is TMK (2) 1-1-06-23, containing 0.487 acres, more or less, being (a) LCA 10828-B (Volume 9 Pages 377-378); (b) NT Volume 5 Pages 378 (Hawaiian and

English); (c) FT Volume 8 Page 244; (d) RP 2802 (Volume 13 Pages 65-66); (e) Translation of Apana 2 LCA 10828-B; and (f) Derivation Instrument(s).

189. As adjudicated, LCA 10828-B is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 was a mo’o (narrow strip of land).

190. **Exhibit “A-93”** is TMK (2) 1-1-06-24, designated Lot 4-A, containing 0.80 acres, more or less, being (a) LP Grant 13173 (Volume 93 Pages 377-381) and (b) Derivation Instrument(s).

191. As granted, LP Grant 13173 is a fee simple conversion of Homestead Lease No. 62 for agricultural homestead purposes. As described therein, Lot 4-A is a taro lot.

192. **Exhibit “A-94”** is TMK (2) 1-1-06-25, containing 0.08 acres, more or less, being (a) LCA 4729 (Volume 3 Page 492); (b) NR Volume 6 Page 194 (Hawaiian and English); (c) NT Volume 5 Page 364 (Hawaiian and English); (d) FT Volume 8 Page 230; (e) RP 2801 (Volume 13 Pages 63-64); (f) Translation of Apana 1 LCA 4729; and (f) Derivation Instrument(s).

193. As adjudicated, LCA 4729 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 contained two (2) lo’i (irrigated terraces).

194. **Exhibit “A-95”** is TMK (2) 1-1-06-26, containing 0.72 acres, more or less, being (a) LCA 4726 (Volume 7 Page 462); (b) NR Volume 6 Page 193 (Hawaiian and English); (c) NT Volume 5 Pages 369 and 411 (Hawaiian and English); (d) FT Volume 3 Pages 236 and 274; (e) RP 3265 (Volume 14 Pages 323-324); (f) Translation of Apana 1 LCA 4726; and (f) Tax Assessment Sheet(s) showing current owner(s).

195. As adjudicated, LCA 4726 is a kuleana award for lands claimed by a native tenant

pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 contained 14 lo’i (irrigated terraces) and a kula within the mo’o (narrow strip of land).

196. **Exhibit “A-96”** is TMK (2) 1-1-06-27, containing 0.067 acres, more or less, being (a) LCA 4562 (Volume 7 Page 437); (b) NR Volume 6 Page 182-183 (Hawaiian and English); (c) NT Volume 5 Pages 366-367 (Hawaiian and English); (d) FT Volume 8 Page 232; (e) RP 2215 (Volume 9 Pages 521-522); (f) Translation of Apana 3 LCA 4562; and (g) Derivation Instrument(s).

197. As adjudicated, LCA 4562 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 3 contained 2 lo’i (irrigated terraces).

198. **Exhibit “A-97”** is TMK (2) 1-1-06-28, containing 0.038 acres, more or less, being (a) LCA 4726 (Volume 7 Page 462); (b) NR Volume 6 Page 193 (Hawaiian and English); (c) NT Volume 5 Pages 369 and 411 (Hawaiian and English); (d) FT Volume 3 Pages 236 and 274; (e) RP 3265 (Volume 14 Pages 323-324); (f) Translation of Apana 2 LCA 4726; and (f) Derivation Instrument(s).

199. As adjudicated, LCA 4726 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 contained two (2) lo’i (irrigated terraces).

200. **Exhibit “A-98”** is TMK (2) 1-1-06-29, containing 0.227 acres, more or less, being (a) LCA 4866 (Volume 3 Page 494); (b) NR Volume 6 Page 211 (Hawaiian and English); (c) NT Volume 5 Page 363 (Hawaiian and English); (d) FT Volume 8 Page 229; (e) Translation of Apana 2 LCA 4866; and (f) Derivation Instrument(s).

201. As adjudicated, LCA 4866 is a kuleana award for lands claimed by a native tenant

pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 was kalo (taro) land.

202. **Exhibit “A-99”** is TMK (2) 1-1-06-30, containing 0.075 acres, more or less, being (a) LCA 4853-D (Volume 3 Pages 832-833); (b) NT Volume 5 Pages 431-432 (Hawaiian and English); (c) FT Volume 8 Page 291; (d) RP 3276 (Volume 14 Pages 345-346); (e) Translation of Apana 2 LCA 4853-D; and (f) Derivation Instrument(s).

203. As adjudicated, LCA 4853-D is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 contained two (2) lo’i kalo (irrigated taro terraces).

204. **Exhibit “A-100”** is TMK (2) 1-1-06-31, designated Lot 46-A, containing 0.61 acres, more or less, being (a) LP Grant S-15846 (LMO Copy) and (b) Tax Assessment Sheet(s).

205. As granted, LP Grant S-15846 is a transfer of government land for agricultural homestead purposes. As assessed, Lot 46-A is zoned for agricultural use.

206. **Exhibit “A-101”** is TMK (2) 1-1-06-32, designated Lot 41-A, containing 0.70 acres, more or less, being (a) LP S-Grant 14781 (Volume 110 Pages 301-304) and (b) Derivation Instrument(s).

207. As granted, LP Grant S-14781 is a purchase of government land for agricultural homestead purposes. As described therein, Lot 41-A is a taro lot.

208. **Exhibit “A-102”** is TMK (2) 1-1-06-33, containing 1.32 acres, more or less, being (a) LCA 4772 (Volume 3 Page 485-486); (b) NR Volume 6 Page 198 (Hawaiian and English); (c) NT Volume 5 Page 368 (Hawaiian and English); (d) FT Volume 8 Page 224; (e) Translation of Apana 1 LCA 4772; and (f) Derivation Instrument(s).

209. As adjudicated, LCA 4772 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 was an ili (land

area).

210. **Exhibit “A-103”** is TMK (2) 1-1-06-34, containing 0.53 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet and (b) Tax Assessment Sheet(s) showing no lessee(s).

211. As assessed, TMK (2) 1-1-06-34 is zoned for agricultural use.

212. **Exhibit “A-104”** is TMK (2) 1-1-06-35, containing 0.036 acres, more or less, being (a) LCA 5051 (Volume 3 Pages 613-614); (b) NR Volume 6 Page 233 (Hawaiian and English); (c) NT Volume 5 Pages 236 and 370 (Hawaiian and English); (d) FT Volume 8 Page 236; (e) RP 3788 (Volume 13 Pages 37-38); (f) Translation of Apana 2 LCA 5051; and (g) Derivation Instrument(s).

213. As adjudicated, LCA 5051 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 contained one (1) lo’i (irrigated terrace).

214. **Exhibit “A-105”** is TMK (2) 1-1-06-36, containing 1.10 acres, more or less, being (a) LCA 5049 (Volume 3 Pages 495-496); (b) NR Volume 6 Page 232 (Hawaiian and English); (c) NT Volume 5 Page 362 (Hawaiian and English); (d) FT Volume 8 Pages 229-230; (e) RP 3257 (Volume 14 Pages 307-308); (f) Translation of Apana 1 LCA 5049; and (g) Derivation Instrument(s).

215. As adjudicated, LCA 5049 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 was a mo’o (narrow strip of land).

216. **Exhibit “A-106”** is TMK (2) 1-1-06-37, containing 0.065 acres, more or less, being (a) LCA 5055 (Volume 3 Pages 490-491); (b) NR Volume 6 Pages 234-235 (Hawaiian and

English); (c) NT Volume 5 Page 365 (Hawaiian and English); (d) FT Volume 8 Page 231; (e) Translation of Apana 2 LCA 5055; and (f) Derivation Instrument(s).

217. As adjudicated, LCA 5055 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 contained two (2) lo’i (irrigated terraces).

218. **Exhibit “A-107”** is TMK (2) 1-1-06-38, containing 0.85 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

219. As assessed, TMK (2) 1-1-06-38 is zoned for agricultural use and leased for agricultural purposes.

220. **Exhibit “A-108”** is TMK (2) 1-1-06-39, containing 0.225 acres, more or less, being (a) LCA 4725 (Volume 3 Page 493); (b) NR Volume 6 Page 193 (Hawaiian and English); (c) NT Volume 5 Page 364 (Hawaiian and English); (d) FT Volume 8 Page 230; (e) RP 2800 (Volume 13 Pages 61-62); (f) Translation of LCA 4725; and (g) Derivation Instrument(s).

221. As adjudicated, LCA 4725 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot contained nine (9) lo’i (irrigated terraces).

222. **Exhibit “A-109”** is TMK (2) 1-1-06-40, containing 0.152 acres, more or less, being (a) LCA 4773 (Volume 3 Pages 491-492); (b) NR Volume 6 Page 199 (Hawaiian and English); (c) NT Volume 5 Pages 364-365 (Hawaiian and English); (d) FT Volume 8 Page 231; (e) RP 3261 (Volume 14 Pages 315-316); (f) Translation of Apana 2 LCA 4773; and (g) Derivation Instrument(s).

223. As adjudicated, LCA 4773 is a kuleana award for lands claimed by a native tenant

pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 2 contained one (1) lo’i (irrigated terrace).

224. **Exhibit “A-110”** is TMK (2) 1-1-06-41, containing 0.16 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

225. As assessed, TMK (2) 1-1-06-41 is zoned for agricultural use and leased for agricultural purposes.

226. **Exhibit “A-111”** is TMK (2) 1-1-06-42, containing 0.464 acres, more or less, being (a) LCA 4774 (Volume 3 Page 490); (b) NR Volume 6 Page 199 (Hawaiian and English); (c) NT Volume 5 Page 365 (Hawaiian and English); (d) FT Volume 8 Page 231; (e) RP 2805 (Volume 13 Pages 71-72); (f) Translation of LCA 4774; and (g) Derivation Instrument(s).

227. As adjudicated, LCA 4774 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot was a mo’o (narrow strip of land).

228. **Exhibit “A-112”** is TMK (2) 1-1-06-43, containing 0.40 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

229. As assessed, TMK (2) 1-1-06-43 is zoned for agricultural use and leased for agricultural purposes.

230. **Exhibit “A-113”** is TMK (2) 1-1-06-45, designated Lot 47-A, containing 0.83 acres, more or less, being (a) LP S-Grant 14533 (Volume 107 Pages 122-125) and (b) Derivation Instrument(s).

231. As granted, LP Grant S-14533 is a purchase of government land for agricultural

homestead purposes. As described therein, Lot 47-A is a taro lot.

232. **Exhibit “A-114”** is TMK (2) 1-1-06-46, designated Lot 40-A, containing 0.83 acres, more or less, being (a) LP Grant S-14888 (Volume 110 Pages 353-354) and (b) Derivation Instrument(s).

233. As granted, LP Grant S-14888 is a purchase of government land for agricultural homestead purposes. As described therein, Lot 40-A is a taro lot.

234. **Exhibit “A-115”** is TMK (2) 1-1-06-47, designated Lot 42-A, containing 0.54 acres, more or less, being (a) LP Grant 13239 (Volume 94 Pages 189-193) and (b) Derivation Instrument(s).

235. As granted, LP Grant 13239 is a fee simple conversion of Homestead Lease No. 67 for agricultural homestead purposes. As described therein, Lot 42-A is a taro lot.

236. **Exhibit “A-116”** is TMK (2) 1-1-06-48, designated Lot 38-A, containing 0.60 acres, more or less, being (a) LP Grant 13209 (Volume 94 Pages 37-41) and (b) Derivation Instrument(s).

237. As LP Grant 13209 is a fee simple conversion of Homestead Lease No. 78 for agricultural homestead purposes. As described therein, Lot 38-A is a taro lot.

238. **Exhibit “A-117”** is TMK (2) 1-1-06-49, designated Lot 39-A, containing 0.54 acres, more or less, being (a) LP Grant 13191 (Volume 93 Pages 473-477) and (b) Derivation Instrument(s).

239. As granted, LP Grant 13191 is a fee simple conversion of Homestead Lease No. 79 for agricultural homestead purposes. As described therein, Lot 39-A is a taro lot.

240. **Exhibit “A-118”** is TMK (2) 1-1-06-67, designated Lot 34-A, containing 0.65 acres, more or less, being (a) LP Grant 13591 (Volume 97 Pages 395-399) and (b) Derivation

Instrument(s).

241. As granted, LP Grant 13591 is a fee simple conversion of Homestead Lease No. 76 for agricultural homestead purposes. As described therein, Lot 34-A is a taro lot.

242. **Exhibit “A-119”** is TMK (2) 1-1-06-68, designated Lot 5-A, containing 0.56 acres, more or less, being (a) LP Grant S-15361 (Volume 115 Pages 317-321) and (b) Derivation Instrument(s).

243. As granted, LP Grant S-15361 is a purchase of government land by a homesteader for agricultural homestead purposes. As described therein, Lot 5-A is taro land.

244. **Exhibit “A-120”** is TMK (2) 1-1-06-69, designated Lot 3-A, containing 0.56 acres, more or less, being (a) LP Grant S-15844 (LMO Copy) and (b) Tax Assessment Sheet(s).

245. As granted, LP Grant S-15844 is a transfer of government land for agricultural homestead purposes. As assessed, Lot 3-A is zoned for agricultural use.

246. **Exhibit “A-121”** is TMK (2) 1-1-06-70, containing 2.76 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet(s) showing usage and (b) Tax Assessment Sheet(s) showing current lessee(s).

247. As assessed, TMK (2) 1-1-06-70 is zoned for agricultural use and leased for agricultural purposes.

248. **Exhibit “A-122”** is TMK (2) 1-1-06-72, designated Lot 37-A, containing 0.61 acres, more or less, being (a) LP Grant 13304 (Volume 95 Pages 13-17) and (b) Derivation Instrument(s).

249. As granted, LP Grant 13304 is a fee simple conversion of Homestead Lease No. 77 for agricultural homestead purposes. As described therein, Lot 37-A is a taro lot.

250. **Exhibit “A-123”** is TMK (2) 1-1-06-73, designated Lot 43-A, containing 0.75

acres, more or less, being (a) LP Grant S-15847 (LMO Copy) and (b) Tax Assessment Sheet(s).

251. As granted, LP Grant S-15847 is a transfer of government land for agricultural homestead purposes. As assessed, Lot 43-A is zoned for agricultural use.

252. The total acreage for all parcels assessed under TMK (2) 1-1-06, situate in Wailua, Ko‘olau, Hana, Maui, is 30.227 acres, more or less.

253. **Exhibit “A-124”** is TMK (2) 1-1-07-03, containing 107 acres, more or less, being (a) RP Grant 1911 (Volume 10 Pages 237-238); (b) Translation of RP Grant 1911; (c) Tax Assessment Sheet(s) showing usage and zoning; and (d) Derivation Instrument(s).

254. As granted, RP Grant 1911 is a purchase of government land for agricultural purposes. As described therein, the lot ran from the mountain to the sea.

255. **Exhibit “A-125”** is TMK (2) 1-1-07-20, containing 53.50 acres, more or less, being (a) RP Grant 2091 (Volume 11 Pages 71-72); (b) Original translation of RP Grant 2091 with map; (c) Tax Assessment Sheet(s); and (d) Derivation Instrument(s).

256. As granted, RP Grant 2091 is a purchase of government land for agricultural purposes. As described therein, the lot runs from the government road to the sea.

257. The total acreage for all parcels assessed under TMK (2) 1-1-07, situate at Waiuanu & Pahoia, Ko‘olau, Hana, Maui, is 160.50 acres, more or less.

258. **Exhibit “A-126”** is TMK (2) 1-1-08-04, containing 9.20 acres, more or less, comprised of two (2) different land titles, being: [1] (a) LCA 3472 (Volume 3 Pages 846-847); (b) NR Volume 6 Page 88 (Hawaiian and English); (c) NT Volume 5 Page 437 (Hawaiian and English); (d) FT Volume 8 Page 297; (e) Translation of LCA 3472; and (f) Derivation Instrument(s); and [2] (a) RP Grant 3177 (Volume 14 Pages 419-420) and (b) Derivation Instrument(s).

259. As adjudicated, LCA 3472 is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, the lot was a taro (kalo) and house lot.

260. As granted, RP Grant 3177 is a purchase of government land for agricultural purposes. As described therein, the lot ran along Hamau Stream.

261. **Exhibit “A-127”** is TMK (2) 1-1-08-05, containing 120.97 acres, more or less, a portion of the Government (Crown) Land of Wailua, being (a) Tax History Sheet showing usage and Tax Assessment Sheet(s) showing no lessee(s).

262. As assessed, TMK (2) 1-1-08-05 is zoned for agricultural and conservation use.

263. **Exhibit “A-128”** is TMK (2) 1-1-08-09, containing 13.70 acres, more or less, being (a) RP Grant 3215 (Volume 14 Pages 495-496), (b) Map of RP Grant 3215; and (c) Derivation Instrument(s).

264. As granted, RP Grant 3215 is a purchase of government land for agricultural purposes. As described therein, the lot runs along Palauhulu Stream.

265. **Exhibit “A-129”** is TMK (2) 1-1-08-10, containing 103.82 acres, more or less, being (a) RP Grant 1899 (Volume 10 Pages 203-204), (b) Translation of RP Grant 1899; and (c) Derivation Instrument(s).

266. As granted, RP Grant 1899 is a purchase of government land for agricultural purposes. As described therein, the lot ran along Wailua Stream.

267. **Exhibit “A-130”** is TMK (2) 1-1-08-11, containing 151.65 acres, more or less, being (a) RP Grant 2549 (Volume 13 Pages 327-328), (b) Translation of RP Grant 2549; and (c) Derivation Instrument(s).

268. As granted, RP Grant 2549 is a purchase of government land for agricultural

purposes. As described therein, the lot ran along the Ditch of Wailua.

269. The total acreage for all parcels assessed under TMK (2) 1-1-08, situate in Ke‘anae - Wailua, Ko‘olau, Hana, Maui, is 397.41 acres, more or less.

270. **Exhibit “A-131”** is TMK (2) 1-2-02-09, containing 4.17 acres, more or less, being (a) RP Grant 3178 (Volume 14 Pages 421-422), (b) Map of RP Grant 3178; and (c) Derivation Instrument(s).

271. As granted, RP Grant 3178 is a purchase of government land for agricultural purposes. As described therein, the lot ran along Haiha Stream.

272. The total acreage for all parcels assessed under TMK (2) 1-2-02, situate at Makapipi, Ko‘olau, Hana, Maui, is 4.17 acres, more or less.

273. **Exhibit “A-132”** is TMK (2) 2-9-01-14, containing 22.81 acres, more or less, comprised of four (4) different land titles, being [1] (a) LCA 5595-E (Volume 8 Page 320); (b) NR Volume 6 Page 305 (Hawaiian and English); (c) NT Volume 5 Page 436 (Hawaiian and English); (d) FT Volume 8 Page 119; (e) RP 3242 (Volume 14 Pages 277-278); (f) Translation of Apana 1 and Poalima LCA 5595-E; and (g) Derivation Instrument(s); [2] (a) RP Grant 1082 (Volume 6 Pages 135-136), (b) Translation of RP Grant 1082; and (c) Derivation Instrument(s); [3] (a) RP Grant 1918 (Volume 10 Pages 341-342), (b) Translation of RP Grant 1082; and (c) Derivation Instrument(s); [4] (a) RP Grant 3101 (Volume 14 Pages 267-268), (b) Translation of Apana 2 RP Grant 3101; and (c) Derivation Instrument(s).

274. As adjudicated, LCA 5595-E is a kuleana award for lands claimed by a native tenant pursuant to the “Kuleana Act.” As described by testimony thereto, Apana 1 contained twenty-seven (27) lo‘i (irrigated terraces) covering 3.32 acres.

275. As granted, RP Grant 1082 contained 8 acres; RP Grant 1918 contained two (2)

poalima (chief's plantations) without survey; and RP Grant 3101 ran along three (3) streams and contained 9.82 acres.

276. **Exhibit "A-133"** is TMK (2) 2-9-01-23, containing 0.08 acres, more or less, being (a) RP Grant 1903 (Volume 10 Pages 211-212), (b) Translation of RP Grant 1903; and (c) Derivation Instrument(s).

277. As granted, RP Grant 1903 contained one (1) lo'i poalima (chief's irrigated terrace plantation) without survey.

278. **Exhibit "A-134"** is TMK (2) 2-9-01-25, containing 1.10 acres, more or less, being (a) LCA 5516 (Volume 8 Pages 332-333); (b) NR Volume 5 Page 63 (Hawaiian and English); (c) NT Volume 5 Page 494 (Hawaiian and English); (d) FT Volume 8 Page 117; (e) RP 3237 (Volume 14 Pages 267-268); (f) Translation of Apana 2 of LCA 3472; and (g) Derivation Instrument(s).

279. As adjudicated, LCA 5516 is a kuleana award for lands claimed by a native tenant pursuant to the "Kuleana Act." As described by testimony thereto, Apana 2 was taro and kula (plain) land.

280. The total acreage for all parcels assessed under TMK (2) 2-9-01, situate in Honopou, Hamakualoa, Makawao, Maui, is 23.99 acres, more or less.

281. **Exhibit "A-135"** is TMK (2) 2-9-14-13, containing 0.154 acres, more or less, being (a) LCA 5595-E (Volume 8 Page 320); (b) NR Volume 6 Pages 305-306 [*numbered as "5495"*] (Hawaiian and English); (c) NT Volume 5 Page 496 [*numbered as "5495"*] (Hawaiian and English); (d) FT Volume 8 Page 119; (e) RP 3242 (Volume 14 Pages 277-278); (f) Translation of Apana 2 LCA 5595-E; and (g) Derivation Instrument(s).

282. As adjudicated, LCA 5595-E is a kuleana award for lands claimed by a native

tenant pursuant to the "Kuleana Act." As described by testimony thereto, Apana 2 was a taro pasture.

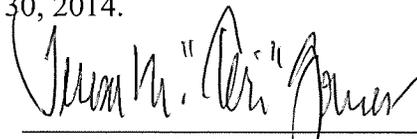
283. **Exhibit "A-136"** is TMK (2) 2-9-14-23, containing 0.47 acres, more or less, being (a) LCA 5516 (Volume 8 Pages 332-333); (b) NR Volume 5 Page 63 (Hawaiian and English); (c) NT Volume 5 Page 494 (Hawaiian and English); (d) FT Volume 8 Page 117; (e) RP 3237 (Volume 14 Pages 267-268); (f) Translation of Apana 1 of LCA 5516; and (g) Derivation Instrument(s).

284. As adjudicated, LCA 5595-E is a kuleana award for lands claimed by a native tenant pursuant to the "Kuleana Act." As described by testimony thereto, Apana 1 was used for taro and pasture.

285. The total acreage for all parcels assessed under TMK (2) 2-9-14, situate in Honopou, Makawao, Maui, is 2.07 acres, more or less.

I declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, on December 30, 2014.

  
TERESA M. "TERI" GOMES

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF TERRANCE P.K.  
AKUNA

DECLARATION OF TERRANCE P.K. AKUNA

I, Terrance P.K. Akuna, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko`olau Hui.
4. My grandfather lived off the land, nothing else. I grew up fishing, hunting, and gathering.
5. I am a taro farmer. My family grows kalo on about 1½ to 2 acres of property irrigated by Waiokamilo and Kualani.
6. I am farming this land based on my desire to continue my cultural practices and traditions.
7. I learned how to farm taro from my family and the people who farmed these lands before I did.

8. Traditionally, my ‘ohana gathered ‘ōpae, ‘o‘opu, hihiwai, pohole, ‘ulu, banana, mountain apple, pepeiau, olena, and wauke in Honopou, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue.

9. Traditionally, my ‘ohana fished for ulua, ‘ō‘io, pala, kole, poopaa, enenu, anae, moi, akule, ‘awa, pakeawa, aholehole, crab and lobster in or near the mouths of Honopou, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue.

10. My ‘ohana also engaged in mālama ‘āina and mālama kahawai by only taking what they could eat in and around Waikamoi, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Hanawi, Makapipi, and Waiohue.

11. Currently, my ‘ohana and I gather the same things as my kupuna before me in Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue. However, we can’t get the same amount of these resources as my ‘ohana used to be able to.

12. My family and I fish for whatever fish we are ono for in or near the mouth of in Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Makapipi, and Waiohue. We catch the same kind of fish as our kupuna, just less of them. We have to go further. We also use newer tools than before time.

13. I gather and fish to feed my family and teach younger generations how we live in such an isolated place without stores. Our streams are our iceboxes.

14. We engage in mālama ‘āina and mālama kahawai by only taking what we need from the streams we gather in and cleaning Waiokamilo, Kualani, and Wailua from makai to mauka. For example, my grandpa taught me when fishing for moi, you only keep the small ones, which are the males. The big females should be left so there will be more fish.

15. We also camp, fish, and hunt in and around Nuaailua and swim in the bays from Honopou to Makapipi. As soon as my son and nephew could walk, we would take them down to the beach.

16. I appreciate seeing the water flowing from mauka to makai in all streams from Honopou to Makapipi. This is nature at its prime.

17. If there is no water, there is no life. Life is everything. The lack of stream flow has been a problem for me because I had to move out and get a job to support my family.

18. If there was enough water in the streams, I would live at home and live off the land we were raised on, gathering what my kupuna gathered in and around Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Makapipi, and Waiohue. Right now, we can't open all patches because water won't flow down.

19. If there were more water in the streams, I would fish for all the fish that have been fished for generations in or near the mouth of all the streams from Honopou to Makapipi.

20. If water were put back in the streams, I would continue to mālama the streams by only taking what we could eat and cleaning all the rivers -- especially Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, and Waikani (Wailuanui) -- routinely, but healthy rivers clean themselves.

21. If there was more water in the streams, I would go camping, fishing, and gathering from Waikamoi to Makapipi. I would also appreciate the natural scenery in and around Honopou, Hanehoi, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Hanawi, Makapipi, and Waiohue. I would enjoy the clean air, cool water, and native trees and shrubs.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Kihei, Maui, Hawai`i, December 26, 2014.

A handwritten signature in cursive script, appearing to read "Terrance P.K. Akuna".

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TERRANCE P.K. AKUNA

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAUULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF TY KĀWIKAWIKA  
TENGAN, PhD

DECLARATION OF TY KĀWIKAWIKA TENGAN, PhD

1. I am competent to testify to the matters herein, and unless otherwise indicated, I make this declaration based upon my personal knowledge, skill, experience, training and education.
2. I am a Native Hawaiian, born into a family with strong genealogical ties to our Hawaiian ancestors. Native Hawaiian custom and religion was and is an integral part of my family's daily life.
3. Today, I am a practitioner and a scholar of Native Hawaiian cultural and religious practices. I speak the Hawaiian language fluently.
4. In 2003, I received a PhD from the Department of Anthropology at the University of Hawai'i at Mānoa.

5. Currently, I am the Chair and Associate Professor of the Department of Ethnic Studies and also Associate Professor of the Department of Anthropology at the University of Hawai'i at Mānoa.
6. Through practice, community service, the writing of books, journal articles, and reports, I have dedicated my academic career to the study of Native Hawaiian culture and religion. Attached hereto as Exhibit A is a copy of my recent curriculum vitae.
7. My opinions in this Declaration are based upon my personal knowledge, skill, experience, training, and education.
8. Further some of my opinions in this Report are based upon the following source material: Alexander, W.D. *A Brief History of Land Titles in Hawai'i* (1882); Handy, E.S. Craighill, *Hawaiian Planter* (1940); Handy, Handy, & Pukui, *Native Planters* (1972); and Maly, Kepa, *VOLUME I Wai O Ke Ola: He Wahi Mo'olelo No Maui Hikina. A Collection of Native Traditions and Historical Accounts of the Lands of Hāmākua Poko, Hāmākua Loa and Ko'olau, Maui Hikina (East Maui), Island of Maui* (2001).
9. I have reviewed the witness statements of Edward Wendt, Lezley Jacintho, and Terrance P. Akuna provided to me by the Native Hawaiian Legal Corporation.
10. I do not have a personal or familial relationship with any of the named Petitioners in this case.
11. Petitioners have neither paid me nor promised any compensation for my opinions or testimony in this matter.
12. On or about December 4, 2007, I testified as an expert witness at a State of Hawai'i administrative hearing before the Commission on Water Resource Management for the State of Hawai'i in "RE Iao Ground Water Management Area High-Level Source Water Use Permit Applications and Petition to Amend Interim Instream Flow Standards of Waihe'e, Waiehu, Iao, & Waikapu Streams Contested Case Hearing," Case No. CCH-MA-06-01.
13. In general, Native Hawaiian spiritual tenets and beliefs are expressed and perpetuated in their relationship to each other and to their *kulāiwi* (native land). The naming of winds, rains, landmarks, and waters perpetuate the traditional

knowledge that the inhabitants developed of these areas and their resources over centuries of cultivation and habitation.

14. The first inhabitants of the islands were remembered as akua “gods” for their capacity to endow nature with cultural features and “create” society.
15. Kāne and Kanaloa were two of the four primary akua in the Hawaiian pantheon; Kāne was associated with fresh water and taro, and Kanaloa with the ocean and fishing. Wai, fresh water, is an important element in Hawaiian spirituality and fundamental to the exercise of traditional and customary practices. Fresh spring water is presented as ho‘okupu to the akua (gods). Kāne and Kanaloa are known to have introduced the ritual, social, and medicinal use of drinking ‘awa (kava), a drink that requires the waters of Kane.
16. Handy, Handy, and Pukui (1972) described the correlation between water and life in Hawai‘i:

...The life of taro was dependent upon water. In his role as life-giver, Kane the procreator was addressed as Kane-of-the-water-of-life (Kane-ka-wai-ola). Water (*wai*) was so associated with the idea of bounty that the word for wealth was *waiwai*. And water rights were the basic form of law, the Hawaiian word for which was *ka-na-wai*, meaning “relative to water...” [1972:19] [cited in in Maly (2001:21)].

17. East Maui was historically divided into 8 moku or districts, all meeting at a large rock on the northeast brink of the crater of Haleakalā, called Palaha. Alexander (1882:175-76).
18. The 27 streams from Honopou to Makapipi fall into the moku of Hāmākualoa and Ko‘olau. The two moku are both included in the larger region known as known as Maui Hikina, East Maui, each having unique characteristics. Lyons (1875) and Coulter (1935) as cited in Maly (2001:7).

## **HĀMĀKUALOA**

19. Hāmākualoa is characterized by numerous minute ahupua‘a which indicate a dense population once settled there. Handy (1940:109).
20. J. Waiamanu, recounts the story of Kāne and Kanaloa (or Kāneloa, in this version) in *Ka Ho‘omana Kahiko*, Ka Nupepa Kū‘oko‘a, January 19, 1865 in which Kāne and Kanaloa sailed to Maui and drank ‘awa in Hāmākua. Because there was no

water, they caused fresh water to flow which was called “ka wai a Kaneloa” (the water of Kāneloa). The actual location of this spring, Kaneloa, is unknown today. Maly (2001:21).

21. Hāmākua loa is described as follows by firsthand accounts during the 1930s-1950s after the water diversions were in place:

Two kama 'aina at Ke'anae said that there were small lo'i developments watered by Ho'olawa, Waipi'o, Hanehoi, Hoalua, Kailua, and Na'ili'ilihale Streams, all of which flow in deep gulches. Stream taro was probably planted along the watercourses well up into the higher kula land and forest taro throughout the lower forest zone. The number of very narrow ahupua'a thus utilized along the whole of the Hamakua coast indicates there must have been a very considerable population. This would be despite the fact that it is an area of only moderate precipitation because of being too low to draw rain out of trade winds flowing down the coast from the rugged and wet northeast Ko'olau area that lies beyond. It was probably a favorable region for breadfruit, banana, sugar cane, arrowroot; and for yams and 'awa in the interior. The slopes between gulches were covered with good soil, excellent for sweet potato planting. The low coast is indented by a number of small bays offering good opportunity for fishing. The Alaloa, or “Long-road,” that went around Maui passed through Hamakua close to the shore, crossing streams where the gulches opened to the sea. [Handy et. al. 1972:502] [as cited in Maly (2001:8) (emphases in Maly)].

22. Native testimony indicates “there are many lo'i [in Honopou].” *Ibid.* at 120-21, 125, 129, 194, 201. *See also ibid.* at 104, 106, 127, 130, 135, 203, 205-06, 208-10, 212, 214, 220, 225-26.
23. The famous Alaloa or Alanui that circled the island was created by the high chief Kiha-a-Pi'ilani (or Kihapi'ilani) after securing his rule over Maui. In *Ka Nupepa Kuokoa*, August 23, 1884, Moses Manu related that after paving sections of the trail in different parts of the island, Kihapi'ilani “began the paving in the forest of 'O'opuloa [i.e., 'O'opuola], at Ko'olau, extending from Kawahinepe'e to Kaloa, then on to Pāpa'a'ea, and on to Ka'ohekanu at Hāmākua Loa” (translation and emphasis by Maly (2001:27). Abraham Fornander (1996:206) also noted that Kihapi'ilani “kept peace and order in the country, encouraged agriculture, and improved and caused to be paved the difficult and often dangerous roads over the Palis of Kaupo, Hana, and Koolau—a stupendous work for those times, the remains of which may still be seen in many places, and are pointed out as the

“Kipapa of Kihapiilani” (cited in Maly (2001:28)). The trail was significant because it created an interconnected cultural and historical landscape where customary practices of gathering, farming, exchange, and travel could be conducted from Hāmākua Loa to Ko‘olau and beyond.

## KO‘OLAU

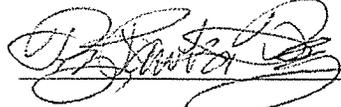
24. The Ko‘olau region of Maui has been described as the “wettest coastal region in all the islands.” Handy, Handy, & Pukui (1972:498) as cited in Maly (2001:8).
25. “Oopuola Gulch marked the northwestern boundary of Ko‘olau. Its stream, and likewise Waikamoi, Puohokamoa, and Haipuaena streams watered small patches.” Handy (1940:109).
26. Handy, Handy, and Pukui (1972:272) reported that “On the northeast flank of the great volcanic dome of Haleakala...the two adjacent areas of Ke‘anae and Wailua-nui comprise the fourth of the main Maui centers and the chief center on this rugged eastern coast. It supported intensive and extensive wet-taro cultivation. Further eastward and southward along this windward coast line is the district of Hana, the fifth great center[.]” As cited in Maly (2001:7).
27. For generations following initial settlement, communities were clustered along the watered, windward (ko‘olau) shores of the Hawaiian Islands. Along the ko‘olau slopes, streams flowed and rainfall was abundant, and agricultural production became established. The ko‘olau region also offered sheltered bays from which deep sea fisheries could be easily accessed, and near shore fisheries, enriched by nutrients carried in the fresh water, could be maintained in fishponds and coastal fisheries. It was around these bays that clusters of houses where families lived, could be found, and in these early times, the residents generally engaged in subsistence practices in the forms of agriculture and fishing. Handy, Handy, and Pukui (1972:287) cited in Maly (2001:6).
28. Waikamoi, Puohokamoa, and Haipuaena watered small lo‘i areas. *Ibid* at 9.
29. “Honomanu, a large stream with a broad deep valley at its seaward end and a good beach for fishing canoes and gear, facing its broad bay. Anciently Honomanu supported a large population. Old terraces run back into the valley as far as the level land goes[.]” *Ibid*.

30. Just beyond Honomanu is Nu'uailua [Nu'a'ailua], flat bottomed like Honomanu but smaller. Terraces cover the flatlands and much taro was formerly raised, watered by an ample stream; but the valley has long been uninhabited." *Ibid.*
31. Ke'anae "is a unique wet-taro growing ahupua'a." *Ibid.* at 9. "It is on the broad flat peninsula of lava extending for about a half a mile into the sea from the western line of the valley that Ke'anae's famed taro patches are spread out -- striking evidence of old Hawaii's ingenuity." *Ibid.*; *see also ibid.* at 137, 139-40, 145-46, 251, 254, 271, 273, 281-86, 288, 289.
32. In *Ka Nupepa Kuokoa*, dated October 4, 1923, Mrs. Annie Kalau related a visit to Maui Hikina wherein her hosts took her to Waianu at 'Ōhi'a and told her a story of how Kāne and Kanaloa used their spears to cause fresh water to flow for their 'awa; these waters irrigated lo'i in this valley at the time of her visit.
33. Beyond Ke'anae "is a sizable bay formed by erosion where three streams flow into the ocean. . . . About half the gently sloping land seaward of the cliff was terraced with lo'i which were watered by Wailuanui (Big Wailua) Stream, the larger of the three that flow into the bay. . . . And on high ground there was a war temple" Maly (2001:10). "Wailua has been notable for its continued occupancy and cultivation by Hawaiian families." *Ibid.*; *see also ibid.* at 137, 142-44, 150-52, 154-56, 241-44, 246-51, 257, 277-79, 283, 291.
34. Beyond Wailuanui "there are a succession of small deep gulches, each one having a few lo'i: East Wailuaiki and West Wailuaiki (Little Wailua), Kapili'ula [Kopili'ula], Waiohue, Pa'akea, Kapa'ula, Hanawi. Then comes Nahiku, a settlement spread over gently rising ground above the shore, with a number of groups of lo'i watered from Makapipi Stream." *Ibid.*
35. In his 1861 story of the pig god Kamapua'a, published in *Ka Hae Hawaii*, G.W. Kahiolo noted that Wailuaiki was the home of the goddess Kapoma'ilele, the sister of Pele who distracted Kamapua'a with her flying genitals, luring him to Maui. *Ibid* at 23.
36. The legendary story of Laukaieie as told by Moses Manu in *Nupepa Ka Oiaio* (1894-1895) provides an abundance of rich cultural information about the Ko'olau-Hāmākua region and its traditional and customary practices. Some activities include (starting in Nāhiku and going to Ho'olawa, adjacent to

Honopou): harvesting lū‘au of the god at Nāhiku; seeing the kalo that grew on the cliffs of Hanawī and watching a man carry a large taro there; walking on a path at Waiohue; passing the point of Kamokupeu which is a hula‘ana (trail that crosses the water between two points of land); watching noio birds, finding a kū‘ula i‘a (fishing shrine) at ‘Ohea cliff; seeing the famed kala fish outside of the point of Mokumana at Pauwalu; passing Kaliae and its renowned winds; traveling to Wailuaiki famed in song where one can see women going to the shore of Kapilikaunoa; gathering awa and ‘anae fish at Wailuaiki from a fishpond made by Kāne; seeing the stone body of the supernatural octopus Hā‘aluea off the landing of Wailuanui; arriving at the muliwai of Wai‘ōlohe at Ke‘anae; finding a nearby cave that ran to the uplands of Kūō; visiting a pond mauka of Puhipinao where the prophet shark Hi‘u was born; glimpsing Kahekili’s leaping place of Pu‘ukanohua; entering a cave at Kawahinepe‘e that led to Waikamō‘ī stream and ‘O‘opuola, where slept the supernatural ‘o‘opu Ka‘o‘opili; viewing a carved stone in a cave flanked by ti plants at Maka‘iwa; reaching Hāwini to gaze at the cove of Hōlawa (Ho‘olawa). Maly (2001:34-36). What emerges from this journey is the significance of pathways, those on land or sea, through caves or streams, for connecting the gods, land, and people in an integrated cultural landscape. At the core of this, free flowing water is central for creating abundance, life, and growth in the region.

37. Today the importance of water to the perpetuation of Hawaiian culture and tradition is echoed in the following witness statements: “Without the water, my whole way of life would be lost,” Edward Wendt, par. 20, “Spiritually, we are connected to the water. Water is life. Without water we will not be.” Lezeley Jacintho, par. 24, and “If there is no water, there is no life.” Terrance P. Akuna, par. 18.
38. Fresh water is essential to the perpetuation of Native Hawaiian traditional customary practices. The return of streamflows will support the regeneration of the land and people.

I declare under penalty of perjury that the foregoing statements are true and correct, to the best of my knowledge, information, and belief.



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TY KĀWIKĀ TENGAN, PH.D.

# CURRICULUM VITAE

## Ty P. Kāwika Tengan

### Office Address

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### Current Position

2013-2016 Chair, Department of Ethnic Studies, University of Hawai‘i at Mānoa, Honolulu.

### Education

- 2003 PhD, MA (2000), Department of Anthropology, University of Hawai‘i at Mānoa, Honolulu. Dissertation: *Hale Mua: (En)gendering Hawaiian Men*. Geoffrey M. White, Chair.
- 2000 Certificate, International Cultural Studies Program, University of Hawai‘i at Mānoa and East-West Center, Honolulu.
- 1997 B.A., Department of Anthropology modified with Native American Studies with Honors, Dartmouth College, Hanover.

### Professional Positions

- 2008- Associate Professor, Departments of Ethnic Studies and Anthropology, University of Hawai‘i at Mānoa, Honolulu, Fall 2008 till present.
- 2003- Affiliate Faculty, Center for Okinawan Studies (2008), Department of Women’s Studies (2005), Department of Political Science Indigenous Politics Program (2005), Center for Pacific Islands Studies (2004), University of Hawai‘i at Mānoa; the International Cultural Studies Graduate Certificate Program (2003), East-West Center and University of Hawai‘i at Mānoa
- 2003-2008 Assistant Professor, Departments of Ethnic Studies and Anthropology, University of Hawai‘i at Mānoa, Honolulu, Fall 2003 till Spring 2008.
- 2003- Associate Graduate Faculty, Department of Anthropology, University of Hawai‘i at Mānoa, Honolulu, Fall 2003 till present.

### Grants, Honors and Awards

- 2012-2015 North Shore Field School, Kamehameha Schools, to conduct archaeology field school at Kūpopolo Heiau and related oral history and ethnographic research (\$225,997 over 3 yrs).
- 2010 Hawai‘i-Pacific Islands Cooperative Ecosystem Studies Unit Task Agreement, National Park Service, to conduct research on “Hawaiian Soldiering: Indigenous Traditions of Warriorhood” (\$20,000, 1yr).

- 1998-2003 Ford Foundation Predoctoral Fellowship, National Research Council (\$42,000 over 3 years).
- 1998-2003 Mellon Predoctoral Research Grant, Social Science Research Council (\$5,000, 1 year).
- 1995-1997 Mellon Minority Undergraduate Fellowship, Dartmouth College. To conduct ethnographic and historical research on Maui for Honors Thesis "The Architecture of Canoes and Nations: a Case Study in Hawaiian Cultural Nationalism" (\$5,000, 1 year).

### Books

- 2008 *Native Men Remade: Gender and Nation in Contemporary Hawai'i*. Durham, N.C.: Duke University Press.  
— Nominated for the Society for the Anthropology of North America's 2009 Delmos Jones and Jagna Sharff Memorial Prize for the Critical Study of North America

### Edited Volumes

- 2010 *Genealogies: Articulating Indigenous Anthropology in/of Oceania*. Special Issue of *Pacific Studies: A Multidisciplinary Journal*, Guest editors T.P.K. Tengan, T.O. Ka'ili and R. Fonoti. Vol 33, Nos 2/3.
- 2001 *Public Anthropology: The Graduate Journal*. Edited at the University of Hawai'i at Mānoa by J. Walsh and T. Tengan.

### Refereed Journal Articles

- 2014 Tengan, Ty P. Kāwika and Lamaku Mikahala Roy. 'I Search for the Channel Made Fragrant by the Maile': Genealogies of Discontent and Hope. *Oceania* 84(3):315-330.
- 2010 Tengan, Ty P. Kāwika, T. O. Ka'ili, and R. T. Fonoti. Genealogies: Articulating Indigenous Anthropology in/of Oceania. *Pacific Studies: A Multidisciplinary Journal* 33(2/3):139-167.
- 2009 Ty P. Kāwika Tengan and Jesse Makani Markham. Performing Polynesian Masculinities in American Football: From Rainbows to Warriors. *International Journal of the History of Sport* 26(16):2412-2431.
- 2008 Re-membering Panalā'au: Masculinities, Nation and Empire in Hawai'i and the Pacific. *The Contemporary Pacific* 20(1):27-53.
- 2005 Ethnography in Struggle: Tales from an 'Ōiwi in the Anthropological Slot. *Anthropological Forum* 15(3):247-256.
- 2004 Of Colonization and Pono in Hawai'i. *Peace Review: A Journal of Social Justice* 16(2):157-167.
- 2003 Tengan, Ty P. Kāwika and T. Kanahēle. He Nīnauele me Tuti Kanahēle. 'Ōiwi: *A Native Hawaiian Journal* 3:98-100.
- 2002 (En)gendering Colonialism: Masculinities in Hawai'i and Aotearoa. *Cultural Values* 6(3):229-238.
- 2001 White, Geoffrey M. and Ty Kawika Tengan. Disappearing Worlds: Anthropology and Cultural Studies in Hawai'i and the Pacific. *The Contemporary Pacific* 13(2):381-416.
- 2001 Reclaiming Space for an Indigenous Anthropology: Some Notes from Social Sciences Building 345. *Public Anthropology: The Graduate Journal*.

- 2001 Julianne Walsh and Ty Kawika Tengan. Public Positions: Engaging Anthropologists. *Public Anthropology: The Graduate Journal*.

### Book Chapters

- 2014 Portrait: Sam Kaha'i Ka'ai. In *Ea: Hawaiian Movements for Life, Land, and Sovereignty*, N. Goodyear-Ka'opua, I. Hussey, and E. K. Wright, eds, pp.115-123. Durham: Duke University Press.
- 2014 The Return of Kū? Performing Native Hawaiian Masculinity, Warriorhood, and Nation. In *Performing Indigeneity: Global Histories and Contemporary Experiences*, L. Graham and G. Penny, eds, pp.206-246. Lincoln: University of Nebraska Press.
- In press Embattled Stories of Occupied Hawai'i. In *Cultural Encounters: Ethnographic Updates from Asia and the Pacific Islands*. Suzanne Finney, Mary Mostafanezhad, Guido Carlo Pigliascio, and Forrest Wade Young, eds. Honolulu: University of Hawai'i Press.
- 2002 Ayau, Edward Halealoha and T. Tengan. Ka Huaka'i o Nā 'Ōiwi: The Journey Home. In C. Fforde, J. Hubert, and P. Turnbull, eds. *The Dead and their Possessions: Repatriation in Principle, Policy and Practice*, Pp.171-189. London: Routledge.

### Reviews

- 2010 Review of *Hā'ena: Through the Eyes of the Ancestors*. In *The Hawaiian Journal of History* 44:101-104.
- 2005 Tengan, Ty P. Kāwika and J.L. Perry. Review of *Kū'ē: Thirty Years of Land Struggle in Hawai'i*. In *The Hawaiian Journal of History* 39:171-175.
- 2003 Review of film *Ke Kūlana He Māhū: Remembering a Sense of Place*. In *The Contemporary Pacific* 15(1):231-233.

### Manuscripts

- In prep *Mobilizing Indigeneity: Hawaiian Soldiering and Memory in American Empire*. Book manuscript to be submitted to Duke University Press.
- In prep Tomlinson, Matt and Ty P. Kāwika Tengan, eds. *New Mana: Transformations of a Classic Concept in Pacific Languages and Cultures*. Under review with ANU Press.

### Other Publications, Reports, and Scholarly Products

- 2013 Lima, Pūlama, W. McElroy, J. Bayman, and T. K. Tengan. End of the Year Report for the 2013 UH Mānoa North Shore Archaeological Field School at Kūpopolo Heiau, Kawailoa Ahupua'a, Waialua District, O'ahu. Prepared for Kamehameha Schools. Honolulu: Department of Anthropology, University of Hawai'i at Mānoa.
- 2013 Save our Legacy. *The Hawai'i Independent*, April 23. Available at: <http://hawaiiindependent.net/story/save-our-legacy>
- 2011 Tengan, Ty P. Kāwika and Aggy Stevens-Gleason. Hawaiian Soldiering: Indigenous Traditions of Warriorhood. A Report to the National Park Service.
- 2010 The Return of Kū. In *E Kū Ana Ka Paia: Unification, Responsibility and the Kū Images* pamphlet for the Bernice Pauahi Bishop Museum exhibit.

- 2007 Report on the Archival, Historical and Archaeological Resources of Nā Wai 'Ehā, Wailuku District, Island of Maui. With collaboration from J.L.A. Perry and N. Armstrong Prepared for the Office of Hawaiian Affairs.
- 2006 Tengan, Ty P. Kāwika and S.K. Kikiloi. Hui Panalā'au. In *Hui Panalā'au: Hawaiian Colonists in the Pacific, 1935-1942*. Honolulu: Center for Oral History, Social Science Research Institute, University of Hawai'i at Mānoa. Pp.xxiii-xxvii.
- 2006 Warren Nishimoto and Ty Tengan. Oral history interview with Victor B.S. Kim. In *Hui Panalā'au: Hawaiian Colonists in the Pacific, 1935-1942*. Honolulu: Center for Oral History, Social Science Research Institute, University of Hawai'i at Mānoa. Pp.48-91.
- 2006 Warren Nishimoto, Noelle Kahanu and Ty Tengan. Oral history interview with Arthur Harris and George Kahanu, Sr.. In *Hui Panalā'au: Hawaiian Colonists in the Pacific, 1935-1942*. Honolulu: Center for Oral History, Social Science Research Institute, University of Hawai'i at Mānoa. Pp.140-168.
- 2006 Warren Nishimoto and Ty P. Kāwika Tengan. Oral history interview with George Kahanu, Sr. In *Hui Panalā'au: Hawaiian Colonists in the Pacific, 1935-1942*. Honolulu: Center for Oral History, Social Science Research Institute, University of Hawai'i at Mānoa. Pp.169-250.
- 2003 Ka Li'u o ka Pa'akai. In Kauakūalahale (Hawaiian Language Column). *Honolulu Star-Bulletin*. August 10. Available at: <http://starbulletin.com/2003/08/10/news/kauakukalahale.html>
- 2002 Identifying With Islands: Life on Baker in the Summer of 1936. In *Hui Panalā'au*. Pamphlet for Bishop Museum Traveling exhibit "Hui Panalā'au: Hawaiian Colonists, American Citizens." Pp.9-10.
- 2002 Scott Kekuewa Kikiloi and Ty Kawika Tengan . Introduction: Hui Panalā'au. In *Hui Panalā'au*. Pamphlet for Bishop Museum Traveling exhibit "Hui Panalā'au: Hawaiian Colonists, American Citizens." Pp.1-2.

### Research Areas

Cultural anthropology, ethnic studies, indigenous theory and methodologies, Native Pacific cultural studies, identity formation, militarization, colonialism, tourism, nationalism, gender, masculinities, race, ethnicity, repatriation, museum practices, Hawai'i, Pacific.

### Courses Taught

- ES 101 Introduction to Ethnic Studies, Department of Ethnic Studies
- ES 221 Hawaiians, Department of Ethnic Studies
- ES 301 Ethnic Identity
- ES 320 Hawai'i and the Pacific, Department of Ethnic Studies
- ES 380 Fieldwork in Ethnic Studies, Department of Ethnic Studies
- ES 480 Qualitative Research Methods, Department of Ethnic Studies
- ES 486 Peoples of Hawai'i, Department of Ethnic Studies, (Cross-listed ANTH 486)
- ANTH 152 Culture and Humanity, Department of Anthropology
- ANTH 316 Anthropology of Tourism, Department of Anthropology
- ANTH 419 Indigenous Anthropology, Department of Anthropology
- ANTH 485 Pre-European Hawai'i, Department of Anthropology
- ANTH 486 Peoples of Hawai'i, Department of Anthropology, (Cross-listed ES 486).

ANTH 750d Research Seminar (ethnography): The Hawaiian State, Department of Anthropology

ANTH 750d Research Seminar (ethnography): Hawaiian Ethnography, Theory and Practice, Department of Anthropology

### Media

- 2013 Interviewee, “Agency that guards isle history on the lookout for a new leader,” *Honolulu Star-Advertiser* (B.J. Reyes, reporter), August 13. Available at: [http://www.staradvertiser.com/newspremium/20130813\\_Agency\\_that\\_guards\\_isle\\_history\\_on\\_the\\_lookout\\_for\\_a\\_new\\_leader.html](http://www.staradvertiser.com/newspremium/20130813_Agency_that_guards_isle_history_on_the_lookout_for_a_new_leader.html)
- 2013 Interviewee, “North Shore Field School,” ‘Ōiwi TV story, January 31 (B. Hoe, reporter). Available at: <http://www.oiwi.tv/live/channels/olelo/sb-1235/channels/kamehameha-schools-channels/north-shore-field-school/>
- 2013 Interviewee, “Archaeology Students Study North Shore Heiau,” Hawai‘i Public Radio story, January 21 (M. Solomon, reporter). Available at: <http://www.hawaiipublicradio.org/content/archaeology-students-study-north-shore-heiau>
- 2013 Interviewee, “North Shore Field School Offers Archaeological Training,” KHON story, January 12 (B. Randle, reporter). Available at: <http://www.khon2.com/news/local/story/North-Shore-field-school-offers-archaeology/Edy-gdR-gEeHUIzu-rEGxA.cspX>
- 2010 Interviewee, *Under a Jarvis Moon*, documentary film, nominated for 2010 Hawai‘i International Film Festival Best Documentary Award, Juniroa Productions (N. Kahanu and H. Giuni, Co-directors).
- 2010 Guest, *Town Square* radio show, Hawai‘i Public Radio, August 5 (B-A. Koslovich, host).
- 2010 Interviewee, “Exhibit Spotlights Rare Kū Images,” Hawai‘i Public Radio story, July 8 (N. Tanigawa, reporter). Available at: <http://www.hawaiipublicradio.org/content/exhibit-spotlights-rare-ku-images>
- 2010 Guest, “Bishop Museum” episode of *Nā ‘Ōiwi ‘Ōlino – People Seeking Wisdom* radio talk show, AM940, July 7 (R. Hudnall, host). Available at: <http://www.naoiwiolino.com/?p=330>
- 2009 Guest, “Being Hapa – Part I” episode of *Thinking Out Loud: Talking Issues, Taking Action* radio talk show, KZOO-AM 1210, October 19 (C. Yano, Host).
- 2009 Guest, “Decolonizing Indigenous Masculinity” episode of *Indigenous Politics: From Native New England and Beyond* radio show, August 4 (J. K. Kauanui, Host).
- 2009 Interviewee, *Noho Hewa: The Wrongful Occupation of Hawai‘i* documentary film, winner of the 2008 Hawai‘i International Film Festival’s Best Documentary Award (Anne Keala Kelly, director and producer).
- 2009 Guest, “Nā Kāne: Hawaiian Men Using Cultural Traditions to Resolve Health and Social Issues” show of *Nā ‘Ōiwi ‘Ōlino: People Seeking Wisdom* Hawaiian talk radio program, AM 940, January 24 (With K. Kahoano, B. Galuteria, A. Nahulu, and R. Takushi, hosts; K. Crabbe and K. Kaholokula, guests).
- 2008 Host, “Indigenous Media,” Video on indigenous film and media production featuring Faye Ginsburg, Vilsoni Hereniko, Keala Kelly, and Ty Tengan

- (moderator), recorded for 'ŌLELO cable access television to be aired 11/27, 11/28, 12/4, 12/5.
- 2006 Interviewee, "In Memoriam" show on Hawaiian History and Memory, *Free Speech Radio News*, May 29 (Anne Keala Kelly, reporter). Available at: <http://fsrn.org/content/memoriam>
- 2005 Guest, "Indigenous Rights—2005," Show filmed for *Island Connections* program, recorded for 'ŌLELO cable access television, September (with I. Aoude, N. Goodyear-Ka'opua, and I. Winchester).
- 2004 Host, "No Wai ke Kuleana?" Video on Bishop Museum NAGPRA guidance, recorded for 'ŌLELO cable access television, October (with Kēhaunani Abad, Edward Halealoha Ayau, and Lilikalā Kame'eiehiwa).
- 2003 Host, "Nā Kūpuna 'Ōiwi," Video covering cultural and legal issues of repatriation efforts in the community, *Living Nation Series Program*, recorded for 'ŌLELO cable access television, June (with Edward Halealoha Ayau and Kēhaunani Cachola-Abad).
- 2002 Guest, "Decolonizing Hawaiian History," Video on anthropology, history, and Native Hawaiians, *Nā Leo Maka 'āinana Program*, recorded for 'ŌLELO public access television, October (with Lynette Cruz and Sally Engle Merry).

#### **Invited Keynote Presentations**

- 2014 Mana Kāne: Indigeneity, Masculinity and Power in Hawai'i. Scholar-in-Residence Address at the Annual Meeting of the American Men's Studies Association, Tacoma, March 27-29.
- 2014 'In Search of the Channel Made Fragrant by the Maile': Genealogies of Discontent (and Hope?). Distinguished Lecture delivered at the Annual Meetings of the Association for Social Anthropology in Oceania, Kamakahonu, Kona, February 6-9.
- 2013 The Mana of Veterans: Indigenous Approaches to Healing, Trauma, and Masculinity. Invited Keynote talk for Division 51 Society for the Psychological Study of Men and Masculinity at the American Psychological Association Convention, Honolulu, August 3.
- 2013 Mana Kāne: Transformations of Indigenous Men's Knowledge, Power, and Potency in Hawai'i and Oceania. Keynote talk at Tuia Ngā Aho o te Mātauranga: Weaving the Threads of Indigenous Knowledges. Te Whare Kura Thematic Research Initiative, University of Auckland, Auckland, New Zealand, June 28.
- 2009 Nā Kama o Mauiakamalo: The Descendants of Maui-of-the-loincloth. Keynote talk at "Ho'ōla Lāhui: Conference on Spiritual, Emotional and Physical Health of Native Hawaiians," Kamehameha Schools, Maui, July 11.
- 2009 Remaking Hawaiian Men. Keynote presentation at "Interrogating Power Native Pacific Sexualities Culture Performance and America" Symposium, University of Michigan, Ann Arbor, March 27-28.
- 2005 Re-membling Masculinities: Gender, Nation and Empire in Hawai'i and the Pacific. Plenary talk at "Moving Masculinities: Crossing Regional and Historical Borders," Australian National University, Canberra, Australia, November 29-December 2.

**International Conference Presentations**

- 2014 Finding the “We” in Oceania: Anthropology and Pacific Islanders Revisited. Paper presented at “Who are ‘We’? Reimagining Alterity and Affinity in Anthropology”, Wenner-Gren Workshop, University of Cambridge, September 3-5.
- 2009 Tough Stories: Narrating Local Okinawan American Soldiering Masculinity. Paper presented at “Islands as Contact Zones: Okinawa and East Asia, the Asia-Pacific Islands, University of the Ryukyus, Okinawa, November 28-29.
- 2009 The Journeys of Hawaiian Men: Cultural Politics and Indigenous Masculinities in Oceania. Presentation at the 11<sup>th</sup> Pacific Science Inter-Congress, Hilton Hotel, Tahiti, French Polynesia, March 2-6.
- 2007 Tengan, Ty P.K., T. Kā‘ili, and R. Fonoti. Articulating Indigenous Anthropology in/of Oceania. Paper presented at the “Indigenous Anthropology” Working Session at the Annual Meetings of the Association for Social Anthropology in Oceania, Charlottesville, Virginia, February 21-24.
- 2007 “Where are the Brothers?” Questioning Hawaiian Men in the Movement(s). Paper given at “What’s Next for Native American and Indigenous Studies?” An International Scholarly Meeting, University of Oklahoma, Norman, May 3-5
- 2005 Hale Mua: A Hawaiian Model for Men’s Cultural Education and Development. Presentation at the 7<sup>th</sup> World Indigenous Peoples’ Conference on Education, Hamilton, New Zealand, Nov 27 - Dec 1.
- 2004 Hui Panalā‘au: Performances in the Pacific Theater of Empire. Paper presented at the David Nichol Smith Memorial Conference, “New Voyagings on Old Seas: Performances in Honour of Professor Greg Denig,” Australian National University, Canberra, Australia, July 19-22.
- 2002 Anthropologists, Hawaiians, and the University: An Indigenous Ethnography. Paper presented in the “Critical Ethnography” Symposium at the Annual Meetings of the Association for Social Anthropology in Oceania. University of Auckland, New Zealand, February 20-23.
- 2002 Masculinities in Hawai‘i and Aotearoa: Colonialism, Gender, and Power in the Pacific. Paper Presented in the “Gender Histories” Working Session at the Annual Meetings of the Association for Social Anthropology in Oceania. University of Auckland, New Zealand, February 20-23.

**National Conference Presentations**

- 2013 Towards and ‘Āina Anthropology: Reflections from the University of Hawai‘i. Paper presented at the Annual Meeting of the Society for American Archaeology, Honolulu, April 3-6.
- 2012 The Mana of Kū: Indigenous Nationhood, Masculinity, and Authority in Hawai‘i. Paper presented at the Annual Meetings of the American Anthropological Association, San Francisco, November 14-18.
- 2011 Return to Ft. Kamehameha: Martialing Memory in Occupied Hawai‘i. Paper presented at the Annual Meetings of the American Anthropological Association, Montreal, QC, Canada, November 16-20.

- 2011 "I Just Like to Play": Narrating Hawaiian Self and Masculinity on and off the Field. Paper to be presented at the Native American and Indigenous Studies Association Conference, Sacramento, California, May 19-21.
- 2010 Hawaiian Soldiering: Indigenous Circuits through American Empire. Paper presented at the Annual Meetings of the American Anthropological Association, New Orleans, Louisiana, November 17-21.
- 2008 Genealogies: Articulating Indigenous Anthropology in/of Oceania. Paper presented at the Annual Meetings of the American Anthropological Association, San Francisco, November 19-23.
- 2007 Crabs in the bucket? Status, Class and Gender among Native Hawaiians. Paper presented at the Annual Meetings of the American Anthropological Association, Washington, D.C., November 28-December 2.
- 2006 Re-membling Nationhood and Koa at the Temple of State. Paper to be presented at the Annual Meetings of the American Anthropological Association, San Jose, November 14-19.
- 2004 Domesticating Frontiers: Occupations of the Panalā'au. Paper presented at the Association for Asian American Studies Conference, Boston, March 25-28 (Funded by Native Hawaiian Leadership Project Travel Award)
- 2003 Narrating Hawaiian Men: Life Stories, Place and Identity. Paper presented at the Annual Meetings of the American Anthropological Association, Chicago, November 19-23. (Funded by University Research Council Travel Award)

#### **Local Conference Presentations**

- 2012 "From Dissertation to Author: Native Men Remade." Presentation at Native Hawaiian Education Association Convention, Kāne'ohe, Hawai'i, March 23-24.
- 2011 "Hui Panalā'au: Native Hawaiians in World War II." Summer Teachers' Institute, National Park Service and Hawai'i Council for the Humanities, Tokai University, Honolulu, July 12.
- 2006 "Kā i Mua (To thrust into the men's house): Cultural rites of passage for young boys and the Hale Mua." Presentation at 'Aha Kāne 2006 Native Hawaiian Men's Health Conference, Kamehameha Schools, Honolulu, Hawai'i, June 23-25.
- 2004 Kānaka 'Ōiwi: Ancestors, Identity, and Kuleana. Presentation at the "Practical Pluralism Symposium," William S. Richardson School of Law, University of Hawai'i, Honolulu, April 16-17.
- 2003 Navigating Graduate School as an 'Ōiwi. Presentation at Ka Li'u o ka Pa'akai 'Aha Kūkā Haumāna Ho'okā'oi Hawai'i 'Ōiwi Native Hawaiian Graduate Student Conference, Kamakakūokalani Center for Hawaiian Studies, University of Hawai'i at Mānoa, August 20-22.

#### **Invited Colloquium and Panel Presentations**

- 2013 Discussant, "Binding the Cord for a Stronger Hawai'i: Hawaiian Transformations in Archaeology and Cultural Resource Management," The Annual Meeting of the Society for American Archaeology, Honolulu, April 3-6.

- 2012 Panelist, “Mo‘olono” and “Māhū” workshops, 3<sup>rd</sup> ‘Aha Kāne Native Hawaiian Men’s Health Conference, Windward Community College, Kāne‘ohe, Hawai‘i, June 15-17.
- 2012 Panelist, “Indigeneity, Anthropology and Native Studies in the Pacific and North America,” Native American and Indigenous Studies Association, Uncassville, Connecticut, June 3-6.
- 2012 Presenter, Micronesian Connections Forum, University of Hawai‘i at Mānoa and East-West Center, Honolulu, February 16.
- 2012 Panelist, “The Ceremonial and Social Usages of ‘Awa in Hawai‘i, Then and Now,” Native Foods, Native Stories series, Bernice Pauahi Bishop Museum, Honolulu, February 2.
- 2010 Panelist, “Kū Rising: The Roles and Responsibilities of Hawaiian Men Today,” Bishop Museum, Honolulu, August 10.
- 2010 Hawaiian soldiering: Queries into an ethnography of empire. Presentation in “Occupied Hawai‘i: Issues of Nationhood and Colonialism” Roundtable, *The Place of Hawai‘i in American Studies II* Symposium, Kamakakūokalani Center for Hawaiian Studies, Honolulu, March 11-12.
- 2010 Tough Stories: Narrating Local Okinawan American Soldiering. Presentation to the Worldwide Uchinanchu Business Association-Hawai‘i, Honolulu, January 7.
- 2009 Panelist, “Native Men Remade,” Hawai‘i Book and Music Festival, Honolulu Hale, May 16.
- 2009 Panelist, “Contemporary Indigenous Issues in Australia & Hawai‘i,” Roundtable with M. Ka‘iama, P. Wolfe, H-K. Trask, M. Kamahaele, and k. ho‘omanawanui, Art Auditorium, University of Hawai‘i at Mānoa, April 30.
- 2009 The Stories of Hawaiian Men. Presentation at Brown Bag Biography Series, Center for Biographical Research, University of Hawai‘i at Mānoa, April 30.
- 2009 Panelist, “Gridiron Warriors” roundtable discussion, at “Interrogating Power Native Pacific Sexualities Culture Performance and America” Symposium, University of Michigan, Ann Arbor, March 27-28.
- 2009 Native Men Remade: Gender and Nation in Contemporary Hawai‘i. Presentation at ISEPP (Institut Supérieur de l’Enseignement Privé de Polynésie), Tahiti, French Polynesia, March 3.
- 2009 Native Men Remade: Gender and Nation in Contemporary Hawai‘i. Presentation at the University of Hawai‘i at Hilo.
- 2009 Kā i Mua, Ka‘i Mua: The Journeys of Hawaiian Men. Presentation in Political Science Colloquium Series, University of Hawai‘i at Mānoa, February 6.
- 2008 Invited discussant on “Anthropology’s Kuleana: Rights and Responsibilities in Anthropological Practice,” Annual Meetings of the American Anthropological Association, San Francisco, November 19-23.
- 2008 Native Men Remade: Gender and Nation in Contemporary Hawai‘i. Paper presented in the Department of Women’s Studies Colloquium Series, University of Hawai‘i at Mānoa, April 4

- 2008 Kuleana ‘Ōiwi presentation at Teach-in on Burials, Land, Historic Preservation, Friends of SHPD and Kamakakūokalani Center for Hawaiian Studies, University of Hawai‘i at Mānoa, March 14.
- 2007 Indigenous People of Hawai‘i. Presentation at the Center for Asia-Pacific Exchange 27<sup>th</sup> Annual American Studies Forum, East-West Center, Honolulu, August 7-9.
- 2006 Re-membering Panalā‘au: Masculinities, Nation and Empire in Hawai‘i and the Pacific. Paper presented in the Department of Anthropology Colloquium Series (co-sponsored by Center for Pacific Island Studies and Department of Ethnic Studies), University of Hawai‘i at Mānoa, October 31.
- 2006 Conceptualizing ‘Ōiwi Anthropology. Presentation at Informal Session for Hawaiian Archaeologists and Anthropologists, Hawai‘i Community College, Hilo, Hawai‘i, July 22.
- 2005 Kā i Mua: Cast Forward/Into the Men’s House. Mo‘olāhui Hawai‘i, A Celebration of Hawaiian History and Culture, University of Hawai‘i Hilo, Hilo, Hawai‘i, Nov 7<sup>th</sup>.
- 2005 Hawaiian Masculinities Re-membered: Gender, Nation and Empire in Hawai‘i and the Pacific. Paper presented in Anthropology Colloquium Series, Dartmouth College, Hanover, October 13.
- 2005 Hapa identity: Personal and Political Reflections from the Hawaiian Half. Presentation at “Being Hapa,” Japanese American Social Issues Series in Hawai‘i, Japanese Cultural Center Hawai‘i, Jun 7.
- 2004 Kā I Mua: Cast Into the Men’s House. Presentation for the Māori Studies Department and the Māori Men’s Health Research Project in the School of Medical and Health Sciences, University of Auckland, New Zealand, May 10.
- 2004 Pu‘ukoholā: Re-membering Nationhood and Koa at the Temple of State. Paper presented in the International Cultural Studies Colloquium Series, East-West Center, Honolulu, April 21.
- 2004 ‘Ōiwi Strategies for Self-Determination. International Forum of Indigenous Nations Planning Meeting, Mākaha Resort, Mākaha, O‘ahu. January 9-10.
- 2003 Hale Mua: Narration, Life Stories, and Identity. Presentation at the Annual Meeting of the ‘Ahaui o Nā Kauka Association of Native Hawaiian Physicians. Hanaiākamalama Queen Emma Summer Palace, Nu‘uanu, O‘ahu. November 16.
- 2003 Ethnography in Struggle: The Challenges of Doing Anthropological Research in a Native Hawaiian Community. Poster presented at workshop entitled *The Challenges of Success*, Asian American and Pacific Islander Coordinating Committee, National Science Foundation, Arlington, Virginia, November 3-4 (Funded by National Science Foundation)
- 2003 Unsettling Ethnography: On the Hazards of the Occupation. Paper presented in “Notes From the Field” colloquium, Department of Anthropology, University of Hawai‘i at Mānoa, October 23.
- 2003 Reflections on the Dartmouth Experience: The Kanaka ‘Ōiwi View. Presentation given on panel at Native American Alumni Fly-In, Dartmouth College, New Hampshire, October 16-18.
- 2003 Hale Mua: (En)gendering Hawaiian Men. Presentation given at Maui Community College, Kahului, Maui, June 19.

### Conference and Symposium Organization

- 2013 Co-organizer, New Mana: Transformations of a Classic Concept in Pacific Languages and Cultures. Australian National University, Sep 19-20.
- 2012 Organizer, “Indigeneity, Anthropology and Native Studies in the Pacific and North America,” Native American and Indigenous Studies Association, Uncassville, Connecticut, June 3-6.
- 2010 Moderator, “Kū Ki’i (Standing as the Image/Kū obtained),” Panel at 2<sup>nd</sup> ‘Aha Kāne Native Hawaiian Men’s Health Conference, Windward Community College, Kāne‘ohe, Hawai‘i, June 18-20 (With Keawe‘aimoku Kaholokula, Kūkona Lopes, and Marques Marzan).
- 2009 Moderator, “Plenary Panel: Challenging Inequalities Among Nations,” Association for Asian American Studies Annual Meeting, Hilton Waikīkī, Honolulu, Hawai‘i, April 22-25 (With K. Blaisdell, D. McGregor, and N. Silva)
- 2008 Moderator, “Panel: Planning Pono,” Hawai‘i Water Works Association Conference, Grand Wailea, Maui, October 29.
- 2006, 2007 Co-organizer of working session on “Articulating Indigenous Anthropology in/of Oceania” at the Annual Meetings of the Association for Social Anthropology in Oceania (San Diego, California, Feb 8-11 and Charlottesville, Virginia, Feb 21-24).
- 2005 Chair of session on “Re-viewing: Language and History” at ‘*Ōlelo Makuahine: New Hawaiian Language Based Resources*, Hawaiian Historical Society Conference, Hawai‘i Pacific University, October 22.
- 2005 Co-organizer of informal session on “Indigenous Anthropology in/of Oceania” at the Annual Meetings of the Association for Social Anthropology in Oceania, Kaua‘i, February 3-6.
- 2003 Chair of session on “Identity, Self, and Subjectivity” at the Annual Meetings of the American Anthropological Association, Chicago, November 19-23.
- 2003 Co-convenor of Ka Li‘u o ka Pa‘akai ‘Aha Kūkā Haumāna Ho‘okā‘oi Hawai‘i ‘Ōiwi Native Hawaiian Graduate Student Conference, Kamakakūokalani Center for Hawaiian Studies, University of Hawai‘i at Mānoa, August 20-22.

### Memberships in Professional Associations

- 2013 Society for American Archaeology
- 2010-2012 Native American and Indigenous Studies Association
- 2008-2012 Association of Indigenous Anthropologists
- 2005-2011 Hawaiian Historical Society
- 2004-2005 Association for Asian American Studies
- 2003-2010 American Ethnological Society
- 2000-2010 Society for Cultural Anthropology
- 2000-2012 American Anthropological Association
- 2000-2002 Native Hawaiian Education Association
- 1998-2008 Association for Social Anthropology in Oceania

### Professional Service

- 2011- Member, Editorial Board, *Hūlili: Multidisciplinary Journal on Hawaiian Well-being*

- 2007- Member, International Advisory Board, *Intersections: Gender and Sexuality in Asia and the Pacific*.
- 2008-2012 Manuscript reviewer, Bergen Books, State University of New York Press, Minnesota University Press, University of Arizona Press, and Kamehameha Schools Press.
- 2002-2011 Submission reviewer, *Anthropologie et Sociétés*, *American Anthropologist*, *American Ethnologist*, *American Studies*, *Cultural Anthropology*, *The Contemporary Pacific*, *Hūlili*.
- 2008, 2010 External reviewer for tenure dossiers of faculty at the Colorado State University (2010) and the University of Virginia (2008)
- 2006-2008 Member, Pacific Islander Scholarship Program Committee, Association for Social Anthropology in Oceania.
- 2007, 2009 External Reviewer, PhD Theses of Melissa Cragg (Chair: Mason Durie), Massey University, Aotearoa/New Zealand (2009) & Teena Joanne Brown Pulu (Chair: Michael Goldsmith), University of Waikato, Aotearoa/New Zealand (2007).
- 2004-2005 Member, 2005 Meeting Planning Committee, Association for Social Anthropology in Oceania
- 2001 Consultant for Hawai'i Ethnographic File on eHRAF, Human Relations Area Files.

#### University Service

- 2014 Member, Personnel Committee, Center for Pacific Islands Studies
- 2013- Member, Native Hawaiian Initiative, College of Social Sciences, University of Hawai'i at Mānoa
- 2011-2012 Member, Native Hawaiian Advancement Task Force, University of Hawai'i at Mānoa
- 2011 Participant, Commitment to Liberal Education Initiative, College of Social Sciences, University of Hawai'i at Mānoa, Spring and Fall
- 2011 Speaker, HAP-focus workshop, General Education Office, University of Hawai'i at Mānoa, October 3
- 2010- Member, Editorial Board, Hawai'inuiākea Monograph Series, Hawai'inuiākea School of Hawaiian Knowledge and University of Hawai'i Press
- 2008- Member, Editorial Board, Pacific Islands Monograph Series, Center for Pacific Islands Studies and University of Hawai'i Press
- 2010-2011 Member, Tenure and Promotion Review Committee, UHM
- 2005-2008 Member, Steering Committee (2005-2008), Curriculum Committee (2006-2008) and Admissions Committee (2005-2006), International Cultural Studies Graduate Certificate Program.
- 2005- Member, 5 PhD Committees: J. Salazar, (Poli Sci, 2011-present), C. Castagna (Geography, 2005-present), P. Moore (Poli Sci, 2010), J. Basham (Poli Sci, 2007, second dissertation written in Hawaiian), K. Wong (Linguistics, completed May 2006, first dissertation written in Hawaiian)
- 2004- Member, 4 MA Committees: T. Martinson (Hawaiian Studies, 2009), A. Sala (Music, 2007-present), C. Pang (Music, 2009), K. McKeague (Urban and Regional Planning, completed 2005).
- 2008, 2010 Member, 2 Honors Thesis committees: J. Russo (Political Science, 2008) and N. Nashiro (Political Science, 2010)

- 2006-2007 Member, Honors College Task Force Committee.
- 2006-2007 Member, Honors Futures Committee.
- 2006-2007 Member, Editorial Board, Center for Pacific Islands Studies Occasional Paper Series.
- 2006 Participant, Manoa Forum XIII “Civility,” UHM College of Arts and Sciences, Double Tree Alana Hotel, Waikiki, Oct 6-8.
- 2003-2011 Guest lecturer: TPSS 416 Issues Concerning Biotechnology (A. Wieczorek, 2/27/09); Understanding Medicinal Properties of Hawaiian Plants (Wofford College Interim Course, B. Splawn and E. Richardson, 1/12/09); PACS 603 Representing Oceania (V. Hereniko, 10/27/08); POLS 390: Political Inquiry and Analysis (H. Aikau, 10/16/08); EDEF 678: Approaches to Educational Inquiry (W. Nishimoto, 10/14/08); WS 360/ES 365 Pacific/Asian Women in Hawai‘i (M. Casumbal-Salazar, 9/25/08); Kōkua A Puni Summer Enrichment Program (HWST, 7/21/11 & 7/23/08); POLS 621: Politics of Indigenous Representation (H. Aikau, 3/22/07); EDCS 632: Qualitative Research Methods – Indigenous Research Methods (M. Maaka, 3/6/06); LAW 520: Advanced Legal Studies – Native Hawaiian Law (M. MacKenzie, 4/17/06); POLS 339/WS 439 Feminist Theory (H. Aikau, 3/14/05); POLS 686 Contemporary Native Hawaiian Politics (4/12/05, N. Silva); PACS 601 Learning Oceania (T. Wesley-Smith, 11/2/05); CUL 610 International Cultural Studies: History and Theory (M. Yoshihara, 11/16/05); AMST 683 Museums: Theory, History, Practice (K. Kosasa, 11/16/05); PACS 693: Cultural Identities: American and Pacific Perspectives (V. Hereniko, 2/5/04)
- 2004-2006 Member, Organizing Committee, Ho‘okulāiwi Research Institute for Kanaka Maoli and Indigenous Education.
- 2003- Member, Kūali‘i, Native Hawaiian Advisory Council (Executive Committee Member 2004-2005).
- 2004-2006 Faculty advisor, BA in Interdisciplinary Studies (N. Tahauri).
- 2004 Submission reviewer, Occasional Papers Series, Women’s Studies.
- 2004 Speaker, Teaching Assistants’ training workshop, Center for Teaching Excellence, August 17.
- 2004 Faculty Marshal, Spring Commencement, May 16.
- 2004 Faculty advisor, Native Hawaiian Leadership Project Graduate Assistantship Program (Sean Nāleimaile, GRA), Spring-Fall.
- 2003- Member, Pūko‘a, System-wide Native Hawaiian Advisory Council.
- 2003-2005 Member, Native Hawaiian Leadership Project curriculum planning committee.
- 2003 Mentor for students from Reed College (Oregon), Marlboro College (Vermont), and Dartmouth College (Hanover), Fall.
- 2003 Orientation facilitator, Re-imagining Indigenous Cultures: The Pacific Islands, National Endowment for the Humanities Summer Institute, East-West Center, Honolulu, July 2.

### **Departmental Service**

- 2013-2016 Chair, Department of Ethnic Studies
- 2014-2015 Member, Personnel Committee, Department of Anthropology
- 2012-2014 Faculty Advisor, Ethnic Studies Students Association, Fall-Spring
- 2011-2012 Co-chair, Awards Committee, Department of Anthropology, Fall-Spring

- 2011-2012 Member, Department Personnel Committee and Chinese Diaspora Specialist Search Committee, Department of Ethnic Studies, Fall-Spring
- 2010-2011 Member, Search committee for Race and Race Relations Specialist position, Department of Ethnic Studies, Fall-Spring
- 2010-2011 Member, Search committee for Ecological Anthropologist position, Department of Anthropology, Fall-Spring
- 2010- Convener, Cultural Anthropology Faculty Caucus, Department of Anthropology
- 2010- Member, Curriculum Committee, Department of Anthropology, Fall 2004 to Spring 2007, Fall 2010.
- 2007-2009 Chair, Colloquium Committee, Department of Anthropology, Spring 2007 to Fall 2009 (member since 2003).
- 2007 Coordinator, Anthropology Graduate Student Orientation and Service Learning at Ka‘ala Farms, Wai‘anae, September 15.
- 2006-2009 Member, External Relations Committee, Department of Anthropology, Fall 2006 to present.
- 2004- Member, ES 101 Curriculum Development Committee, Department of Ethnic Studies, Fall 2004 to present.
- 2003-2009 Chair, Outreach Committee, Department of Ethnic Studies, Fall 2003 to Spring 2009.
- 2007- Chair, PhD Committees for S. Barrier-Heinz, A. Stevens-Gleason, and P. Fifita.
- 2004- Member, 6 MA committees: J. Spoon (1/04-5/05), S. Nāleimaile (8/04-present), C. Claus (10/05-5/06), S. Barrier-Heinz (2/06-5/07), P. Fifita (6/07), K. Pongpanich (6/07), Department of Anthropology.
- 2003- Member, 6 PhD Committees: B. Ledward (8/03-present), J. Spoon (5/05-present), P. Christensen (12/05-present), T. Vu (3/06-present), and H. Katsuno (9/06-present), J. Stephen (8/07-present), Department of Anthropology.
- 2003-2005 Coordinator, service learning projects in Mākua, Nu‘uanu/Kaniakapūpū, Kahana, Waikāne, and Keaiwa, College of Social Sciences (with funding from the Hawai‘i Pacific Island Campus Compact).
- 2005-2007 Video organizer, Ah Quon McElrath Fund for Social Change, Department of Ethnic Studies.
- 2003-2009 Guest lecturer: ES 310 Ethnicity and Community (U. Hasager, 7/14/09); ES 338 American Indian Experience (T. Castanha, 6/30/09); ES 330 Japanese in Hawai‘i (J. Chinen, 9/8/08); ANTH 350 Pacific Islands Cultures (G. White, 11/9/04); ANTH 698 Professional Development (M. Graves, 9/22/04), ANTH 424 Culture, Identity, and Emotion (G. White, 10/23/03); ES 221 Hawaiians (D. McGregor, 10/5/06); ES 101 Introduction to Ethnic Studies (P. Ho, 10/3/06, 10/27/08; M. Das Gupta, 11/30/06) UCLA/UH Mānoa Multicultural Summer Program—Asian American Studies 187D (R. Labrador, 8/1/05, 8/2/06, 7/29/09) and ES 301 Ethnic Identity (J. Okamura, 8/1/03, 8/4/04, 8/3/05, 7/31/06, 7/29/09)

### Community Service

- 2014 Cultural expert for Native Hawaiian Legal Corporation on Petition to Amend Interim Instream Flow Standards for East Maui.

- 2013 Member, Selection Committee, State Historic Preservation Division  
Administrator Search Committee, July-October
- 2012-2013 Chair, Nāki'ikeaho, Association of Native Hawaiian Archaeologists and Anthropologists
- 2011 Consultant, State Historic Preservation Division Consultation on History/Culture Branch, Honolulu, October 14
- 2011- Expert witness for Native Hawaiian Legal Corporation lawsuit *Davis v Abercrombie* in First Circuit Court seeking protection of religious rights of Native Hawaiians incarcerated on continental U.S.
- 2009-2011 Treasurer, Hawaiian Historical Society (Trustee in 2008)
- 2010 Principal Humanities Scholar, *E Kū Ana ka Paia: Unification, Responsibility and the Kū Images*, Hawai'i Council for the Humanities Grant to the Bernice Pauahi Bishop Museum (\$10,000)
- 2008-2013 Co-convenor, Friends of State Historical Preservation Division community coalition
- 2008- Member, Institutional Review Board, Native Hawaiian Health Care Systems
- 2007 Expert witness, 'Āo Ground Water Management Area High-Level Source Water Use Permit Applications and Petition to Amend Interim Instream Flow Standards of Waihee, Waiehu, Iao, & Waikapu Streams Contested Case Hearing, Before the Commission on Water Resource Management, State of Hawai'i.
- 2005-2006 Preparer of expert declarations for court cases *Mālama Mākua v Donald Rumsfeld* (for plaintiffs, 1/06), *Nā Lei Ali'i Kawananākoa and Royal Hawaiian Academy of Traditional Arts v Bishop Museum and Hui Mālama i Nā Kūpuna o Hawai'i Nei* (for defendants, 12/05), and *Īlio'ulaokalani Coalition v Donald Rumsfeld* (for plaintiffs, 5/06); and comments on Draft Environmental Impact Statement for Military Training at Mākua Military Reserve (10/05).
- 2005 Expert witness, Native American Graves Protection and Repatriation Review Committee meeting, Honolulu, March 13.
- 2004-2005 Member, Kōmike Hemo Kula a me ke Kōmike Mea Kūikawā a me ke Kōmike Mākua, Pūnana Leo o Honolulu Hawaiian Language Immersion Preschool, Honolulu.
- 2004- Po'ō, Mo'ō Lono, Hale Mua o Kūali'i (Head of the Lono order of the Men's House of Kūali'i), O'ahu. Co-organizer of annual Makahiki Nui, Kualoa Beach Park (2005-2010); Orator, Chanter, and Keeper of Kava Bowl at ceremonies held at Healing Our Spirit Worldwide (Sep 3-10, 2010, O'ahu); Hawai'i Conservation Conference (August 4-6, 2010); Huaka'i i Aotearoa (April 30-May 11, 2004); and annual ceremonies at Pu'ukoholā Heiau, Kawaihae (2004-2010)
- 2003-2004 Member, ke Kōmike Ho'okipa a me ke Kōmike Mākua, Pūnana Leo o Honolulu Hawaiian Language Immersion Preschool, Honolulu
- 2001- President, Board of Directors of Hui Ho'oniho, Non-Profit Natve Hawaiian Organization Dedicated to the Perpetuation of Hawaiian Dry Masonry Traditions.
- 1998- Member, Hui Mālama i Nā Kūpuna O Hawai'i Nei, Native Hawaiian organization caring for ancestral remains; O'ahu, October 1998 to present. Kona district community liaison and protocol instructor, Project Ola Nā Iwi community workshops established to educate and train Hawaiian community in traditional burial practices (2000-2001).

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

HEALOHA CARMICHAEL, LEZLEY	) CIVIL NO. <u>15-1-0650-04</u> RAN
JACINTHO, and NĀ MOKU AUPUNI O	) (Environment; Declaratory Judgment)
KO'OLAU HUI,	)
	) DECLARATION OF HEALOHA
Plaintiffs,	) CARMICHAEL
	)
vs.	)
	)
BOARD OF LAND AND NATURAL	)
RESOURCES, SUZANNE CASE, in her	)
official capacity as Chairperson of the Board	)
of Land and Natural Resources, the	)
DEPARTMENT OF LAND AND NATURAL	)
RESOURCES, ALEXANDER & BALDWIN,	)
INC., EAST MAUI IRRIGATION CO., LTD.,	)
HAWAIIAN COMMERCIAL AND SUGAR	)
CO., and COUNTY OF MAUI,	)
DEPARTMENT OF WATER SUPPLY,	)
	)
Defendants.	)
	)
	)

DECLARATION OF HEALOHA CARMICHAEL

I, Healoha Carmichael, under penalty of perjury hereby state the following is true and accurate to the best of my knowledge and belief:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I grew up in Wailua and Ke'anae in East Maui.
4. I learned traditional and customary gathering practices from my grandmother, 'Awapuhi Carmichael, who learned practices passed down from her Hawaiian elders.
5. Traditionally, my 'ohana gathered 'ōpae, watercress, lū'au, haha, pepeiao, hihiwai, pupulo'i and goldfish in Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Waiohue, and Makapipi.
6. Traditionally, my family would also pick 'opihi on the way home from gathering and also catch 'o'opu at Waiolohe and Ching's pond in Palauhulu.
7. My 'ohana also engaged in mālama 'āina and mālama kahawai at Honomanu, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Waiohue, and Makapipi, and Waiohue by gathering according to the moon, not always going to the same places so we didn't overharvest the stream, and taking care of the ko'a's to keep the population up.
8. Currently, I gather 'ōpae in Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, Hanawi, Waiohue, and Makapipi. I gather hihiwai in Waiohue and Kopiliula. We have to go high in the mountains to find the 'ōpae and hihiwai. I practice the traditions my grandmother taught me, including what colors not to wear when gathering, how we should walk on the sides of the river, and how we should be quiet when we carry out these traditions. I was taught to always look up at the mountain to look out for big water.
9. I also fish for moi, aholehole, uouo, and mullet in and around the mouths of Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaka, Kapaula, and Hanawi. I also dive for kole and pick 'opihi. Now, there's not much moi.
10. I gather to feed my family and as recreation.
11. I continue to engage in mālama 'āina and mālama kahawai as my grandmother taught me, following her instruction to gather according to the moon and from different places so we don't overharvest.
12. My family and I enjoy swimming in Ching's Pond at Piinaau. However, in some places the water is dirty and just sits because the diversions obstruct the flow. I got a staph infection four times from swimming in the water.
13. I've noticed the change in water flow. For example, at East Wailuaiki, you can see the ditch, see the water dropping into it, and then look below the ditch only to see the pond is completely dry. At Hanawi, the side above the ditch has water, the side below the ditch has nothing. Mountain Pond at Piinaau is bone dry. So is Kikokiko Spring. Most of the time, you have to wait for it to rain before you see any water in the stream. If you wait a couple days for the rain to clear up, the streams are beautiful. Otherwise they are typically dry.
14. The change in water flow affects the populations of stream animals like 'ōpae, hihiwai, and 'o'opu. It's not at all like what my grandmother described it was like

before time.

15. I've also noticed invasive trees like the African tulip moving in where the water has stopped flowing due to the diversions.
16. The impact of the diversions on this environment is tremendous. When you kill a stream and you allow invasive species to take over, that's a sin. The dewatering of the stream is not caring for it. It's not mālama 'āina.
17. I am concerned about the fact that there has never been an environmental assessment or impact statement to analyze what these large-scale diversions have done and will do to this environment. I am also concerned that A&B and EMI continue to get permits to use ceded lands in a way that negatively and significantly impacts my 'ohana and Native Hawaiians in violation of the law.

DATED: Ke'anae, Hawai'i, May 4<sup>th</sup>, 2015.



HEALOHA CARMICHAEL



4. I am farming this land based on my family history and talking with kupuna about practices their parents traditionally engaged in to farm lo‘i long before we continued those customs.

5. I learned how to farm taro from Beatrice Kepani Kekahuna and Lurlyn Scott.

6. My ‘ohana has lived in Honopou for many generations.

7. Traditionally, my ‘ohana gathered ‘ulu, kalo, uala, moi, aholehole, banana, ‘o‘opu, pūpū, kala, hau, native crayfish, hihiwai, ‘opihi, limu, pohole, mango, ‘awapuhi, tī leaf, lū‘au, guava, watercress, oranges, and medicinal plants in and around Honopou.

8. Traditionally, my ‘ohana fished for aholehole, honu, moi, mullet, poopaa, puhi, ulua, lobster, pāpio, ‘ō‘io, lae, uhu, menpachi, kole, black crab, haukiuki, kupipi, and opihi in or near the mouth of Honopou, Punalau/Kolea, Honomanu, Hanawi, and Makapipi. They also gathered limu in those areas.

9. My ‘ohana also engaged in mālama ‘āina and mālama kahawai. They were aware of spawning times, they cleaned the ‘auwai, gathered only what was needed, gathered and fished with the moon cycle, rebuilt walls, and cleaned Honopou.

10. Currently, my ‘ohana and I gather pohole, banana, avocados, ‘ulu, mango, orange, puakenikenī, and lū‘au in and around Honopou and Honomanu. We also pull kalo if it is not rotten.

11. My family and I fish for pāpio, enenuē, moi, prawns, lobster, haukiuki, ‘opihi, and kupipi in or near the mouth of Honopou and Honomanu.

12. I gather and fish to feed my family, teach my kids to feed themselves, and live as our grandparents did.

13. My family engages in mālama ‘āina and mālama kahawai by cleaning Honopou and nearby ponds, planting kalo, cleaning, and working together to grow food.

14. We also swim in the ponds, teach our kids how to swim, catch prawns, fish, and play games in and around Honopou.

15. I appreciate the natural beauty of Honopou, including the birds and dragon flies. I love the smells of ‘awapuhi and other flowers. I enjoy looking around, taking in the beauty and the greenery, and hearing rushing water while sitting on Lurlyn Scott’s deck next to the pond.

16. Water is used to irrigate my lo'i as well as other lo'i. The level of water barely feeds those lo'i. More water is needed as we continue to open more lo'i. The water also feeds homes situated around these lo'i, homes which have been established for generations.

17. The lack of stream flow harms our taro. We have lost taro due to root rot and other diseases.

18. Because the streamflow connects to the ocean, diverted streamflow restricts spawning of different species of fish. Thus, the lack of streamflow also affects our gathering rights as Hawaiians and our ability to feed our 'ohana as was once possible. Native species like 'o'opu cannot travel back up stream due to lack of water, which compromises their reproduction and life cycle. Our families who live in this area cannot gather enough resources from the ocean and streams because there is not enough fish, hihiwai, 'ōpae, and 'o'ōpū living in them. The low stream flow has also caused people to move away to provide better for their family, unable to sustain their families with the limited food resources available as a result of the diversions.

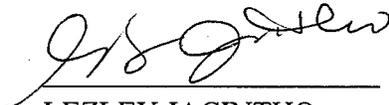
19. Additionally, swimming in the ponds is a form of recreation we all enjoy. It should continue to be enjoyed; not compromised by improper flow which can cause stagnate water that breeds leptospirosis and other bacteria.

20. Spiritually, we are connected to the water here. Water is life. Without water we will not be.

21. It is for these reasons – the long list of harmful impacts resulting from A&B and EMI's large-scale diversions all along our ceded lands – that the lack of an environmental assessment for A&B and EMI's use of these state lands upsets me and my community.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honopou, Maui, Hawai'i, May 15, 2015.

  
LEZLEY JACINTHO



5. My family has been in Wailuanui for six generations. I still farm on lands that trace back to the Māhele on my mother's side (Kaiha`a-Waila`ahia-Lu`ukia). I farm the same taro patches, 'auwai, and rivers in the same traditional and customary manner. That knowledge was passed on to me through the generations.

6. Traditionally, my family gathered 'ōpae, 'o'opu, and hihiwai from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Waiohue, and Makapipi.

7. My family also traditionally fished for uhu, u`u, kole, ulua, 'uku, kumu, moi, honu, and anae in or near the mouths of Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Waiohue, and Makapipi.

8. Traditionally, my family engaged in mālama 'āina and mālama kahawai by being careful not to overharvest the stream animals as well as clearing the vegetation or rubbish blocking stream flow in and around Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Waiohue, and Makapipi.

9. Currently, I gather 'o'opu and hihiwai in Honomanu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Hanawi, Makapipi, and Waiohue. I also fish for moi, enenu, manini, uaouao, ulua, and anae in or near the mouth of Nuaailua, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Hanawi, and Waiohue. Some of the streams my ohana traditionally gathered in have had insufficient to no streamflow and therefore gathering in them today is difficult.

10. I also engage in mālama 'āina and mālama kahawai by clearing stream banks of vegetation and rubbish that otherwise block stream flow in and along Honomanu, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Hanawi, and Waiohue.

11. In the same manner that I learned my traditional and customary practices from my kupuna, many Nā Moku members also learned to gather, fish, and farm in and/or alongside streams in the Honomanu, Ke‘anae, and Nahiku license areas and continue to do so today.

12. For me, gathering and fishing from the streams enables me to provide a protein source to my ‘ohana and neighbors, including kupuna, who may be unable to gather and catch their own fish. I also aim to teach the ‘ōpio the traditional practices to mālama streams and gather and fish from the streams and coast lines.

13. Dewatering the streams has prevented my generation from teaching ‘ōpio how to mālama streams and use techniques wisely to gather from streams and fish along coastline near the muliwai.

14. The diminished stream flow has negatively affected the muliwai and the coastal fisheries. Certain volumes of water and enough flow is required to maintain a good kalo crop. As with many other Nā Moku members, much of my kalo could not survive the emptying of these streams, so it has made farming more difficult. Additionally, some of my neighbors have abandoned kalo farming because the streams had stopped flowing.

15. The lack of stream flow has also allowed vegetation along the stream banks to block the stream beds, and has permitted invasive snail species and African tulips to take over the taro crop.

16. Ultimately, the loss of stream water has changed the whole way of life in Wailuanui-Ke‘anae. It takes more time to find the resources to gather, which robs me and other Nā Moku members of time for recreation and time with ‘ohana.

17. Without water, our whole way of life would be lost.

18. Many original members of Nā Moku have died since we first petitioned for the return of water to these streams. It makes me sad and lose hope. They never lived to see the water return to the lo‘i in 2008. I am afraid I will not live to see the return of the water we are now fighting for.

19. I am disappointed and concerned that there has been no environmental review of A&B and EMI’s use of our ceded crown lands. There are environmental impacts that have been obvious for decades that continue today. How these corporations have managed to get permits from the Board of Land and Natural Resources year after year without following the law is outrageous.

20. Corporations last forever. Traditional people do not. Crown lands should be set aside for the benefit of the people.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Wailuanui, Hawai'i, May 19, 2015.

  
EDWARD WENDT

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKEA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF LURLYN SCOTT

**Declaration of Lurlyn Scott**

I, Lurlyn Scott, hereby declare that:

1. I live and farm taro in Honopou Valley and have gathered in Honopou Stream and diverted water for my family's lo'i kalo my whole life.
2. I've seen Honopou Stream during dry seasons, wet seasons, high flows and low flows.
3. In 2008, interim instream flow standards were set for two points along Honopou Stream. The IIFS were not met for the most part following the 2008 decision and subsequent modifications to the diversion structures.
4. Around April 2016, I noticed the flows in Honopou Stream were much higher than ever before and more than what I would expect to flow naturally under undiverted conditions.
5. The higher flows overflowed my 'auwai on several occasions and the overflows and silt and debris carried in them fills my 'auwai which now require constant cleaning.
6. Although I've spent my life asking the Commission to restore water to Honopou Stream, I am concerned that water diverted from streams to the East of Honopou is being

brought through the ditches and dumped in Honopou Stream so that the water flows are higher in the stream when normally summer flows are lower. My family and I rely on the lower summer flows to gathering and recreation and the high flows limit our ability to go in the stream for these purposes.

7. The additional water concerns me because I also gather in other streams to the East and I support the restoration of those streams to support my traditional and customary practices, as well as the practices of other East Maui community members. I also do not know the possible harmful impacts of adding more water than natural will have on the integrity of the Honopou stream bed, the health and life cycles of the stream animals and nearshore fisheries, the promotion of erosion, and other environmentally destructive impacts.

DATED: Honopou, Maui, HI, January 5, 2017.

---

Lurlyn Scott



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Camille Kalama and Ms. Summer Sylva, Staff Attorneys  
Native Hawaiian Legal Corporation  
1164 Bishop Street, Suite 1205  
Honolulu, HI96813

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

Dear Ms. Kalama and Ms. Sylva:

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

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

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

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

3. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, terrestrial flora and fauna and invasive mosquitos. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
4. The Draft EIS includes in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
5. Figure 1-1 in the Draft EIS illustrates the EMI Aqueduct System overlaid on the Department of Land and Natural Resources (DLNR) Division of Aquatic Resources (DAR) geographic information system (GIS) data of streams. An electronic drawing of the EMI Aqueduct System was georeferenced by Akinaka & Associates, Ltd. to depict major diversions on East Maui streams on a United States Geological Survey (USGS) GIS base map. Due to the complexity of the EMI Aqueduct System and the level of detail shown on the map, not all of the minor diversions could be associated with a stream or tributary. The stream names shown are from the DAR GIS database but a few of those stream names may differ from how some East Maui residents may refer to them. Moreover, certain streams that were identified during certain proceedings before the CWRM do not have associated GIS data and therefore could not be precisely located on the map. Table 1-2 in the Draft EIS reconciles discrepancies between stream names used in the February 2017 EIS Preparation Notice and the CWRM D&O.
6. For the purposes of the Draft EIS, diversion quantities from the CWRM D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
7. For purposes of this Draft EIS, the list of streams assessed as part of the License Area is taken from the D&O. The Draft EIS discusses impacts to hydrology associated with the Proposed Action in Section 4.2 of the Draft EIS as well as the reports various technical reports prepared for the Draft EIS, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure

Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

8. The impacts of access into the License Area are discussed in the SWCA report and the Archaeological Literature Review and Field Inspection report (See Appendices B and E, respectively). These impacts are also discussed in the Draft EIS in Section 4.4 pertaining to the natural environment and Section 4.5 on historic and archaeological resources.
9. The Cultural Impact Assessment (See Appendix F) includes a tabulation and evaluation of traditional cultural practices, including those provided through interviews and declarations from the CWRM's proceedings on the IIFS.

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Charlotte O'Brien

February 23, 2017

Ha'ikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. O'BRIEN: I would like the EIS to include an assessment of the importance of the -- I'd like the EIS to assess the fragility of the food security of all of the Hawaiian islands due to the imminent threat of climate change and the potential for -- for the potential of international and even national political instability. This is a state security issue, not that I'm not sympathetic to all of the other issues, but this is a state security, food security issue. I think that for our law enforcement people -- I'm sorry, for our lawmakers to make and form the decisions, this EIS should assess the potential of the development of what A & B has called their important agricultural lands, 27,000 acres, the importance of that to the food security of all of the Hawaiian islands, in the same way that the bread basket of the Midwest helps small farmers in the south, in the east, in the west. To supplement their pasture animals, the pigs of the Big Island are importing grain at the cost of \$8.80 a bushel for soybeans. That's just the shipping cost. \$8.21 a bushel just for corn. I called Matson myself. Now there's no way that you can be a small pig farmer on the Big Island and pay those as the prices in addition to what you're paying for the grain.

So this is a food security issue for all of the Hawaiian islands, and I think that needs to be assessed in this EIS, because it needs to be assessed whether or not it should become a public trust. And I'm not saying that we need to take the land from A & B. I think we can pay them what they carry for the asset on their books. Whatever their historical asset value of that land is on their books, the State could pay them for that so they're not out anything. And the EMI, if the State runs it, A & B can lease water just like anybody else according to need and according to value to the citizens of the State of Hawaii. And I'll write more in my written statement.



10238-02  
September 23, 2019

Ms. Charlotte O'Brien  
charobrien@gmail.com

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

Dear Ms. O'Brien:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui. The environmental impacts of the potential Water Lease will be assessed.
2. Sections 4.3.1 and 4.3.2 of the Draft EIS and the Assessment of Streams and the Ocean Water Chemistry report (See Appendix A) discuss climate change impacts related to the Proposed Action.
3. Section 2.1.4 of the Draft EIS includes a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area.

4. Sections 1.1 and 1.2 of the Draft EIS discuss the purpose and objectives of the Proposed Action , including the development of diversified agriculture in the fields of Central Maui. The relationship of Mahi Pono's Farm Plan to various land use plans, policies and controls is discussed in Chapter 5, including Section 5.1.1 on the Hawaii State Plan; Section 5.1.2 on the State Functional Plans, especially the Agriculture Functional Plan; Section 5.1.4 on Important Agricultural Lands; Section 5.2 Governor Ige's Sustainability Initiative; and Section 5.4 the Maui County Land Use Plans and Policies.
5. Chapter 4 of the Draft EIS and the Agricultural and Related Economic Impacts Report (See Appendix I) discuss the anticipated impacts of the Proposed Action on agriculture.

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

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

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

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

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EISPN for Proposed Lease for the Nahiku, Ke`anae, Honomanu, and Huelo License Areas of Public Land, Maui, Hawaii  
**Date:** Friday, March 10, 2017 3:07:07 PM  
**Attachments:** [image001.jpg](#)

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## Jeanine S.H.Y. Morioka

Secretary



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

**From:** Chelsea Huddleston [mailto:[chelseahuddleston@gmail.com](mailto:chelseahuddleston@gmail.com)]  
**Sent:** Friday, March 10, 2017 3:06 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** EISPN for Proposed Lease for the Nahiku, Ke`anae, Honomanu, and Huelo License Areas of Public Land, Maui, Hawaii

Dear Mr. Okamoto,  
Mahalo for the opportunity to provide comments on this Environmental Impact Statement Preparation Notice (EISPN) for the use of water from four license areas consisting of 33,000 acres of public lands and waters in East Maui.

As a resident of

4949 Hana Highway, Haiku in Maui

I am affected by how our streams and watersheds are managed. Because of my interest, I would like to request that the Draft EIS for this proposed Lease include the following information which is not clearly indicated in the EISPN

:

- Full disclosure of every single diversion along the East Maui Irrigation system
- Full disclosure of the amount of water proposed to be taken from each stream, license area and from the entire license area daily (on average and at minimum and maximum)

- The impact of how the proposed diversions may affect federally listed plant/ bird/bat & insect species in lease areas
- The impacts of diverting water from East Maui streams on outdoor recreational activities
- The impacts on the maintenance of ecosystems
- The impacts on traditional and customary Hawaiian practices (including kalo farming)
- A discussion of alternatives including: shorter lease periods, less volumes than proposed, termination of diversions from the Nahiku and/or Keanae areas

Thanks for your attention to these important issues/ concerns. I look forward to following the EIS review process closely and for the opportunity to review the draft EIS.

Best,  
Chelsea Huddleston

--

Chelsea Huddleston  
808.868.1884  
[@c.h.e.l\\_sea](mailto:c.h.e.l_sea)



10238-02  
September 23, 2019

Ms. Chelsea Huddleston  
4949 Hana Highway  
Haiku, HI  
chelseahuddleston@gmail.com

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

Dear Ms. Huddleston:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. The Draft EIS assesses the impacts of the Proposed Action on recreational uses and facilities in Section 4.8.
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)
7. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Cheryl Kekahuna

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. KEKAHUNA: My name is Cheryl, also known as Pohe, Kekahuna. I'm the safety director for the Nahiku Community Association, as well as a resident of Lower Nahiku. I am here today to oppose a 30-year lease proposed by A & B. I would like to start with a couple questions.

Why after HC&S was officially done in December 2016, the water wasn't restored to all the rivers, being there's no sugar cane in production? And where is the water that was irrigated for the sugar cane? Now, it seems almost coincidental that the same month HC&S was done, A & B sold 300-plus acres in Paia. The message I got from that was, here we go, progress. And it was clear to me that A & B can't be trusted. They have their own agenda. In A & B's Environmental Impact Statement, your EIS for February, you need like a lawyer or a dictionary to kind of understand this.

However, there was something that caught my attention. Under the proposed action, there's a statement that:

"Aqueduct system continues to serve a critical role in providing upcountry Maui and Nahiku community with water, and should the delivery of water from EMI aqueduct system be curtailed, upcountry Maui and the Nahiku community would be left without a reliable source of water."

Now, I had to Google the definition of "curtail." It states:

"To reduce in extent or quantity, impose a restriction on, or deprive someone of something."

Makapipi, Hanawi, Haipuaena automatically runs through our island blood. I ask: Are you God? Who gave you the right to deprive us of our right to live? Back in the day when our great grandparents, uncles, grand uncles, grandparents used to work for EMI, the streams and rivers were properly managed. The rivers never ran dry and all-- and was well maintained. Is that the case now?

We, as kanaka'ole, have to fight for our water. Our kava farmers in Keanae for over a decade have been fighting for the rivers to be restored to their (Hawaiian). And here comes A & B with their proposals and greed for more water. State and county representatives, are you going to allow A & B to deprive and be unjust to the people and county you represent?

Scoping Meeting Comments of Ms. Cheryl Kekahuna

Page 2

February 23, 2017

And lastly, I would just like to end my testimony by simply saying: Remember our rivers are sacred. There's kaona in these rivers. Don't let the hewa follow you.



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September 23, 2019

Ms. Cheryl Kekahuna

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

Dear Ms, Kekahuna:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Section 1.3.4 of the Draft EIS discusses the Commission on Water Resources Management’s (CWRM) June 20, 2018 Interim Instream Flow Standard (IIFS) Decision and Order (D&O) and the authority of the BLNR to issue a Water Lease for non-instream uses pursuant to Hawai‘i Revised Statutes (HRS) § 171-58, that is subject to the IIFS set by CWRM.
3. For the purposes of this EIS, diversion quantities from the D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. Modifications or removal of diversion structures for streams in the License Area are those streams designated for full or partial restoration by the D&O.
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of

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Letter to Ms. Cheryl Kekahuna

Page 2

September 23, 2019

Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with the first name "Earl" being more prominent.

Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Christina Hemming

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. HEMMING: Hi. My name is Christina Hemming, and I actually live on Kuiaha stream. It's been running lately here in Haiku, which has been great. But today I went down there, and it's pretty much all done. Everett Dowling's got a well up above. Okay. So this is an EIS. We've got to fit into their paradigm in order for it to count.

So the number one thing I want to be part of the EIS is the EIS has to be consistent with the development resource plan, which has some very stringent rules. And some of those rules are -- well, first of all, the first rule it says is it only looks 20 years out. And you know it says the rules are only for 20 years out. So how can you ask for a lease for 30 years when in the rules themselves, in 13.170 32, it says a 20-year vision. So the lease should only be considered for the rules that have the paradigm of 20 years.

Second of all, who is the lease going to go to? Who -- can the lease be transferred if you -- if they agree to this and it goes through, will the lease be able to be transferred or subdivided to multiple entities. Number two. The instream flow standards need to be -- all the -- everything needs to go up, all the water needs to go into the stream, and then you ratchet it down to see how much is actually needed.

And this is where it gets kind of tricky for me, because I personally feel like East Maui needs to be designated as a water management resource area, just like west Maui. Because technically, if it's not designated as a water resource management area, all the waters that's been flowing down to Central Maui, that's a crime. That's a crime against the water laws of the State of Hawaii. And no one has been discussing it. If they want to take the water from anywhere on East Maui and take it down to central valley without a water management designation area -- which means they have to tell you all the wells. Everybody's got to get a permit for any well they drill. They have to tell how many wells there are.

They've got to do a study on the quality of water, and all of that goes into can they release water out to another area of the island. Otherwise, if it's not declared a water management area and the aquifers aren't protected, then this EIS application is illegal based on the Water Resource Commission rules. You have to project the usage of water, you have to identify the sources of water, you have to have the existing uses of water all part of the EIS; you have to have the capacity, and it all has to be part of a 20-year analysis plan.

The last time I went to a water meeting was like in '99, '98, and it was on the Kaupo ditch system. And I remember when DLNR awarded the Kaupo ditch system to the Kaupo Ranch for \$600 a year, in

quarterly payments of \$125 or \$150. So the amount of money that the people are paying for the water and then leasing it back to the people is a crime. And that should also be addressed. So the impact of the construction by EMI on the water quality should also be addressed in the EIS, please. And you have to follow the state resource code. And the lease should not be able to be transferable, and that should be -- because, hey, guess what? Monsanto, you know, guess what, there's a ton of companies. Do you know how privatized water has become in the United States? We don't want a Japanese bottling plant moving out there and taking all the water and then shipping it over to Japan or China or wherever else, where they are desperate for clean water. So that should also be part of the EIS. Thank you so much.



10238-02  
September 23, 2019

Mr. Christina Hemming

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

Dear Ms. Hemming:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including discussion of alternative lease duration and terms.
3. Section 1.3.4 of the Draft EIS discusses the Commission on Water Resources Management’s (CWRM) Interim Instream Flow Standard (IIFS) Decision and Order (D&O) and the authority of the BLNR to issue a Water Lease for non-instream uses pursuant to Hawai‘i Revised Statutes § 171-58, that is subject to the IIFS set by CWRM.
4. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the D&O were used to estimate the maximum amount of water to be diverted

by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

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

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>  
Attention: Mr. Earl Matsukawa

**SUBJECT: EISPN: PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU, KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS – SCOPING MEETING, FEBRUARY 22-23, 2017**

with the economiz climate &  
the ecological changes of the planet  
in mind our priority needs to be  
food sustainability here on Maui,  
not corporate profit  
to grow food we need water,  
the fish need fresh water too

Aloha

(include additional sheets as necessary)

PLEASE PRINT: Name: Christine Carter Phone: 808 572-2234  
Organization: \_\_\_\_\_  
Address: Huelo  
Email: \_\_\_\_\_

Please submit comments by March 10, 2017 or email [woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

\*Receipt of e-mailed comments will be confirmed via e-mail. If you do not receive a confirmation message, please contact our office (see contact information, above).



10238-02  
September 23, 2019

Ms. Christine Carter

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

Dear Ms. Carter:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated February 23, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 4 an assessment of the impacts of the Proposed Action. Section 4.3.1 discusses climate change impacts related to the Proposed Action.
3. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
4. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

10238-02

Letter to Ms. Christine Carter

Page 2

September 23, 2019

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Sincerely,

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Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Clifton M. Hasegawa**  
**President and CEO Clifton M. Hasegawa & Associates, LLC**  
**1322 Lower Main Street A5**  
**Wailuku, Maui 96793**  
**Telephone: (808) 419-5481**  
**Email: [clifhasegawa@gmail.com](mailto:clifhasegawa@gmail.com)**  
**LinkedIn: <https://www.linkedin.com/in/cliftonhasegawa>**

June 28, 2017

VIA EMAIL

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

Re: EIS – Alexander & Baldwin and East Maui Irrigation

Dear Mr. Matsukawa:

Maui Mayor Alan Arakawa predicted as early as 2005 that Hawaiian Commercial Sugar Company (HC&S) would cease to exist as a major part of Maui's economic engine. While the impact of the economic downturn played a part, HC&S's parent Alexander & Baldwin (A&B) to resource major and essential programs and projects vital to HC&S's ability to continue sugar operations was the lynchpin for HC&S's demise. But one example is A&B's failure to adequately and timely provision the HC&S Puunene Mill to comply with EPA pollution and emission standards and requirements. A&B delayed and delayed, asked for and received waivers, until finally Maui Electric Company, Ltd. (MECO) terminated its Power Purchase Agreement (PPA) with HC&S to provide firm-power to the Maui Grid. Selling electricity generated from HC&S biomass plant to MECO was a loss of a major revenue and income stream for HC&S.

The financial commitment of A&B to its diversified agricultural model is not part or included in the Environmental Impact Statement Preparatory Notice (EISPN) nor specifically raised in the Consultation Comments included as part of the ESIPN. Inclusion of detailed financial statements, balance sheets and projected budgets for its diversified agriculture operations is of paramount significance and importance to justify the 30 year term of the lease as being requested by A&B. A&B's unequivocal and firm commitment to diversified agriculture for 30 years, as discussed below, is not established, affirmed or substantiated.

As stated in the EISPN,

The purpose of the EIS process is to disclose to government agencies, the general public, stakeholders, and decision-makers the anticipated impacts of a project and to identify feasible measures that might be taken to mitigate potential impacts.

Statements made by Christopher J. Benjamin, President and Chief Executive Officer of A&B and information contained in the A&B 2016 Annual Report + Form 10-K filed with the United States Securities and Exchange Commission (SEC) filed on March 1, 2017 reinforce the need for a comprehensive, full and complete disclosure of A&B's financial commitment to diversified agriculture, near-term, short-term and long-term, be included and made a part of the EIS for review, evaluation and decision by government agencies, the general public, stakeholders, and final decision-makers. Specifically,

### **1. Reimagining A&B**

The cessation of sugar operations, like our separation from Matson four years earlier, changed the character of the Company and provided the opportunity for a fresh articulation of our future direction. We embarked on this process last spring, and what emerged over the summer was a two-pronged strategy to increase our net asset value (NAV) and enhance the market's appreciation of that value. Those objectives are guiding our increased focus on Hawaii commercial real estate (CRE). – Christopher J. Benjamin, President and Chief Executive Officer of A&B Letter to Shareholders.

Source: A&B 2016 Annual Report + Form 10-K. Filed March 1, 2017, accessed June 28, 2017 <https://www.sec.gov/Archives/edgar/data/1545654/000154565417000003/alex201610k.htm>

**2. Alexander & Baldwin (ALEX) CEO Chris Benjamin on Q1 2017 Results – Earnings Call Transcript**. Seeking Alpha. May 7, 2017, accessed June 28, 2017 <https://www.google.com/amp/s/seekingalpha.com/amp/article/4070402-alexander-and-baldwins-alex-ceo-chris-benjamin-q1-2017-results-earnings-call-transcript>

5 years ago, we were primarily a shipping company with a diversified and mostly nonstrategic commercial real estate portfolio, primarily on the U.S. mainland. We had a large sugar plantation and an expanding development pipeline.

Today, following several proactive steps in the real estate business and unavoidable sensation – cessation of our sugar operation, we are a Hawaii-focused real estate company with an increasingly strategic commercial portfolio that is generating nearly 40% More NOI [Net Operating Income] than just 5 years ago.

That's great progress, but we have further to go and are patiently moving toward our goal of even greater concentration and a larger footprint in Hawaii commercial real estate. I say patiently because we're focused on creating long-term sustainable value, and that's not done overnight. It's created by dispositions and taking comprehensive steps to build asset and land dispositions and taking comprehensive steps to build their value over time. And this is what I'm most excited about right now, the energy and enthusiasm of our team building this value. Diversified agriculture efforts are coming along well. We don't expect this to be a near-term driver of profitability.

[Clarification Supplied]

### 3. Risk Factors.

- a. "There is no assurance that the Company will be able to transition to and implement a new diversified agricultural model, which could have an adverse impact on the Company's results of operations." Page 19.
  
- b. **"The diversified Agricultural model may not achieve the financial results expected.** The company is currently evaluating several categories of replacement agricultural activities in the transition to the diversified model, including but not limited to energy crops, agroforestry, grass finished livestock operations, diversified food crops/agricultural park, and orchard crops. There is no assurance that the Company's replacement agricultural activities will be economically feasible or improve Land Operations segment's operating results." [Emphasis in original document] Page 19.

- c. "A&B's Land Operations segment creates value through actively managing and deploying the Company's land and real estate-related assets to their highest and best use. Primary activities of the Land Operation segment include leasing agricultural land, planning, zoning, financing, constructing, purchasing, managing, selling, and investing in real property, renewable energy, and diversified agriculture." Page 8.

Note Supplied. In terms of priority diversified agriculture is last.

Source: A&B 2016 Annual Report + Form 10-K. Filed March 1, 2017, accessed June 28, 2017. Cited above.

#### 4. Alexander & Baldwin

"**Alexander & Baldwin** is a premier Hawaii company with interests in commercial real estate, land operations, materials and infrastructure construction. We are a 147-year old company, rooted in our Hawaii land heritage, leveraging our unique assets for long-term growth." [Emphasis in original document]

Source: A&B. Accessed June 28, 2017 <http://alexanderbaldwin.com/>

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Factual evidence to establish, affirm and substantiate Alexander & Baldwin's financial commitment to fully resource its diversified agricultural model for the entire 30-year term lease is material and relevant to any entitlement to water. If the financial information, as stated above, is not included in the EIS document, the EIS will be incomplete. The government agencies, the general public, stakeholders, and decision-makers will be denied the ability to make informed, knowledge-based, accurate and complete decisions. Any decisions thus made will violate the Public Trust, a violation of the Hawaii State Constitution.

Thank you very much.

Respectfully,

A handwritten signature in black ink that reads "Clifton M. Hasegawa". The signature is written in a cursive style with a large, stylized initial 'C'.

Clifton M. Hasegawa



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Clifton M. Hasegawa  
President and CEO Clifton M. Hasegawa & Associates, LLC  
1322 Lower Main Street A5  
Wailuku, HI 96793

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

Dear Mr. Hasegawa:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated June 28, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

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2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

10238-02

Letter to Mr. Clifton M. Hasegawa

Page 2

September 23, 2019

3. The Draft EIS will include in Chapter 4 an assessment of the impacts of the Proposed Action. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural and Related Economic Impacts Report (See Appendix I) and an Economic and Fiscal Impact Analysis Report (See Appendix H).
4. The Draft EIS will discuss in Section 3.4 3 the capital investment costs associated with Mahi Pono's Farm Plan.

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

EM

Clive Drew  
Senior Agribusiness Value Chain Consultant  
3016 Kekaulike Ave  
Kula, HI 96790  
Cell: (808)-740-8744  
[clivedrew@hotmail.com](mailto:clivedrew@hotmail.com)

February 21, 2017

Wilson Okamoto Corp.  
Attn: Earl Matsukawa  
1907 S. Beretania St., Ste 400  
Honolulu, HI 96826

RECEIVED  
FEB 27 2017  
WILSON OKAMOTO CORPORATION

**Re: Long-term A&B water lease**

“Water is Life”

The Central Valley of Maui can be considered a savannah woodland environment. It mostly has low rainfall, strong trade winds and high solar radiation, so evapotranspiration is high. Without irrigation with water from the windward East Maui watershed, the area would likely revert to keawe and hale koa with bunch grasses such as buffel grass and guinea grass only suitable for seasonal grazing at low stocking rates. Fire hazard would also be rampant.

The East Maui watershed also supplies water to upcountry Maui for residential purposes, plus truck farming in Kula and supply to the Kula Agricultural Park. There is a large backlog of upcountry water meter applications.

The East Maui ditch system has also served as a flood mitigation measure for East Maui valleys so there are fewer “lao Valley incidents” destroying property, infrastructure and requiring heavy County, State and Federal disaster assistance.

Irrigation in the Central Valley also reduces fire hazard and the tail water and deep percolation also assist in recharging underground aquifers so there is not loss in well pumping capacity or salt water intrusion.

Historical records would show the volumes of water harvested through the East Maui ditch system. It is conceivable that water use was previously much higher since total acreage in sugar and pineapple was much higher, plus mill operations. Also, water use efficiency greatly improved when there was conversion from flumes and furrow irrigation to drip irrigation. There was also previously more active truck farming, flowers farms and greenhouse operations in Kula.

The County Planning Commission and Department of Water Supply can provide projections on future up-country water demand.

The focus in this deposition is on agricultural use for water for the 27,000 acres in the A&B permit application.

Governor Ige has issued a challenge for Hawaii to double its agricultural production. The irrigated HC&S lands in the Central Valley of Maui can make a significant contribution to that call.

Sugarcane has a high water requirement because of the high yields of biomass produced. So, it is conceivable that future demand for water would be somewhat less under diversified agriculture.

It is inconceivable that a single mono-crop will replace sugarcane over the entire landscape – if that were the case then A&B would have already transitioned land into that enterprise.

So, what we are looking at is a mosaic of different agricultural enterprises on the landscape, and preserving as much land as possible for productive agriculture, and maintaining the scenic beauty of the Central Valley for current and future generations.

Therefore, it is not possible to arrive at a definitive figure on future water requirements for agriculture on the 27,000 acres. A key factor in permitting is to allow for highest and best use of the land-based resource.

Some enterprises would actually require greater volumes of water/acre compared to sugarcane – examples include taro, lau lau, fresh water aquaculture, and some of the vegetable crops. But, all of these in aggregate would represent small acreage.

Enterprises such as corn silage, corn seed production, fodder crops, and bio-energy crops such as sorghums (and sugarcane) would require similar water requirements to sugarcane. In aggregate these could represent large acreage.

Enterprises such as coffee and fruit trees would require less water than sugarcane under drip irrigation systems. In aggregate these could represent significant acreage at the higher elevations of the HC&S plantation.

Pastures would require less water than sugarcane, but would need to be irrigated to complement dry season conditions on ranches, and provide a regular supply of grass-fed beef, or growing out weaners as stocker animals. The method of water application would be a deciding factor, since drip irrigation is not very suitable for pasture, overhead sprinklers are not cost-effective, so flood basins are effective, but have a high water requirement. There is also a demand for livestock drinking purposes. In aggregate, dryland grazing could be a default position, but not likely due to the heavy investment required in infrastructure (fencing, pasture establishment, drinking water, shade, corrals, etc) with low stocking rates. Irrigated pastures/fodder crops could potentially have a similar demand for water as drip irrigated sugarcane, and represent substantial acreage.

Provision would also need to be made for agro-processing in various forms (packing sheds, etc) but in aggregate likely less than a sugar factory. Some of this water would need to be of potable quality.

So, overall, it is challenging to predict the future demand for East Maui water for the 27,000 acres. As a guesstimate, I would say the permit should be for 80% of what was required for the sugar operation. Losses through the distribution system and storage reservoirs would be similar – if the infrastructure is

maintained. Also, not all that water is required on day one, since it will require several years for the HC&S lands to transition to diversified agriculture.

It is expected that the HC&S land will be leased out and/or sold to multiple users with multiple irrigation water requirements. Therefore, an extensive water metering system will need to be installed throughout the plantation, including field-specific water allocations – and possibly a system of water credits that can be traded

Many crops require Class I irrigation water, and drip irrigation can be sustained from ditch water with filtration systems and algaecides. Irrigation with potable water supplied through the DWS distribution system is not cost-effective.

As mentioned previously, the Central Valley is a savannah environment with high evapotranspiration. Water is Life! Any prospective lessee or buyer of A&B land will first ask about access and availability of water for agriculture and any associated agro-industry. A&B has to be in a position to provide a definitive answer that can be written into the lease or purchase agreement. Otherwise, the rhetoric about diversified agriculture and a green Central Valley of Maui will wither on the vine.

The sugar industry is already pau on Maui. The process of moving forward has to be done in a systematic yet expeditious manner. Otherwise, rehabilitation of dilapidated infrastructure and overgrown fields will become a deal-breaker for diversified agriculture.

Sincerely,

A handwritten signature in black ink that reads "Clive Drew". The signature is fluid and cursive, with the first name "Clive" being larger and more prominent than the last name "Drew".

Clive Drew

Senior Agribusiness Value Chain Consultant



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Clive Drew  
3016 Kekaulike Ave.  
Kula, HI 96790

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

Dear Mr. Drew:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated February 21, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

10238-02  
Letter to Mr. Clive Drew  
Page 2  
September 23, 2019

3. The Draft EIS will include in Chapter 4 an assessment of the impacts of the Proposed Action. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural and Related Economic Impacts Report (See Appendix I) and an Economic and Fiscal Impact Analysis Report (See Appendix H).

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

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

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Cody Nemet

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. NEMET: Aloha kakou. I'm born and raised here and I've been a resident and active member of our community. I'm here today to express my views and to inquire that we make sure we are provided with a thorough and proper EIS survey. I do believe in restoring our rivers from mauka to makai and sustainability for the future of our native and local farmers. It is also important to me that we revitalize the life that connects mauka to makai as well for our sustainable future. We, as a community, have concerns. The EIS should address full disclosure to see all diversions, roadways, public access areas pertaining to the East Maui Irrigation, including maps representing the names of streams and diversion amounts being taken for each licensed area, the average, maximum, and minimum amount. It is important that the community has access to this information and that we are given facts, not generalized ideas.

With such a valuable resource at stake, I feel we need to explore all options besides those proposed. But alternatives may be using -- uses including one that involves the use of water from less than all four license areas, a proposal to look to shorter term leases how much -- as a much safer way to monitor and manage compared to the proposed 30-year lease. There needs to be access for cultural and gathering purposes, access for restoration and maintenance, including what the future impacts will be for the future of these purposes.

I see a window of opportunity to make a great change to benefit the number one provider, not the corporations, not the employers, but the aina. Action and reaction is the key when dealing with so much disturbance and change. Let us be mindful for the future and learn from our past. Mahalo.



**WILSON OKAMOTO**  
CORPORATION  
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10238-02  
September 23, 2019

Mr. Cody Nemet  
kokoroots@gmail.com

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

Dear Mr. Nemet:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See

10238-02

Letter to Mr. Cody Nemet

Page 2

September 23, 2019

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

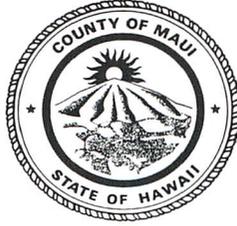
Vice President, Director of Planning

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

ALAN M. ARAKAWA  
Mayor

STEWART STANT  
Director

MICHAEL M. MIYAMOTO  
Deputy Director



MICHAEL RATTE  
Solid Waste Division  
ERIC NAKAGAWA, P.E.  
Wastewater Reclamation Division

EM

**COUNTY OF MAUI  
DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**

2050 MAIN STREET, SUITE 2B  
WAILUKU, MAUI, HAWAII 96793

March 29, 2017

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

RECEIVED  
APR 06 2017  
WILSON OKAMOTO CORPORATION

**SUBJECT: PROPOSED LEASE FOR THE NAHIKU, KEANAE, HONOMANU, AND  
HUELO LICENSE AREAS  
ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE (EISP)**

We reviewed the subject notice and have the following comments:

1. Solid Waste Division comments:
  - a. None.
2. Wastewater Reclamation Division (WWRD) comments:
  - a. The County does not have a wastewater system in any of the subject areas.

If you have any questions regarding this letter, please contact Michael Miyamoto at 270-8230.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael M. Miyamoto".

MICHAEL M. MIYAMOTO  
Deputy Director of Environmental Management



U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM FOR THE DIRECTOR, FBI  
FROM: SAC, [illegible]  
SUBJECT: [illegible]

[Handwritten signature]



**WILSON OKAMOTO**  
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10238-02  
September 23, 2019

Mr. Michael M. Miyamoto  
Deputy Director of Environmental Management  
2050 Main Street  
Suite 2B  
Wailuku, HI 96793

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

Dear Mr. Miyamoto:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS\_pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 29, 2017. We acknowledge receipt of your comments that the Solid Waste Division does not have any comments and from the Wastewater Reclamation Division stating that the County of Maui does not have a wastewater system in the License Area which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

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

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

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



**WILSON OKAMOTO CORPORATION**  
INNOVATORS · PLANNERS · ENGINEERS

1907 South Beretania Street, Suite 400  
 Honolulu, Hawaii 96826  
 T (808) 946-2277 F (808) 946-2253  
 W <http://www.wilsonokamoto.com>

Attention: Mr. Earl Matsukawa

**RECEIVED**  
 MAR 06 2017  
 WILSON OKAMOTO CORPORATION

**SUBJECT: EISP: PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU, KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS – SCOPING MEETING, FEBRUARY 22-23, 2017**

In addition to the comprehensive and extensive testimony by community members on Feb. 22, I would like to request the following be included in the draft EIS:

A complete audit of the EMI ditch operations, including revenue, expenses, maintenance, capital improvements, etc

To address the idea of who should operate the EMI system for water delivery, it is necessary to know what is involved in its operations. If there is to be no consideration of moving control of the delivery system, then any RFP for the water rights is a superficial effort. Please consider allowing multiple proposals that might compliment each other as another option to selling out our water resources to one big business.

(include additional sheets as necessary)

PLEASE PRINT: Name: Kelly T. King Phone: (808) 283-1954  
 Organization: Mau County Council  
 Address: 200 S. High Street  
Wailuku, HI 96793  
 Email: kelly.king@maui-county.us

Please submit comments by March 10, 2017 or email [woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

\*Receipt of e-mailed comments will be confirmed via e-mail. If you do not receive a confirmation message, please contact our office (see contact information, above).

Wilson Okamoto Corporation  
HONOLULU HAWAII

(Fold on dotted lines and seal with tape or staple)

Kelly T. King, Council member  
Mau County, 200 S. High St.  
Wailuku HI 96793

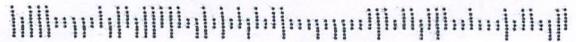
HONOLULU HI 968

04 MAR 2017 PM 2 L



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

96826-130100



(Fold on dotted lines and seal with tape or staple)



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CORPORATION  
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10238-02  
September 23, 2019

Ms. Kelly T. King  
200. High Street  
Wailuku, HI 96793

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

Dear Ms. King:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 4, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied.

3. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
4. The Draft EIS will include in Chapter 4 an assessment of the impacts of the Proposed Action. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural Impact Report (See Appendix I) and an Economic and Fiscal Impact Analysis Report (See Appendix H).
5. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action. Section 3.1.2 will include an explanation or alternative ownership of the EMI Aqueduct System.
6. The Draft EIS will discuss in Section 3.4.3 the capital investment costs associated with Mahi Pono's Farm Plan. Costs associated with maintaining the EMI Aqueduct System are discussed in Section 4.15.

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Written Testimony:**

**February 23, 2017**

**Environmental Impact Statement Preparation Notice  
Proposed by Alexander & Baldwin Inc. and East Maui  
Irrigation Co., Limited (EMI)**

**Subject: Proposed Water Lease: The issuance of a one long-term (30 year) Water Lease from the Board of Land and Natural Resources (DLNR- State of Hawaii) to Alexander & Baldwin Inc. and East Maui Irrigation Co., Limited (EMI)-Re: State lands in the Nahiku, Keanae, Honomanu and Huelo License Areas.**

**My name is Corinna Kekahuna. I am a 6 generation descendant of Kaho'okele/Ka'alamikihau of Nahiku and my residence is located below Makapipi Stream. Now upon reading the EISPN that was prepared for A&B/EMI, a statement bothered me deeply.**

**Quote-" The EMI Aqueduct continues to serve a critical role in providing Upcountry Maui and the Nahiku community with water, and SHOULD the delivery of water from the EMI Aqueduct System be CURTAILED, Upcountry Maui and the Nahiku Community would be left WITHOUT a reliable source of water."-unquote.**

**Now I ask you....Is this 30 year lease more important than that of a community that as been around for more than 8 generations?? The village whose history totes the rubber plant farm and canoe building? Isn't it said that "Diversions shall be done without injury to the rights of others?". (HC&S v. Wailuku Sugar 15 Haw. 675 (1904). And what about the County of Maui's Dept. of Water Supply?**

**What plans do they have in place if such a thing was to happen since we pay our water bill to DWS???**

**The monopolization of our streams need to stop. 141 years of it...enough already....3 sugar mills and 2 pineapple canaries...gone.....what more?? Development??? For whom and why?? Back in 2010, it was 27 streams, now it's 39 and according to another it's 31 perennial streams and is currently authorized to divert 80 million gallons of water per day based on the one (1) year revocable permit. With the 30 year lease , EMI will divert 100 million gallons per day, 20% in excess of what's been granted as of Dec. 2016...5 (five) times more than what A&B is currently taking from East Maui. Why, when it comes to A&B, the numbers never jive. Where is the Scope of Service submitted by A&B to DLNR so we know exactly who, what, where, how and why. No transparency with this entity. Consultation of agencies, citizen groups and individuals??? The Nahiku Community Association wasn't notified. I will keep the faith that the State of Hawaii (CWRM agency-State Water Code in which all waters of the State are held in trust for the benefit of the citizens of the State) and the County of Maui-DWS do the right thing for the people and preserve what we have. There were some good suggestions by a few consultations...it's just that outside of domestic water use, there should be no more unnecessary diversions...I would need to know what type of Agriculture is in need of excess water and where in Central Maui.**

**Thank you for your time.**

**Contact:**

**Corinna Kekahuna**

**540 Lower Nahiku Road**

**Haiku, Hawaii 96708**

**Email:** [corinnakekahuna@gmail.com](mailto:corinnakekahuna@gmail.com)



10238-02  
September 23, 2019

Corinna Kekahuna  
540 Lower Nahiku Road  
Haiku, Hawaii 96708

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

Dear Ms. Kekahuna:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated February 23, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action, including the proposed water uses, is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action. Historical as well as estimated water requirements for agricultural uses related to the Proposed Action are assessed in the Agricultural and Related Economic Impacts Report by Plasch Econ Pacific, LLC (See Appendix I).
4. For the purposes of this Draft EIS, the stream list used was from the CWRM D&O which is discussed in Section 1.3.4.

10238-02

Letter to Ms. Corrina Kekahuna

Page 2

September 23, 2019

5. Chapter 9 of the Draft EIS will include a list of all persons and organizations consulted as part of the EISPN process.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Mr. Dan Clark

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. CLARK: Okay. Now at any rate, they spoke of all of the streams and the mountains springs all throughout -- from Nahiku on out. I'm still a student there in Keanae. I've been fortunate to be taught by a lot of the elders about farming. I raise taro. I have an affinity for taro in my family from Nualolo Valley on the Napali Coast of Kauai. And though I might not seem that much koko, but I do have. I wanted to -- I guess you wanted the specifics as to what you can use in your EIS. Of course I want to -- I'd like to say that I'm opposed to, first off, the issuance of a license for Alexander & Baldwin for the continuance of diversion of water. There needs to be an incline of this -- a removal, a plan.

This is recorded or --

MODERATOR SENELLY: She's taking it down.

MR. CLARK: Yeah, okay.

MODERATOR SENELLY: And we have a video.

MR. CLARK: Thank you. Anyhow, it has been 120 years of construction and diversion. I've been up in the mountains, I've seen where all the water, every drop of water that they can actually take from the side of a hill by putting little PVC pipes hidden at -- you know, to a particular stream, that ends up in the ditch itself, diverting it out here. Now in times of a lot of water, a lot of rain, the water is brought out so far and then dumped into a river out here. That doesn't make sense to me, you know. The ditch is running full, they'll dump the water all the way out here, as opposed to discharging the water back to the streams from which they took the water.

Second off, at times I have to sponge my water off the auwai, yeah, fronting our kalo patches, sponge pretty much the water into the patch. I'm serious. The water is hugging the bottom of the ditch, you know. I've been working with, you know, the Waialua people in trying to clear our pipeline from Waikane down to Waialua to, you know, get water to feed the Hana side for the past four years. And we will get there, we will get the water distributed. But what I've found is that attending these meetings with the Water Resources Commission, they were looking for reasons why to deny these people their water.

First they went in and they tried to confuse the farmers as to where the geographic location of their water was coming from, feeding their loading system. Right? And then the Water Department steps in

and says, where do you think your water comes from? I'm listening, why the heck is the Water Department asking this? Do you have a water meter, they say? Well, shucks, of course we have. We're fortunate. We paid for that well system, right? We may not have paid for all of it, but we as stepchild way out there, that's how the system goes. The community assists the rest of the communities in, you know, providing moneys that make it possible for us to dig that 400-foot well. That water belongs to us in the district, yeah. It feeds the Keanae-Waialua Nui area. Same thing with Nahiku. I was listening to the lady talking about the water from above. Now I would like to see the water metered that comes into the Parshall flume that feeds the Keanae loading system. Okay.

I want to know, not by guess and by golly. I want to know what water is being fed us, because the water is warm in the kalo patches. We have root rot and all kinds of diseases that come off from that, you know, failure to provide cool, clean water, which is what the kalo require for a good harvest. And Keanae was not issued an amount of water necessary for our -- you know, all the loading in there. And they said, well, you've got all -- you've got all Buffalograss or California grass in there. And there's a system. The Hawaiians have been raising taro in there for 800 years. They know certain patches got to go fallow, right, you've got to regenerate it. So they're saying, well, because the kids coming behind you guys are not interested in the taro, we're going to take the water. No, I'm sorry, that's not the case. You let the water run to the sea, yeah. And there is 14 vertical shaft wells all along the isthmus, in between the two mountains here, if A & B is not telling you that, yeah, 400 feet deep, right, down into the basal land's crystal clear water. My field was water and wastewater. 40 years, I put in there, in operating wastewater plants and water treatment systems. I know about water. But when I brought that to the attention of Dr. Miiki, you know, he immediately shut down, that I didn't have the right to bring that up in that particular meeting, the Water Resources meeting.

All I'm saying is -- I talked to some young lady that was working agriculture with MCC, or now it's called Maui College, and I was explaining to her, you know, how the systems were all managed and the konohiki of the district determined, you know, what amount of water went where and nobody cut anybody short. That water was allowed to flow cool to all these farmers so that they can farm the land. And I'm sorry, but I lost trust in the Water Resources Commission. I'm concerned that they're going to be making the ultimate decision on this particular EIS request. And I'm happy for the meeting that you're putting on here, yeah. All I'm saying is that give us the water that we need to farm. Also meter the water. So if you tell us that 3 mgd is what our allotment is, until they can deconstruct that whole ditch system, then I'd like to know, put that Stevens meter back that A & B had inside of that -- what do you call it? -- right there at the Parshall flume, okay? Right there above Keanae with the spring water. That spring comes from the ground. If it's not fed from above, the water is diverted, it's not going to come up on the spring through the stream. Okay? So, I'm sorry, but I'm frustrated that, you know, not all is going to be heard. The meeting is, by design -- this young lady told me it's by design to have the meetings out here as opposed to inside of Keanae, at the Keanae school for the other families that were directly affected. By design, she told me. I said, okay, but I'm not going to fault Wilson Okamoto for that. I worked with you in wastewater and a lot of the design over the years, so I know that your intent is good.

Scoping Meeting Comments of Mr. Dan Clark

Page 3

February 23, 2017

The thing is that I think, as the lady said, it needs to be everything transparent and clear, you know, so everybody's comfortable with the decision going forward.

And thank you very much this evening for your time.

RECEIVED  
MAR 27 2017  
WILSON OKAMOTO CORPORATION

**PUBLIC MEETING:**  
**ENVIRONMENTAL IMPACT STATEMENT:**  
**PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU, KE'ANAE,  
HONOMANŪ, AND HUELO LICENSE AREAS**

FEBRUARY 22<sup>nd</sup>, 2017, WEDNESDAY, 5:00 PM TO 7:00 PM

FEBRUARY 23<sup>rd</sup>, 2017, Thursday, 5:00 PM TO 7:00 PM

AGENDA:

1. Welcome / Pule
2. Purpose of Meeting
3. EIS/EISPN Overview
4. Scoping Comments (Facilitated)
5. Closing / Pule

Mr. Matsukawa  
please forgive  
my late submittal  
I am working  
dark to dark farming  
and building a rock  
wall - Please hold mtgs -  
PM Keene School

Please hold your meetings  
in the district your subject  
matter affects. "East Maui"



**WILSON OKAMOTO CORPORATION**  
 INNOVATORS - PLANNERS - ENGINEERS

1907 South Beretania Street, Suite 400  
 Honolulu, Hawaii 96826  
 T (808) 946-2277 F (808) 946-2253  
 W <http://www.wilsonokamoto.com>  
 Attention: Mr. Earl Matsukawa

**RECEIVED**  
 MAR 27 2017  
 WILSON OKAMOTO CORPORATION

**SUBJECT: EISPN: PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU, KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS - SCOPING MEETING, FEBRUARY 22-23, 2017**

As I expressed at the 2-23-17 meeting in Haiku HC&S has more than ample water for their present needs sitting in 400' underground shafts across the isthmus between Haleakala and the West Maui Mountains. There are 14 of them if I recall plus numerous continuous flowing waterways, one feeding their hydro-electric generator. The local farmers and I here in Keanae require continuous cool water to farm our Hāro. Please have HC&S as A&B as the mill is now discontinued, replace the Stevens meter at the partial flume above the Keanae Peninsula on the spring water flow to our Loi patches. The County of Maui needs to develop their water sources that are available to them on the aquifer in and above the isthmus between the West Maui Mountains and Haleakala.

"I absolutely reject the issuance of a extended 30 year or any exclusive lease (include additional sheets as necessary) illegal Alexander Ditch diversion"

PLEASE PRINT: Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Organization: Dan Clark - Farmer - Keanae

Address: Peninsula Loi' fields - Keanae  
Maui Hawaii

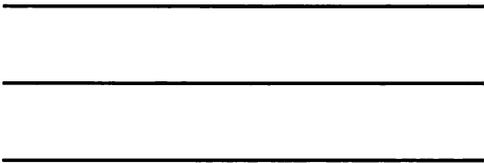
Email: gma@maui 480 Keanae Rd Keanae  
Po Box 2148 Wailuku, Hi' 96793

Please submit comments by March 20, 2017 or email [woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

\*Receipt of e-mailed comments will be confirmed via e-mail. If you do not receive a confirmation message, please contact our office (see contact information, above).

(Fold on dotted lines and seal with tape or staple)

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Postage  
Required

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

(Fold on dotted lines and seal with tape or staple)

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10238-02  
September 23, 2019

Mr. Dan Clark  
PO Box 2148  
Wailuku, HI 96793

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

Dear Mr. Clark:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, your oral comments at the February 23, 2017 EIS Scoping Meeting, and your written comments dated March 27, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. The CWRM D&O also describes which streams will be partially or fully restored. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams

designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

4. The Draft EIS will include in Chapter 4 an assessment of the impacts of the Proposed Action, including a discussion on the potential impacts of climate change. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural and Related Economic Impacts Report (See Appendix I) and an Economic and Fiscal Impact Analysis Report (See Appendix H). . The Assessment of Steams and the Ocean Water Chemistry by Sea Engineering, Inc. and Marine Research Consultants, Inc. (See Appendix B) will discuss the existing conditions of streams in the License Area, including current temperatures and overall projected temperature changes resulting from climate change.

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

2/22/2017

Re. Testimony for East Maui streams EIS  
To Wilson Okamoto Consulting  
ATTN. Earl Mutsukawa  
From Darrell Tanaka, Haiku.

I am testifying in concern of what conditions this EIS will take into account as it determines if the permit for A&B is to be approved or not.

The EMI ditches bring water to upcountry residents, which includes farmers. The EIS should include where the water for upcountry residents will come from if not from the EMI ditches, while taking into consideration population growth and expanded farming on former HC&S lands. Also, if wells are to be drilled to obtain the water, how many wells can be made? How many aquifers do we have in the upcountry area? Can they sustain population growth? What is the cost for these wells as well as distribution infrastructure. Can the County of Maui manage all of the wells or would a private company need to manage them and if so, at what cost to the users?

Water is still needed on former HC&S lands in the immediate future for fire suppression should the 36,000 acres become a wild fire.

Some people may claim that since A&B did not put forth a farming plan for its agricultural lands that they don't need the water but that should not be a criteria for whether or not the permit should be approved. Farming is an ongoing and forever fluctuating entity, even if you did come up with a farming plan, there are too many challenging variables to guarantee a farmer could stick to that plan. Variables include climate change, rainfall, pests and diseases, vandalism, rising costs of farm supplies and fuel, shipping costs, crop losses etc, no plan could account for such variables so it is unfair to set a standard that if no plan exists that A&B doesn't need the water....If there is no water on the former cane land, no one will want to start a farm on it. If there are no farms on the former cane land, then the EIS should take into account how the land will be developed and how much water will be needed then as well.

The EIS should take into consideration if the permit is not approved which may result in the dissolving of East Maui Irrigation Co., what will become of the many miles of ditches if the water is returned to the streams? If it is found that the surface water is needed in the future, at what cost would it be to restore all of the ditches to a working level after years of dilapidation? How long would the restoration work take if upcountry residents need the water?

If water is returned to the streams, how much dirt and debris would be forced onto our nearshore reefs? A plan would need to be made to calculate how much water would be released into any one stream as it has been 150 years of dirt and debris accumulating in these stream beds. And if there is a catastrophic flood in these streams, would there be loss of life or structures? Would debris accumulation disrupt stream flow and redirect the water? Do all the streams need to be restored or just certain ones to help taro farmers? How much taro would need to be produced in order to justify the amount of water being restored to the streams? Is it worth it? All these questions should be addressed in the EIS.

Sincerely,  
Darrell Tanaka  
Haiku, Maui resident, 4<sup>th</sup> generation farmer.

*sunshine orchids @ gmail.com*  
*250-3776*

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Darrell Tanaka

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. TANAKA: My name is Darrell Tanaka. As far as the EIS goes, I'd like to -- them to include if there -- there's no water coming from EMI, if EMI is to shut down, if the existing wells can handle supplying the Upcountry with water. And in the long term, you know, 10, 15, 20, 30 years from now, can those wells sustain us? I don't think so. As a fishermen, you know, I'd like to see the water returned to the ocean, yes, but I would be wholeheartedly against all the streams being restored, too much has changed in our climate in the past 150 years. Stream flow needs to be constant, more or less. So I support the taro streams being given water, but if the stream is not being used for taro, I cannot see returning water to that stream when we need it in Central Maui. In order for diversified ag. to happen, there has to be water present or no farmer is going to want to his invest his time, effort, and money into trying to make a farm when there's no guarantee that there's enough water, especially if there is a drought.

I come from a farming family, I -- ever since my great grandfather came here we raised vegetables in Happy Valley. My grandfather was a farmer up in Kula and I can tell you if there's no water, there is no farm. So the water coming through EMI has to reach Central Maui or we're not going to see diversified ag. But I can tell you one thing is that the only people that have money to drill wells and maintain them are developers and the last crop, in farming termination, is always called a subdivision.

Okay. So bring the water here, keep EMI in place because our county can't even run our parks, our beach parks, they can't even run that properly, how are they gonna run the ditch system? So we need EMI. Thank you.

FACILITATOR SENELLY: Okay, sir. I heard to keep the EMI system and part of it is also that efficiency of the system in terms of what it's doing now and also getting it to agriculture. And you said something in the very beginning about Upcountry and I just --

MR. TANAKA: The wells.

FACILITATOR SENELLY: Yes. Whether or not the wells could sustain needs in the future without this -- the system?

MR. TANAKA: Yeah.

FACILITATOR SENELLY: Okay. So thank you.



10238-02  
September 23, 2019

Mr. Darrell Tanaka  
sunshineorchids@gmail.com

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

Dear Mr. Tanaka:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, oral comments at the February 22, 2017 EIS Scoping Meeting, and for your written comments received February 22, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
3. The Draft EIS will include in Chapter 4 an assessment of the impacts of the Proposed Action. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural and Related Economic Impacts Report (See Appendix I) and an Economic and Fiscal Impact Analysis Report (See Appendix H).
4. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Maui. The Farm Plan is based on the water available of which diversion quantities from the

Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

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

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice  
Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Darren Strand

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. STRAND: Okay. Thank you. I'm Darren Strand. I'm one of the owners and operators of Maui Gold Pineapple Company in a farm of about a thousand acres below Makawao Town and above Haliimaile. All of our property, the ditch borders -- the upper ditch borders every single acre that we farm and we use absolutely none of the water from the ditch and we haven't since the very first instream flow standard was set and I guess that's been several years.

And, you know, I worry mostly about the farmers at the end of the system that are in Kula Ag. Park. And I see the ditch every day, there's not much water running through it, it's already in a state of disrepair and it needs to be maintained already or we're going to lose the capacity to get water to the last reservoir at the end of that that the farmers in the ag. park use.

I -- before I moved to Maui I was -- I worked at Del Monte Pineapple on Oahu in 2004 and 2005 when the Waiahole Ditch situation was going on and it was -- I was new to Hawaii at that time, I'd just finished at UH, and it was a contentious issue, but they were able to come to an understanding or some kind of agreement, a compromise. And there were -- at that time Del Monte closed and there was Larry Jeff, Saloon Farm, a seed corn company, and no other farmers using the system, but there was a cooperative that maintained it. And if you go to that area now, it's been, you know, maybe 10, 12, 15 years, it's amazing how many farmers are on that land and using that system. And so I'd like to, you know, see us come to a balance, a compromise, and have the foresight to think about what that area might look like in 10 or 15 years and not make a decision that's just based on what we think we want today.



10238-02  
September 23, 2019

Mr. Darren Strand  
972 Haliimaile Road  
Makawao, HI 96768

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

Dear Mr. Strand:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
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10238-02

Letter to Mr. Darren Strand

Page 2

September 23, 2019

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with the first name "Earl" being more prominent and the last name "Matsukawa" following in a similar style.

Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice  
Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. David Prais

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. PRAIS: My name is David Prais. The first thing would be that I understand that this is not for testimony. It's you want to know what's for the EIS. That right there is a flag telling you, here is your box, this is what we offer you, take it or leave it. Mahalo to our kupuna, they have been on this all the way. All the way, you've done it correctly by their standards and their ways, but we are the new generation, the generation right here right now. We are on the rise. I do have one thing I can add to the EIS. The first thing I want to say is there's a strong presence of police here. Very strong. In the 30-plus years, have you ever seen this strong of a presence? And that is because they are afraid. They're afraid of us because we are intelligent, we know how to think, and we can act upon it. There's a lot of people who want to speak. I'm going to make it quick. The one thing that I add to the EIS is do not come back before our people without every concern and demand met.

That's all. Mahalo.



10238-02  
September 23, 2019

Mr. David Prais

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

Dear Mr. Prais:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Matsukawa".

Earl Matsukawa, AICP  
Vice President, Director of Planning

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

**From:** [Wilson Okamoto Corporation](#)  
**To:** "Devika Ghai"  
**Subject:** RE: Comments on EIS scope  
**Date:** Monday, March 6, 2017 10:40:57 AM  
**Attachments:** [image001.jpg](#)

---

Dear Devika Ghai,

This is to acknowledge that we have received your email comment on the subject EIS Preparation Notice. Your participation is appreciated.

**Jeanine S.H.Y. Morioka**

Secretary



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

**From:** Devika Ghai [mailto:devika@panna.org]  
**Sent:** Monday, March 06, 2017 10:09 AM  
**To:** Wilson Okamoto Corporation  
**Subject:** Comments on EIS scope

Dear review committee,  
Please find attached our comments on the scope of the East Maui Water Lease EIS. We respectfully submit these comments on behalf of our organization Pesticide Action Network North America, and our members in Hawai'i.

--

Devika Ghai, (pronouns: she/her)  
Organizer  
Pesticide Action Network North America  
3438 Snelling Ave | Minneapolis, MN 55406  
Phone: 612-299-1900 | [@DevikaAtPAN](#)  
[www.panna.org](http://www.panna.org) | [www.whatsonmyfood.org](http://www.whatsonmyfood.org) | [www.pesticideinfo.org](http://www.pesticideinfo.org)





Mar 1 2017

To,  
Wilson Okamoto Corporation

**Re: Proposed Environmental Impact Statement for East Maui Water Lease**

Pesticide Action Network North America is a national & international organization with over 2,000 members in Hawai'i. On behalf of our members, we are concerned that this long-term lease would facilitate further long-term intensive cultivation of pesticide-reliant crops (including sugar and genetically engineered test and parent crops) rather than diversified, sustainable agriculture to feed the people of Maui.

We therefore respectfully request that the Environmental Impact Statement on the East Maui Water Lease include the following aspects:

- Impacts on soil, water quality, and public health of pesticide use associated with long-term intensive cultivation of sugar and/or genetically engineered crops.
- Impacts on fisheries, fisherpeople, and marine life, including impacts of pesticide use.
- Potential impacts on taro farmers in the impacted area, including impacts of decreased soil quality
- Potential impacts on cultural practices and Hawaiian way of life in the impacted area

Without these four crucial aspects, we and our members believe that the EIS will be incomplete and thus inaccurate. We therefore respectfully provide this input, knowing that you are committed to conducting a comprehensive and complete EIS. We thank you for your time and consideration.

Pesticide Action Network North America  
1611 Telegraph Ave, #1200  
Oakland CA 94612



10238-02  
September 23, 2019

Ms. Devika Ghai  
Pesticide Action Network  
3438 Snelling Ave.  
Minneapolis, MN 55406

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

Dear Ms.Ghai:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 6, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

Nevertheless, we offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. The Draft EIS discusses impacts of hazardous materials to soils in Section 4.12 of the Draft EIS.
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

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Letter to Ms. Devika Ghai

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September 23, 2019

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice  
Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Diane Hakamatsu

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. HAKAMATSU: As a lifelong resident of Maui, a mother of two children, and a member of the Go Maui board, I'm very concerned about the issue of water for the development of future affordable housing because we all know that water is a critical component to providing any future housing. I'd like to emphasize that what I mean by affordable housing are small-scale projects that are sold at truly affordable prices, and I mean all units within the project, so our residents, particularly those in need, can benefit from home ownership opportunities.

FACILITATOR SENELLY: May I ask you, you're talking about areas that are already being served by the water?

MS. HAKAMATSU: That's correct.

FACILITATOR SENELLY: Okay. Thank you.

MS. HAKAMATSU: That's correct. And I'd just like to thank you for your favorable consideration of this request.



10238-02  
September 23, 2019

Ms. Diane Hakamatsu  
429 Kuikahi Drive  
Wailuku, HI 96793

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

Dear Ms. Hakamatsu:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. The assessment of the Proposed Action will be based on obtaining a Water Lease from the Board of Land and Natural Resources (BLNR) for the full amount of water estimated to be available after accounting for the IIFS set by the CWRM in the D&O. The amount of water available for the approximately 30,000 acre Central Maui field system (formerly in sugarcane) would be determined after allocations to other domestic and agricultural uses, as discussed in the EIS. Also, as discussed in the EIS, alternatives to the Proposed Action will be assessed, including the

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Letter to Ms. Diane Hakamatsu

Page 2

September 23, 2019

No Action Alternative, in which no Water Lease is awarded. Neither the proposed action nor any alternatives consider using water collected by the EMI aqueduct System on the former sugar cane field system in Central Maui for anything other than diversified agriculture.

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Matsukawa".

Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Dianne Shimizu

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. SHIMIZU: Good -evening. My name is Dianne Shimizu and I'm a concerned citizen and also a member of O Maui, Inc., a nonprofit organization that advocates for affordable workforce housing, water, good-paying jobs, and a healthy economy for Maui County's residents. I've lived on Maui for 66 years. For over 35 years my husband and I and my two boys lived in Upcountry Maui. We were able to build our home and raise our family because we had water for our domestic water needs. The EMI system supplied water for Nahiku and irrigation water for ag. users at the Kula Ag. Park. The possibility that these users will not continue to have that water is frightening. What will happen to the families, farmers, businesses, and schools in Upcountry Maui and in the Nahiku if EMI is not allowed to continue to deliver water? EMI needs enough water to continue to meet the domestic and agricultural needs of our Upcountry and Central Maui residents.

I would like to see the EIS assess the impacts on housing and on our families who are struggling to find homes if there's no water, on farmers and ranches in Upcountry and Central Maui who depend on the EMI system for their livelihood, on HC&S's lands without the sugarcane, and on our hopes of food sustainability if the Central Maui lands cannot be cultivated? Please consider these factors in your preparation of a well-balanced EIS.



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CORPORATION  
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10238-02  
September 23, 2019

Ms. Dianne Shimizu  
353 Maika Street  
Wailuku, HI 96793

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

Dear Ms. Shimizu:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. The Draft EIS will assess the socio-economic impacts associated with the Proposed Action in Section 4.7 of the Draft EIS. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural and Related Economic Impacts Report (See Appendix I) and an Economic and Fiscal Impact Analysis Report (See Appendix H).
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.

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

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

Sincerely,

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Letter to Ms. Dianne Shimizu

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September 23, 2019

Earl Matsukawa, AICP

Vice President, Director of Planning

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



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1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>  
Attention: Mr. Earl Matsukawa

**SUBJECT: EISPN: PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU,  
KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS –  
SCOPING MEETING, FEBRUARY 22-23, 2017**

A+B/EMI has taken care, maintained,  
developed this water system at no cost  
to state, county or individuals.

If water is taken away, who + what  
will be using it, or will it just flow  
into ocean?

water flows in this system with no  
use of electricity – compare this to  
our county system where everything  
has to be pumped!

(include additional sheets as necessary)

PLEASE PRINT: Name: Douglas Sheehan Phone: 808-757-8634

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Email: doug105@hawaiiantel.net

Please submit comments by March 10, 2017 or email [woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

\*Receipt of e-mailed comments will be confirmed via e-mail. If you do not receive a confirmation message, please contact our office (see contact information, above).



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10238-02  
September 23, 2019

Mr. Douglas Sheehan  
doug105@hawaiiantel.net

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

Dear Mr. Sheehan:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments received February 23, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui. The environmental impacts of the potential Water Lease will be assessed.
2. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See

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Letter to Mr. Douglas Sheehan

Page 2

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Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

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

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice  
Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Dwight Baldwin

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. BALDWIN: So my name is Dwight Baldwin. I want to start with asking that – you guys, thanks for having this meeting. I would like to request EIS to have a thorough analysis to watershed conditions, with the current conditions right now with A & B, the past conditions with diversions running, and future projected conditions, even multiple scenarios. I want to look at the impacts on the East Maui groundwater, including spring formation and tributary streams, and if possible, get your engineers to calibrate the model of the past and future -- I mean calibrate it to the past events and just estimate a model of the groundwater flow and stream conditions with scientific accuracy.

Because I think this is a good opportunity to understand more about what is going on in East Maui in the past and in the future, because there aren't accurate gauges and, you know, it would be good to have reliable, open access to information, and I think this could be a good stepping point for that.

Thank you very much. That's all I need to say.



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10238-02  
September 23, 2019

Mr. Dwight Baldwin  
Dwightb@hawaii.edu

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

Dear Mr. Baldwin:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Chapter 4 of the Draft EIS discusses the existing environment, impacts of the Proposed Action and mitigation measures. As relevant and appropriate, the discussion of impacts includes those pertaining to conditions before and after the closure of sugar cultivation in 2016. The Draft EIS will also include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

3. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action and alternatives on indigenous freshwater species, terrestrial flora and fauna, and invasive mosquitoes. The Draft EIS discusses the impacts of the Proposed Action to freshwater species in Section 4.2.1 and impacts to terrestrial flora and fauna in Sections 4.4.1 and 4.4.2. Both reports are appended to the Draft EIS (See Appendix A and Appendix C).
4. Impacts of the Proposed Action on hydrology, including in East Maui, are discussed in Section 4.2 of the Draft EIS, as well as the reports various technical reports prepared for the Draft EIS, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A) and Assessment of Streams and the Ocean Water Chemistry (See Appendix B).

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

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

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Mr. Edwin Young

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. YOUNG: Hi. My name is Edwin Young and I agree with that EMI should have some water, but they cannot take all of the water. Because I'm a uni fisherman, yeah, and from 1990 is when EMI started taking all the water from all the ditches. I mean, Makapipi -- I live in Hana. Makapipi was bone-dry for years all the way up until when the sugar cane closed and then they let go a little bit of water. And Honomanu was bone-dry and no akule came inside those bays. Hana Bay, Honomanu, we used to fish all the way, all the way to Kaupo. And when EMI took all the water, then the akule would come inside Hana Bay maybe about once every three months, once every four months. And before that, akule used to come inside Hana Bay every week when all the rivers were flowing prior to 1990. And since they let go of the water, like when EMI -- HC&S closed, when they let go of the water, we would -- right now we're catching akule like pretty much every other week in Hana and Honomanu too. Because I used to fish Honomanu all the way to Kaupo to Nuu.

And I went to Honolulu Institute of Marine Biology for one year as a biologist technician for Makai Pacific, yeah, and wherever the fresh water enters the ocean, it's known as an estuary. These are all estuaries and estuaries are all nurseries for all your baby fishes and all your baby fishes lives on phytoplankton and zooplankton. Phytoplankton is one-cell vegetables and zooplankton is one-cell animal. And that's what the akule like to eat and all your baby fishes, they come inside to eat that. And since EMI started taking all the water, about 90 percent of our fish in Hana has disappeared, 90 percent. And, you know, I can tell you because plenty people in Hana notice this too, I hardly see any uu anymore.

And the HRS -- the HRS on the water code, yeah, the water code for the HRS -- and I asked my cousin, who's a judge in Honolulu, and I said, "What does HRS stand for, Greg?" And he goes, "Hawaii Revised Statute." I said, "Is that law?" He said, "Yeah, that's the law." And I forgot the -- the code for HRS, you know, which law it is, but it says you can take water from the stream, yeah, but you cannot take all the water from the stream, you have to leave water in the stream for hihiwi, opae, oopu, and stuff like that. But the water commission gave EMI permission to take all the water from Honomanu bone-dry and from Makapipi bone-dry and to me that's -- the law is the law. But the water commission make excuses to bypass that law to give A&B all the water, to me that's totally wrong and how can a big corporation with all the money and everything like that -- well, for one thing, what's her name, Meredith Ching was on the water commission, that's -- and she's an employee.

And then last, but not least, you guys should have this meeting in Hana for people that (inaudible) -- You know, 'cause the Hana people can't come out here and -- you know, I was out here, so I was fortunate to

come over here and talk. And one, the -- you know, your EMI man over there, yeah, first thing he should do is make sure that there is water in all the rivers and, secondly, to help protect our environment, you know. I -- the taro farmers, I agree with all what the taro farmers are doing, but nobody's speaking up for the fishermen. And the people in Hana, we live off the fish, yeah. When we catch akule, we invite everybody to come down and help take the fish out of the net, because I'm not gonna take 5,000, 6,000 fish out of the net, I'll be there for two days. But the people come down and they take the fish out of the net and we give the fish away, we don't sell any fish in Hana, we just give it away to the people. Like you, maybe for a pretty average size catch, you're gonna get eight, your husband gonna get eight, you got two kids, they get half share, they're gonna four each, so that's eight, that's 24 fish you're taking home, that's like about 20 pounds of fish. And when you don't -- when you don't have this, then that's why we -- we don't have our supply of fish, yeah, and we gotta go store. Okay. Anyway, that's all I have to say.

FACILITATOR SENELLY: Okay. No, no, no. So my understanding would be --What I heard was two -- and you gave a lot, but the two main things I heard that you want to see in the EIS is the impact of the stream diversion on the shoreline, the shoreline environment, and the second thing I heard was you -- how much water is being taken out of the stream. Because you said a couple things and so kind of like having a better idea of how much water is being taken out of each stream or the streams. Is that correct?

MR. YOUNG: They take all the water.

FACILITATOR SENELLY: Okay.

MR. YOUNG: Not leaving any water.

FACILITATOR SENELLY: Okay.

MR. YOUNG: Only when there's rain, it overflows. When the dams overflow, I've seen the dams, that's the only time we have water. But now we have water all the time because -- since HC&S closed, then I guess they opened up some of the dams, yeah.

FACILITATOR SENELLY: Thank you, Mr. Young.

**Environmental Impact Statement Preparation Notice  
Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Edwin Young

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. YOUNG: I want to talk about Makapipi going bone dry from 1990 up until they the their sugar cane; and then when they closed the sugar cane, they opened up Makapipi again. But for 27 years, Makapipi never flowed. Because in 1990, East Maui Irrigation took all the water from Makapipi. There's two big dams up there, one called Poke's ditch, and I don't know what that bottom dam was, but it stopped all the water, and everything went into the ditch system to Wailuku. And as for the Environmental Impact Statement, the government that's supposed to overlook the stream flows, there's -- Makapipi is a perennial stream, which means that the thing is supposed to flow all the time, but it wasn't. It was bone dry.

And what happened is that all the springs in Hana all dried up down on the ocean and everything like that, and 90 percent of our fish has disappeared, because 90 percent of the seaweed has disappeared. And the fish live off of the seaweed, and also the baby fish, like the ocean, where the river enters the ocean is known as an estuary. And estuaries are all nurseries for all your baby fishes and crabs and lobsters and everything like that, and they live off of zooplankton and cytoplantin. One's a vegetable, one's an animal, and these -- this is like milk, mother's milk to them. And when a lobster gets a little bit bigger, then they will feed off the bottom, off of solid food. But when they're little, they just float in the water column, and they have to bump into the food, because they cannot swim up to the zooplankton and catch it. They have to just bump into it.

So when there's no fresh water going into the ocean, there's no food to bump into. So all our fish is gone. 90 percent of the fish in Hana has disappeared. 90 percent. Now, as for the environmental or the part that's supposed to watch the environment, they've been doing a real poor job, because I can show you -- you can come into Hana Bay, and I can show you there's no seaweed anymore, no turtles, because no turtles are -- the turtles eat seaweed, and there's no turtles anymore. And there's no (Hawaiian), and that has all disappeared. And I say don't give East Maui Irrigation or A & B that 30-year lease, yeah. Stop it.

Thank you.



10238-02  
September 23, 2019

Mr. Edwin Young

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

Dear Mr. Young:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 22, 2017 and February 23, 2017 EIS Scoping Meetings. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
3. The Draft EIS will include in Chapter 4 an assessment of the impacts of the Proposed Action. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an East Maui Irrigation Assessment of Streams and the Ocean Water Chemistry (See Appendix B).
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See

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Letter to Mr. Edwin Young

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Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP  
Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Ms. Elaine Wender

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. WENDER: My name is Elaine Wender. My involvement in this issue began over 35 years ago. Figure 1-1 of the EISPN shows in green what are deceptively called EMI lands. In fact, many of these lands have multiple owners. For instance, many people, including myself, have interests in TMK-1-8-11 by in Waiokamilo Stream in Keanae. These maps should be labeled accurately.

I submitted timely substantive comments for the early consultation phase for the preparation of the EISPN and received a letter from Earl stating, quote, Your comments will be considered and a copy of your comment letter will be appended to the EISPN, unquote. However, they were not appended. I have not even received a reply to my written request made a week ago that an amended EISPN be published including my comments as well as others that were excluded and that my comments immediately be sent to all those from whom you originally solicited comments as well as those who made unsolicited comments. I still have not received a reply. I'm renewing that request. It is not an adequate remedy to include in the draft EIS my comments made in the consultation phase.

It's taken us over 35 years to get here. In November of 1981 residents of Keanae and Hana through their counsel Isaac Hall first petitioned DLNR to prepare an EIS in this case. For 35 years A&B has fought tooth and nail to defy this legal requirement. It took citizen activism and court action to finally require them to adhere to the law and prepare an EIS. So here we are, 35 years later. In that time we've lost two generations of kupuna who fought for water restoration and our watershed has continued to be degraded by EMI's failure to exercise proper stewardship.

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

In addition, EMI has abandoned and no longer maintains the ditch road in the Waiokamilo area, resulting in its present hazardous condition. They also no longer monitor the area for miconia which I

have frequently encountered there in recent years. EMI has abandoned any responsibility for stewardship of the watershed areas they longer utilize. Even in the areas they still use, banyan trees, pyaemia, and other invasive plants grow unfettered. These conditions must be addressed in the EIS.

FACILITATOR SENELLY: Okay.

MS. WENDER: No. I'd like to finish.

FACILITATOR SENELLY: No, no, no. That's what I was going to ask you and you just said it, so I'm fine. I was going to ask you what of that you wanted in the EIS.

MS. WENDER: Could I please finish my testimony?

FACILITATOR SENELLY: Please.

MS. WENDER: The EIS require rules require, quote, a description of the environmental setting including a description of the environment in the vicinity of the action as it exists before commencement of the action, unquote. Throughout the EISPN the phrase, quote, maintain existing conditions, unquote, is repeated. This cannot be the starting point. We have experienced what EMI's lack of stewardship over these past 35 years while they illegitimately held this land without an EIS and without a valid lease, not to mention the previous decades has gotten us a seriously degraded watershed. There has to be some accountability and discussion of alternative what true restoration would mean which means that the condition of the watershed before these diversions existed has to be considered.

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

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

Since EMI is no longer using the water from the Nahiku or Keanae areas and since A&B has more than enough well water and water arising from their own lands to serve their needs, there's no justification to include all of these areas in the new license application; however, the EISPN includes all 388 diversion points. If any new lease is considered, first restoration of the abandoned areas should actually be completed and the lease should contain strict provisions requiring true watershed restoration, not

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

I also endorse the comments made by Forestry and Wildlife and Na Ala Hele Divisions of DLNR, the Native Hawaiian Legal Corporation, and the U.S. Fish and Wildlife Service. And I encourage people here to read the EISPN and submit written comments. Thank you.

COMMENTS ON EISPN FOR PROPOSED WATER LEASE FOR THE NĀHIKU,  
KE' ANAE, HONOMANŪ, AND HUELO LICENSE AREAS

SUBMITTED BY ELAINE WENDER  
MARCH 9, 2017

I endorse the many excellent recommendations submitted during the consultation phase for the preparation of the EISPN by U.S. Fish and Wildlife Service; Forestry and Wildlife, Land, and Nā Ala Hele divisions of DLNR; Native Hawaiian Legal Corporation; and Department of Hawaiian Home Lands. I will attempt to not discuss issues which have already been raised, and am grateful to have this opportunity to at last comment, more than 35 years after the community of Ke'anae-Wailuanui first formally petitioned for the preparation of an EIS.

The EISPN repeatedly emphasizes that: "The Proposed Action...would enable A&B to continue operation of the EMI Aqueduct System that has been in operation for over a century. In general, the Proposed Action will maintain existing conditions..." These phrases imply that since A&B has been operating this system for so long, it is somehow natural that it should continue, and that the starting place for considering impacts is today; that by maintaining existing conditions, the devastation that has occurred over more than a century because of this system can somehow be ignored.

This cannot be the framework within which this Proposed Action (PA) is considered. The condition of the watershed before these diversions existed and the cumulative environmental impacts which have already occurred, as well as those which would continue to occur, must be described in detail. If this were a brand new PA, I am confident that no governmental agency would even consider approval. It is only because it has been going on for so long that some have become numb to the impacts. If A&B wants the longevity of its presence to be considered, then it must also disclose all of the impacts which that presence has created.

Some of the issues which must be discussed are the ways in which A&B has complied or not with provisions of previous leases and permits, and the resulting environmental impacts. For instance, the 1956 Ke'anae lease provided that:

water needed for the irrigation of kuleanas was excluded from water which could be diverted;

destruction or injury to the forest growth be avoided as far as is practicable; the aqueduct system be kept "at all times in good order".

The issue of compliance with these requirements should be discussed in light of the evidence of failure to release adequate water for kuleana users, the degradation of the

watershed due to dewatered streams and failure to control invasive species, and the massive leakage from the ditch.

The 2000 revocable permit required that A&B: "Keep the Premises and Improvements in a clean, sanitary and orderly condition...Not make, permit, or suffer, any waste, strip, spoil, nuisance or unlawful, improper,, or offensive use of the Premises. At all times with respect to the Premises, use due care for public safety...The Permittee shall have full responsibility for the maintenance of roads used within the water license areas." The issue of compliance with these requirements must be discussed in light of the conditions described below.

The EISPN states that Waiokamilo Stream was "fully restored in 2007", and that several other streams are "planned for full and permanent restoration." There must be extensive discussion of alternative actions that would constitute "restoration", what has been implemented thus far, and what future plans are. The EIS must discuss why all 388 diversions are included in the PA, including those for streams which are "planned for full and permanent restoration."

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

On some "restored" streams, a continuous mauka/makai flow has still not been reestablished. Water is diverted and then put back into the stream, so that flow is interrupted at the ditch road. The massive, ugly concrete infrastructure is intact.

In addition, EMI has abandoned and no longer maintains the ditch road in the Waiokamilo area, resulting in its present hazardous condition. They also no longer monitor the area for miconia, which I have frequently encountered there in recent years. EMI has abandoned any responsibility for stewardship of the watershed areas they no longer utilize. Even in the areas they still use, banyan trees, clidemia and other invasive plants grow unfettered. These conditions and remedies must be addressed in the EIS.

Alternatives must be considered. These would include actual restoration of the watershed, creating a way for previously diverted water to be returned to the streams and continuing maintenance of the ditch road for public access.

Before any new lease is considered, first true restoration of the abandoned areas should actually be completed, and the lease should contain strict provisions requiring true watershed restoration, not simply cessation of water diversion, at the end of the lease period. Bond should be required in an amount sufficient to carry out this work.

Maps in the EISPN with areas labelled "EMI lands" are deceptive. Some of these lands are hui lands with multiple owners. EMI's claimed percentage interest in each parcel should be noted on the maps.

Thank you for this opportunity to comment.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Elaine Wender  
waiokila@gmail.com

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

Dear Ms. Wender:

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

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

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

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

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

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

Sincerely,

10238-02

Letter to Ms. Elaine Wender

Page 2

September 23, 2019

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with the first name "Earl" being more prominent and the last name "Matsukawa" following in a similar style.

Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice  
Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Elden Liu

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. LIU: My name is Elden Liu, and I'm here tonight concerning this water issue here. But I'm here to just say my ancestor was an ali'i. His name was Hikio. He was given Kaupakalua and he was given East Kaupakalua, which is Jaws, and he was also given a place in West Makaiwa that has all the A & B lanes coming down with the water. The water comes out of the Kaupakalua. And so I'm just here to say I've spoken to A & B, and I've spoken to their attorney at the same time too, a representative, Mr. Helia, who manages the EMI system. We had a very pleasant conversation. I wanted to let him know that I did have interest.

And I'm the sixth generation from Hikio, who was the original. He was an alii. And so I would like to be consulted with on some of these decisions that are going to be made. After all, the royal patent cannot be sold; and if A & B is selling that, they're in big -- hang onto this, please. I want to read real quickly what the law, the federal law says about this.

"A warranty deed cannot stand against a land patent in Hawaii, or a royal patent. A grant of land, made patent, is public law standing on the statute books of the state or nation. It is notice to everybody subsequent purchaser under any conflicting sales made." "Wineman versus Gastrell." "The land patent is permanent and cannot be changed by the government after its issuance. Where the United States has parted with title by a patent legally issued and upon surveys made by itself and approved by the proper department, the title so granted cannot be impaired by any subsequent survey made by the government for its own purposes." "Cage versus Danks." I would like to be considered to sit in meetings discussing things that are happening on my family's royal patent



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10238-02  
September 23, 2019

Mr. Elden Liu  
75 Ululani Street  
Kula, HI 96790

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

Dear Mr. Liu:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Section 1.3 of the Draft EIS provides a historical perspective of the Proposed Action, including the EMI Aqueduct System, stream diversion in East Maui and a chronology of the various associated leases, licenses agreements and permits.
3. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the

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Letter to Mr. Elden Liu  
Page 2  
September 23, 2019

EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP  
Vice President, Director of Planning

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



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Attention: Mr. Earl Matsukawa

**SUBJECT: EISPN: PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU,  
KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS –  
SCOPING MEETING, FEBRUARY 22-23, 2017**

I would like the EIS to include:

The original lease contract details from  
Kampo Ranch purchase of Nāhiku and Keanae properties.

I would like the EIS to include the historical  
news paper coverage of requests to A&B to  
consider sustainable agriculture.

I would like the EIS to include the  
minutes of all county council meetings that were  
held at Keanae School from the first to last.

I would like the EIS to include all 8B3001  
testimonies, all HB 2501 testimonies.

All CWRM break out group notes from 2016,  
all CWRM minutes/transcripts from 2017

All comments from the Sierra Club petition,  
the same our Kolo farms petition

(include additional sheets as necessary)

PLEASE PRINT: Name: Faith Chase Phone: 846-6181

Organization: Farmers Voice Hawaii

Address: \_\_\_\_\_

Email: planetserver.com  
faith@planetserver.com

Please submit comments by March 10, 2017 or email [woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

\*Receipt of e-mailed comments will be confirmed via e-mail. If you do not receive a confirmation message, please contact our office (see contact information, above).

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Faith Chase

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. CHASE: Faith Chase. No pun intended. I don't condone this process, but I'm going to give my testimony because I've showed up to make sure that everybody knows that in this process DLNR, Department of Water, the Senate, the House of Representatives, that I'm watching.

I would like the EIS to examine the contract language of the original sale of the Nahiku and Keanae property that was once bought by Kaupo Ranch -- it's searchable and findable -- at the turn of the century. I haven't seen it, but I'm wondering if there's any language in there that might be salvaged.

I would like the EIS to review the repeated letters and news in the Maui News from the beginning -- the beginning of time, mentioning and reporting the numerous repeated pleading to HC&S and A & B to consider sustainable ag and consider that they haven't considered.

I would like the EIS to include a review of all the meeting minutes that were held at Keanae School from the start to the end. I would like -- from the Maui County Council, to be specific.

I would like the EIS to include the minutes of all Water Resource Committee, Maui County again, where Hana, Keanae, Nahiku, Waialua and Kailua are on the agenda.

I would like the EIS to include the reporting of the 2016 seed worm breakout group discussions and their findings, which I was at but I've never seen, and I was told I'd get it e-mailed.

I would like you to also include the recent 2017, though limited, seed worm, and though about DHHL, there was a lot of language about this and our sacred rocks at Iao. I want that included.

I would like the EIS to include the review of all testimony of the Hawaii State Legislature 2016 Senate bill 3001 that didn't pass and the resulting House bill HB2501, or better known as the "water theft bill."

I would like the EIS to include the numerous petitioners, the number of petitioners, and all the comments in the Sierra Club petition relating to HB2501.

I would like the EIS to also include the number of petitioners and all the comments in the petition to the governor to veto HB2501.

Lastly, how have these areas been affected. I want a socio-cultural consideration to be made.

Scoping Meeting Comments of Ms. Faith Chase

Page 2

February 23, 2017

Thank you.



10238-02  
September 23, 2019

Ms. Faith Chase  
faith@planetserver.com

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

Dear Ms. Chase:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, your oral comments at the February 23, 2017 EIS Scoping Meeting, and for your written comments received February 23, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures

10238-02

Letter to Ms. Faith Chase

Page 2

September 23, 2019

in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Mr. Frank Caprioni

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. CAPRIONI: Aloha mai kakou. My name is Frank Caprioni. I'll try to keep it pretty simple, but a couple things I think this EIS should definitely address is all the history of Alexander & Baldwin and their connection with the native taro farmers. And I've been fortunate enough to be out in (inaudible) and work in the fields and hear the frustration directly from the farmers and to see it and to see all of these promises that Alexander & Baldwin says that they're going to do and they never, ever do. I think that that's crazy, craziness, you know. I can feel the frustration from them.

I also think the EIS should also address alternative measures to have somebody else maintain that ditch. I mean, God, East Maui Irrigation, how many times are we gonna let these guys get away with what they're done? You know, they're obviously not good stewards, why give -- why are we gonna give it to them? Why can't the state -- I mean, there needs to be other options that need to be looked into, you know. And again, I completely understand that water is life, everybody needs water. I don't -- I'm pretty sure, I don't think any of the kalo farmers (inaudible) are asking for all of the water. I'm pretty sure that they've made that pretty clear, you know, and so to throw that out there is kind of crazy. I'm pretty positive they're not asking for all the water.

And another thing is the uncle talked about, you know, with the akule and stuff and, you know, the hihiwi and that's where all the fish spawn and stuff like that, you know. And I was fortunate enough to go down to the Wailuaiki, it's the bay east of Wailuanui, that one has two rivers that flow inside there, one of them on the far side is diverted, the other one isn't. I mean, it's night and day difference, night and day difference, the one side there has got hihiwi, which you rarely see around Maui, all the way up to the shoreline, the other one has got nothing, no reef right in front, nothing on the one. It's common sense, it doesn't take a rocket scientist, you know.

Another thing I'd like to say too, I think there needs to be mediation between East Maui Irrigation and the Hawaiian community, 'cause, again, there is a lot of -- a lot of lies that have been told, a lot of things, a lot of promises that haven't been up kept. And I think in order to be able to move forward, that stuff needs to be sealed up. I mean, it's just -- it's crazy. So I really hope that you guys will look into the history and really go and talk. I know there is some of the East Maui taro farmers in here and go and talk to them because they have a lot of manao to share.

So thank you guys for your time.

What I'd like to say too is that there's no -- like who -- who oversees East Maui Irrigation? You know, we -- on the west side where I'm from, we're dealing with some stuff up in streams and it's -- it's incredible to try and talk to somebody.

I mean, so really quickly I want to say there needs to be some oversight. You know, East Maui Irrigation is kind of -- and, you know, one last thing too that kind of blew my mind, sorry, is that the East Maui taro farmers that have gotta get -- they've gotta get permission to go drive up and they only get the key one day of the month, this is (inaudible) and they've been there forever. Like how is East Maui Irrigation able to go up there all the time, but the local people who are from there, they've gotta ask permission and they only got a certain window period to go up there. I think that's ridiculous. I think that is ridiculous.



10238-02  
September 23, 2019

Mr. Frank Caprioni  
801 Olowalu Road  
Lahaina, HI 90761

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

Dear Mr. Caprioni:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including potential alternative lessees. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied.
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of

Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C). Sea Engineering, Inc. and Marine Research Consultants, Inc. prepared the East Maui Irrigation Assessment of Streams and the Ocean Water Chemistry (See Appendix B) which addresses estuarine function.

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

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

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

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

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EIS Preparation Notice Comments for A&B Proposed Water Lease  
**Date:** Friday, March 10, 2017 8:39:43 AM

---

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: gabejohnsonwest111@everyactioncustom.com [<mailto:gabejohnsonwest111@everyactioncustom.com>]  
Sent: Friday, March 10, 2017 7:26 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

I'm Gabe Johnson and I live on the island of Lana'i. I would like to testify on the stream diversion and the importance of having an unbiased entity create the EIS for Alexander and Baldwin's proposal to continue diverting water from the East Maui Watershed.

I'm sure many other testifiers will be speaking on the issue but I would like to bring up a point that needs to be addressed. In my work as an invasive species technician here on Lana'i, I work a lot with Incidental Take Permits. I believe that if we look at the water that is being diverted, Alexander and Baldwin should be required to create a Conservation Action Plan that requires some kind of mitigation. There are very specific endangered species that will be adversely affected due to the stream diversions. I have spoken with Jonathan Sprague from Fish and Wildlife, who is a federal Biologist who specializes in endangered species and he agreed. In fact he gave me several Damsel flies, who are listed as endangered that could be used to require A&B to apply for an Incidental Take Permit. Two Damsel flies are already listed as endangered, *Megalagrion pacificum*, *Megalagrion nesiotes*, and the newly listed (Sept 2016), *Megalagrion xanthomelas*. Wildlife surveys of the area prove that these endangered species are located within the East Maui watershed, specifically using streams to lay eggs and propagate. It's my firm belief that the actions done by Alexander and Baldwin would require them to obtain an Incidental Take Permit, create a conservation action plan, and begin work on habitat (i.e. stream) restoration.  
Mahalo.

Sincerely,  
Gabe Johnson  
PO Box 631620 Lanai City, HI 96763-1307





**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Gabe Johnson  
PO Box 631620  
Lanai City, HI 96763-1307

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

Dear Mr. Johnson:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied.

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Letter to Mr. Gabe Johnson

Page 2

September 23, 2019

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

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

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

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

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

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EISPN for Proposed Lease for the Nahiku, Ke`anae, Honomanu, and Huelo License Areas of Public Land, Maui, Hawaii  
**Date:** Monday, March 13, 2017 9:16:42 AM

---

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: Harriet Witt [<mailto:harriet@passengerplanet.com>]  
Sent: Saturday, March 11, 2017 10:38 AM  
To: Wilson Okamoto Corporation  
Subject: Re: EISPN for Proposed Lease for the Nahiku, Ke`anae, Honomanu, and Huelo License Areas of Public Land, Maui, Hawaii

Dear Mr. Okamoto,

Mahalo for the opportunity to provide comments on this Environmental Impact Statement Preparation Notice (EISPN) for the use of water from four license areas consisting of 33,000 acres of public lands and waters in East Maui.

As a resident of Haiku, Maui, I am affected by how our streams and watersheds are managed. Because of my interest, I would like to request that the Draft EIS for this proposed Lease include the following information which is not clearly indicated in the EISPN.

We can lessen the environmental impact with simple changes such as (1) shortening the proposed lease to provide time for assessing impact (2) diverting smaller amounts of water than proposed (3) allow communities to bid on ditch-management leases (4) developing ways for leases to generate funding for management (5) restoring flows to more streams where East Maui people live. Hoolawa, Waipio and Hanawana streams have not been part of the court case that has been going on for 15 years, so no one has ever discussed giving water to the streams used by these neighborhoods.

Mahalo, Harriet Witt 808 463 9337



10238-02  
September 23, 2019

Harriet Witt

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

Dear Harriet Witt:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 11, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including discussion of alternative lease terms, duration, volume, and ownership

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

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Letter to Harriet Witt  
Page 2  
September 23, 2019

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with the first name "Earl" being more prominent and the last name "Matsukawa" following in a similar style.

Earl Matsukawa, AICP  
Vice President, Director of Planning

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



**WILSON OKAMOTO CORPORATION**  
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EM

1907 South Beretania Street, Suite 400  
 Honolulu, Hawaii 96826  
 T (808) 946-2277 F (808) 946-2253  
 W <http://www.wilsonokamoto.com>  
 Attention: Mr. Earl Matsukawa

**RECEIVED**  
 MAR 03 2017  
 WILSON OKAMOTO CORPORATION

**SUBJECT: EISP: PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU, KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS – SCOPING MEETING, FEBRUARY 22-23, 2017**

I am His-Highness Kialoa of Aupuni  
 O Ko Hawaii Pae'auia Hawaiian Kingdom Govern,  
 a "Maka'ainana Heir, Decedent & guss  
 claimate" to the Hawaiian Kingdom and the  
 Archipelago of 300 Plus Atolls and Plateaus  
 with eight Islands. I have constitutional  
 jurisdiction of authority with Pala'Pala & salanui  
 Royal Pattern Land Pattern: I am yet reminded  
 of the 120 years of an on-going Treasonous  
 criminal conspiracy and enterprise against  
 me my People, country and our Constitution  
 that was Drafted By my Tety man King  
 Keau'uli Kamehameha the third! Stop stealing  
 what belong to us Maka'ainana or heir/Decedents  
 I am a Political Power holder w/ Political  
 Interest to this Archipelago of the Territory  
 of the Hawaiian Kingdom: My Koko/Blood DNA is Proof

(include additional sheets as necessary)

PLEASE PRINT: Name: His-Highness Kialoa Phone: cell 385-0227  
 Organization: Aupuni O Ko Hawaii Pae'auia  
 Address: Hawaiian Kingdom! 83 Puelo Dr  
Keala HI. 96790  
 Email: \_\_\_\_\_

Please submit comments by March 10, 2017 or email [woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

\*Receipt of e-mailed comments will be confirmed via e-mail. If you do not receive a confirmation message, please contact our office (see contact information, above).

RECEIVED  
MAR 9 2015  
WILSON OKAMOTO CORPORATION

(Fold on dotted lines and seal with tape or staple)

H.H. KIALOA

189 PUEO DR

KULA, HI 96790



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

(Fold on dotted lines and seal with tape or staple)



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. H.H. Kialoa

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

Dear Mr. Kialoa:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments received March 3, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

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

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

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

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

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

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Isaac Hall, Esq.

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. HALL: I want to thank the East Maui people for letting me speak now. My name is Isaac Hall. I live in Haiku. I'm an attorney, and I've been working on this case for 40 years. The preliminary comments on the EISPN have been submitted. I want to cover some points that may not be addressed by others.

One, the proposed leases of public lands must be disposed of at a public auction. I know this point is being made. The assumption is being made, unfortunately, that the ultimate lessee is going to be A & B. Even though it's been stated by Wilson people that it's not, they're still talking about what we're going to examine in this is the 30,000 acres and that we should address the impacts of those 30,000 acres. That would render this EIS inadequate. You have to address other alternative lessees. Let's, you know, think about who else might be interested in getting this land and address those impacts. Those are alternatives that have to be addressed in this EIS.

Two, when A & B applied for this lease many, many years ago, it was for a fully functioning sugar cane plantation. The plantation closed, the lands are mostly fallow. There's no need for -- there's no current need for anything like 115 million gallons a day. The current application is stale and should be withdrawn and replaced by an up-to-date application.

Three, the lease is for all four license areas. This is an antiquated concept designed to provide all of the water to one prospective lessee, A & B. DLNR is required by law to lease lands in economic units, minimum-sized areas that could be served by the water. That's HRS 171-33.3 in the Big Island Small Ranchers case. The alternative of separate leased license areas. Let's say for the Keanae-Wailua community, carving off an area that could be leased to them alone, for their purposes alone, is an alternative that has to be addressed. The alternative of a separate leased license area for the Huelo area. Carve that off. Let them go in and bid for it. And likewise, a separate leased license area for say the Haiku area. Let the Haiku community go in and bid for a lease. These are smaller units that by the statute that applies to DLNR have to be discussed as alternatives. If they are not, this EIS is going to be inadequate again.

Again, as others have said, No. 4, these are 5(f) lands. They're part of the public lands trust and part of the seed lands trust. Native Hawaiians are the beneficiaries of these trusts. Now there are three aspects of this. One is that the first priority to this water belongs to the native Hawaiian homes. That means the current and future needs of Hawaiian, of people on Hawaiian home lands must be carved out first. That has never been done, it's never been studied, and that has to be done in this EIS or it again is going to be inadequate. Also, 30 percent of the revenues from the leases must go to Hawaiian homes to be spent

for the benefit of native Hawaiians. 20 percent of the revenues from the leases must go to OHA to be spent for the benefit of native Hawaiians. That's 50 percent of the revenues from these leases is owed to native Hawaiians. DLNR, BLNR has never paid -- well, they have paid attention to it, but they've paid tiny amounts in lease amount -- in leases, for the leases. BLNR has never appraised the value of the water that it has provided to EMI and HC&S. HRS 17133.5 requires that before any notice of an intended disposition is given, BLNR must determine an upset price for that lease based upon the fair market value of the resource being leased. BLNR has never done that. It's leased everything from way below the fair market value.

So in this EIS, as part of it, a study must be done, studies must be done, and one of those studies must be an appraisal of the fair market value of these lease lands. They cannot possibly satisfy their trust obligations to native Hawaiians unless they do this. This is a point that other people have touched on tangentially. This is 6. Any lease of water rights requires a watershed management plan. That's in their statute 17158-E and F. That's being done to prevent degradation of surface water, prevent degradation of ground water quality. So what has to happen here in an EIS is that the EIS must address the current conditions of the watershed and address steps that are required to restore the condition of the watershed to an adequate level. That's never been done.

As everybody's said, they've essentially had the equivalent of a 30-year lease but they've never done a watershed management plan. And you've heard testimony about what the condition of the watershed is. That has to be addressed in the EIS 1 or it's inadequate.

Number 7, I was disappointed to see the list of water users and that the people with riparian and appurtenant rights were totally left out. Those people downstream of these diversions weren't even mentioned. And I did notice that there was a lot of misinformation that I hope will get corrected later by those that know about the number of streams that are diverted, the number of streams that are in the petition area, the number of streams, that sort of thing. The numbers I heard were wrong.

Finally, No. 8, the alternatives considered were three. I've already mentioned four or five more, but there way many more alternatives need to be considered or else this will be inadequate.

Thank you for the opportunity to speak. And I'll submit more detailed comments by March 10th.

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: Comments on the EISPN for the EIS Regarding A&B's Application for a 30-Year Lease  
**Date:** Friday, March 10, 2017 2:31:12 PM  
**Attachments:** [LetWIIOk.EISPrepNot.pdf](#)  
[image001.jpg](#)

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## Jeanine S.H.Y. Morioka

Secretary



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

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**From:** Isaac Hall [mailto:[idhall@maui.net](mailto:idhall@maui.net)]  
**Sent:** Friday, March 10, 2017 2:27 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** Comments on the EISPN for the EIS Regarding A&B's Application for a 30-Year Lease

Dear Mr. Matsukawa:

Please find attached in pdf format a comment letter on the EISPN in the above-captioned matter. A hard copy is being deposited in the U.S. Mail. Please contact me if you have any questions.

Sincerely,  
Isaac Hall

ISAAC DAVIS HALL

ATTORNEY AT LAW

2087 WELLS STREET

WAILUKU, MAUI, HAWAII 96793

(808) 244-9017

FAX (808) 244-6775

March 10, 2017

Via Email and U.S. Mail

woc@wilsonokamoto.com

Mr. Earl Matsukawa

Project Manager

Wilson Okamoto Corporation

1907 South Beretania Street, Suite 400

Honolulu, Hawaii 96826

RECEIVED  
MAR 13 2017

WILSON OKAMOTO CORPORATION

Re: Comments on the EISPN regarding the EIS on the  
Proposed Lease for the Nahiku, Keanae, Honomanu, and Huelo License Areas,  
East, Central and Up-Country Maui, Hawaii

Dear Mr. Matsukawa:

These comments pertain to the EISPN for the EIS triggered by A&B's May 14, 2001 application to lease approximately 33,000 acres of state land and to divert and transfer all water arising on these lands to its approximately 30,000 acre former sugar plantation in Central Maui. The comments are submitted on behalf of The Coalition to Protect East Maui Water Resources and are intended to help establish the required scope of the EIS.

I live with my family near a diverted East Maui stream. I am an attorney who has been working to restore East Maui Streams for 40 years, since the late 1970s. My experience is not comparable in severity to what was experienced by Native Hawaiians when, over one hundred years ago, EMI first constructed its diversions and ditch systems. These ditch systems and diversions were operated to unilaterally dewater East Maui streams and to prevent downstream users from growing healthy taro and exercising gathering rights. Even now, EMI operates its diversions, not based on the needs of those below, but instead based on the needs of its parent company, A&B, on lands on the dry central isthmus of Maui.

I will cover some points that may not be addressed by others. These relate to the socio-economic impacts of this proposed action, and socio-economic issues that must be addressed within the EIS if it is to be adequate. This proposed action substantially affects the economic welfare, the social welfare, and the cultural practices of the East Maui community, the Maui Community and the State and, therefore, the issues addressed below are within the required scope of this EIS.

In addition, an EIS is meant to assure an early open forum for discussion of adverse effects and available alternatives, and that the **decision-makers will be enlightened to any environmental consequences of the proposed action.** (Emphasis added). HAR §11-200-14. This EIS is intended to “alert decision makers to significant environmental effects which may result from the implementation of certain actions” and to “ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations.” HRS §343-1.

The statutory and regulatory framework for dispositions of public lands through leases at public auctions therefore establishes the subject matters that must be addressed in this EIS in order to alert BLNR to the environmental effects and economic and technical impacts of this proposed action in its decision making on A&B’s application. See, HRS §§171-1, 2, 3, 6, 7, 10, 14, 16, 17, 18, 29, 33, 34, 35, 36, 39 and 58. Some of these provisions require planning actions prior to any disposition. See, for example, HRS §§171-10. Some of these provisions require actions by BLNR prior to any notice of an intended disposition. See, for example, HRS §§171-33 and 34. These statutory provisions establish subject matters that must be addressed in the EIS to assure that the decision maker is fully informed of the consequences of its proposed action.

**1. Proposed leases of public lands must be disposed of at a public auction. HRS §171-14.**

We cannot presume, as is being done here, that HC&S or A&B is going to be the lessee. The EIS must explore the alternatives that other persons or other entities will be the lessee(s). Studying the impact of delivering water to the 30,000 acres constituting the former HC&S sugar plantation lands, without studying, as vigorously, the options of delivering the water to other potential lessees, will render the EIS inadequate. HAR §11-200-17.

**2. The Application triggering the EIS is stale and provides no current basis for this EIS**

When A&B applied for this thirty-year lease sixteen years ago, on May 14, 2001, it was intended to provide irrigation water for a fully functioning 30,000 acre sugarcane plantation. Agencies shall ensure that statements are prepared at the earliest opportunity in the planning and decision-making process. HAR §11-200-14. This has not occurred because of the delays caused by BLNR, DLNR, A&B, EMI and HC&S, prejudicing the rights of downstream users.

The HC&S plantation has closed. The lands are now mostly fallow. A&B has no current need for anything like 115 mgd of irrigation water. A&B testified that the County of Maui and A&B were currently using 20 mgd of irrigation water on their 30,000 acres. The current application is stale and must be withdrawn. This application must be replaced, if at all, with an up to date application. The May 14, 2001 application provides no basis for the EIS now being prepared.

### **3. The Lease is for all Four License Areas.**

The notion of leasing all of the state lands within the Four License Areas is an antiquated concept designed to provide all of the water arising on these lands to one prospective lessee -- A&B. DLNR is required to lease lands in "economic units" in minimum sized areas that could be served by the water. HRS §171-33(3); *Big Island Small Ranchers v. DLNR*, 60 Haw. 228, 588 P.2d 430 (1978).

The alternative of a separate leased "License Area" for Keanae and Wailuanui must be explored as an alternative. The alternative of a separate leased "License Area" for the "Huelo Area" must be explored as an alternative. The alternative of a separate leased "License Area" for the "Haiku Area" must be explored as an alternative. These are all practical alternatives that must be addressed or the EIS will be inadequate. HAR §11-200-17.

### **4. Alternative Lease Terms**

DLNR must determine "the minimum tenure necessary" for the lease "to support the intended use" and "the necessity for periodic rent openings in long-term leases to assure the State a fair return." HRS §171-33(7). At the time A&B applied for a thirty-year lease, its subsidiary, HC&S, was operating a fully functioning sugar plantation on 30,000 acres of land on Maui's central isthmus. There has been a significant change in circumstances since then.

The HC&S sugar plantation has closed. The 30,000 acres are now mostly fallow. HC&S has laid off most of its workers. HC&S has auctioned off most of its farm equipment. Under these new circumstances, a thirty-year lease to A&B cannot be justified. If any lease is to be considered to A&B, the tenure must be significantly shortened given the unclear future of these lands and the inability of A&B to demonstrate that any more than a small percentage of these lands are actually being farmed.

Alternative lease terms must be studied in the EIS to address this unclear future as well as the possibility that A&B will not be the lessee.

### **5. The Leased Lands are in the Public and Ceded Lands Trusts**

The lands proposed to be leased, approximately 33,000 acres in size, are Section 5(f) of the Admissions Act lands. They are part of the Public Lands Trust and part of the Ceded Lands Trust. Native Hawaiians are the beneficiaries of these Trusts. These trusts must be managed for their benefit. See, Article XII of the Hawaii State Constitution and HRS §171-18.

### **6. Native Hawaiians have a long ignored financial interest in these trust lands.**

#### **a. First Priority in Water to Hawaiian Homesteaders**

The current and future water needs of Hawaiian Homesteaders have first priority. These current and future needs must be studied and delineated in the EIS. The amounts needed currently and in the future by Hawaiian Homesteaders must be supplied first before any other

amounts can be leased to other parties. See, Hawaiian Homes Commission Act, §221 and HRS §171-58(g).

**b. Thirty Percent of Revenues to Hawaiian Homes**

Thirty percent of the revenues from the leases must go the Hawaiian Homes to be spent for the benefit of Native Hawaiian Homesteaders. See, Article XII, Section 1 of the Hawaii State Constitution.

**c. Twenty Percent of Revenues to OHA**

Twenty percent of the revenues from the leases must go OHA to be spent for the benefit of Native Hawaiians. See, Section 5(f) of the Admissions Act. Fully fifty percent of the revenues are owed to Native Hawaiians.

BLNR has never appraised the value of the water that it has provided to EMI and HC&S. HRS §171-33(5) requires that before any notice of an intended disposition is given, BLNR must determine an upset price, based upon the fair market value of the resource being leased. BLNR has never done this. BLNR's leases, revocable permits, and holdover permits have all been issued for much less than fair market value, in breach of the public and ceded lands trusts and in breach of their fiduciary duties to their beneficiaries.

The EIS must address the fair market value of the lands and water resources that it intends to lease as determined by an appraisal, so that it can meet its trust responsibilities to Native Hawaiians and the public. HRS §171-17. An EIS shall involve at a minimum "conducting necessary studies." HAR §11-200-14. The EIS must contain this appraisal, as a required study, or the BLNR will not be alerted to the economic consequences of its proposed action.

**7. Any lease of water rights requires a watershed management plan**

Any lease of water rights requires a watershed management plan preventing degradation of surface water and preventing degradation of ground water quality. HRS §171-58(e) and (f). Any EIS must address the current condition of the entire 33,000 acre watershed and determine the steps that are required to restore this 33,000 acre watershed to an environmentally acceptable level.

**8. Downstream Users Left Out of Those Described as Water Users**

Wilson Okamoto's presentation included a list of users of the water. Oddly, the list failed to include users downstream of the diversions, who have battled for years to have streamflow restored. This is a serious error which, if not corrected, will render the EIS inadequate.

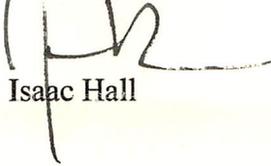
In addition, there are serious errors in Wilson Okamoto's descriptions of all of the streams that are being diverted, all of the petition streams, and restoration efforts to date. Likewise, these are serious errors which, if not corrected, will render the EIS inadequate.

**9. Alternatives Considered Too Limited**

Wilson Okamoto described approximately three alternatives that would be addressed in the EIS. These three alternatives are far too limited and do not represent the practical and reasonable alternatives that must be addressed in accordance with the applicable statute and regulations. HAR §11-200-17.

Thank you for the opportunity to comment on these issues and for your attention to these important matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Isaac Hall', written over the printed name.

Isaac Hall

IH/gr  
Cc: Clients



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Isaac Hall  
Attorney at Law  
2087 Wells Street  
Wailuku, HI 96793

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

Dear Mr. Hall:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, your oral comments at the February 23, 2017 EIS Scoping Meeting, and your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes

(HRS) Chapter 343 and Hawai'i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.

3. The Proposed Action is described in Chapter 2 of the Draft EIS, including a discussion in Section 2.1.1 regarding The Department of Hawaiian Homeland's water reservation. The Draft EIS also includes in Section 2.1.4, a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on estimates of available of surface and ground water. The Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of surface water that can be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
4. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including a Modified Lease Area alternative.
5. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)
6. For the purposes of this Draft EIS, the stream list used was from the CWRM D&O which is discussed in Section 1.3.4.
7. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix B and Appendix C).
8. The Draft EIS considers an appraisal for the Water Lease and is discussed in Chapter 8.

10238-02

Letter to Mr. Isaac Hall

Page 3

September 23, 2019

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

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

February 22, 2017

**TESTIMONY OF JAMES E. COON SPEAKING AS A PRIVATE CITIZEN**

**RE: EIS FOR STATE WATER LEASE TO EMI**

To whom it may concern:

My name is James E. Coon. I speak as a concerned citizen. I have lived on Maui for almost 45 years and have lived in Kula for over three decades. My home is on Ag land and I maintain a small orchard on my land. I believe that as time goes on more and more individuals need to plant edible crops to help Maui be more food sustainable.

**I believe that EMI is the best entity to manage the EMI Ditch System and they need a long term lease to do so.** In my opinion it would be a nightmare to turn this valuable resource over to the County or State. I also want to see A&B have enough water to ensure that diversified agriculture can be viable on their vast lands.

What will happen to Maui if there is no agriculture there? Not enough water means less ag. How can we ever meet our needs of energy and food sustainability if there is not enough water? Will it just go to development? What about us upcountry residents if EMI somehow gets taken out of the picture? How will we get our water? EMI must have a lease from the State that ensures that the rest of us continue to receive the water we need.

As you prepare this EIS please ensure that all parties that need water have an adequate supply. Keep EMI as the managing entity. Make sure A&B have enough to continue farming instead of massive development.

Sincerely,

James E. Coon



1604 Naalae Road, Kula, HI 96790

CAPT COON@GMAIL.COM

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. James Coon

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. COON: Aloha. Aloha kakou. My name is Jim Coon and I'm speaking as a concerned citizen. I've lived on Maui for almost 45 years and I've lived in Kula for over three decades. My home's on ag. land and I maintain a small orchard on my land. I believe as time goes on, more and more individuals need to plant edible crops to help Maui be more food sustainable. I do believe that EMI is the best entity to manage the EMI ditch system. In my opinion, it'd be a nightmare to turn this valuable resource over to the county or state.

I also want to see A&B have enough water to ensure that diversified agriculture can be viable on their vast lands. What will happen to Maui if there's no agricultural there? Not enough water means less ag. How can we ever meet our needs of energy and food sustainability if there's not enough water? Will it go to development? What about us Upcountry residents if EMI somehow gets taken out of the picture? How will we get our water? EMI must have a lease from the state that ensures that the rest of us continue to receive the water we need.

As you prepare this EIS, please ensure that all parties that need water have an adequate supply, keep EMI as the managing entity, make sure A&B has enough to continue farming instead of massive development.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. James Coon  
1604 Naalae Road  
Kula, HI 96790

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

Dear Mr. Coon:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, your oral comments at the February 22, 2017 EIS Scoping Meeting, and your written comments received February 22, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Proposed Action and Farm Plan are based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. The Draft EIS will include in Chapter 4 an assessment of the impacts of the Proposed Action. Various technical studies will be appended the Draft EIS and provide detailed examinations, including the Agricultural and Related Economic Impacts Report (See Appendix I), which considers water availability in the Proposed Action and alternatives for agricultural and non-agricultural uses in East, Central, and Upcountry Maui, and an Economic and Fiscal Impact Analysis Report (See Appendix H).

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

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

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

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

**From:** [Wilson Okamoto Corporation](#)  
**To:** "Kimo Falconer"  
**Subject:** RE: Attached testimony for EIS scoping committee meetings on Maui regarding the EMI ditch system  
**Date:** Monday, March 6, 2017 3:07:22 PM  
**Attachments:** [image001.jpg](#)

---

Dear Mr. Falconer,

This is to acknowledge that we have received your email comment on the subject EIS Preparation Notice. Your participation is appreciated.

**Jeanine S.H.Y. Morioka**

Secretary

Wilson Okamoto Corporation



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
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W <http://www.wilsonokamoto.com>

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**From:** Kimo Falconer [mailto:[jkimof@msn.com](mailto:jkimof@msn.com)]  
**Sent:** Wednesday, February 22, 2017 2:07 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** Attached testimony for EIS scoping committee meetings on Maui regarding the EMI ditch system

Attn: Earl Matsukawa

Please find my attached testimony in support of keeping the EMI ditch for irrigation needs on HC&S lands.

Mahalo,

James 'Kimo' Falconer  
President  
MauiGrown Coffee, Inc.  
MauiGrown Coffee Distributors, LLC  
(808)-661-3158 office

(808)-661-4165 fax

February 20, 2017

To the members of the scoping committee:

### **Support keeping EMI Water transference system**

My Name is Kimo Falconer, President of MauiGrown Coffee, Inc. We are the sole producer of certified MAUI origin coffee on our 400 acre farm in West Maui. Our project is the result of diversification out of sugar production at Pioneer Mill Company in 1992. I was the Vice President of operations of both Sugar and Coffee production when the sugar plantation closed in 1999 and later the coffee operation in 2001. In 2003, I formed MauiGrown Coffee Inc. as its sole proprietor to resurrect that coffee farm. Through much hardship and sweat equity, I am lucky enough to say that today we are the largest individually operated Certified coffee grower in the State of Hawaii.

I am not writing this though to provide you information about myself or my company, nor do I see the need to certify myself qualified as an expert regarding successful agricultural diversification. I do, however, consider myself qualified to speak to the importance, to any future agricultural endeavor, that diverted stream water allows. When these systems were built in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, water starved areas of these Hawaiian Islands were virtual wastelands. The sugar barons of the time only knew that they needed to move water from the wet sides of the islands to satisfy their thirsty sugar cane fields. The more water they could divert, the more cane they could plant. It was a simple profit driven equation.

What they did not realize was that by moving this water they were in a sense creating, by increasing the aquifer recharge ability, a usable reservoir of fresh water underground where before it was simply a brackish lens of infiltrated seawater. After 140 years of this activity the central isthmus of Maui has a healthy aquifer with differing levels of salinity that is not toxic for irrigation use for many crops. But this recharge will stop should the EMI flow stop. This recharge does not happen in those dry areas naturally, otherwise it would have happened centuries ago. As an example, when Pioneer Mill closed, albeit a smaller plantation but one that relied heavily on the recharge aquifer underground for irrigation, the salinity levels climbed instantly after the plantation closure to levels today that would be unsuitable for irrigation.

The HC&S issue is a different animal. At 36,000 acres, satisfying Maui's food needs can be achieved on less than 5% of those. Never mind Pioneer Mill, since 1999 that land has already been cut up by development. The general plan calling for thousands of more homes and urban growth and no one not living on the West side even knows that.

I am the only farmer of decent size on the West Side. My family has been in Lahaina for generations. While I wish to grow more coffee here, the loss of water and urban pressure is forcing me to look elsewhere.

Coffee is a very good crop for expansion throughout Hawaii. I am currently talking with A & B to possibly expand on former HC&S cane lands. For this to be possible there needs to be assurance of water. This holds true for any agricultural plan that is wishing to do the same.

While assessing the EMI situation in terms of water need, don't overlook the power of a healthy underground water system. Just because one can't see it, does not mean it is unimportant. Should you allow the stream diversions to stop, the irony is the future of our water supply can only come from them in the end.

James 'Kimo' Falconer  
President  
MauiGrown Coffee, Inc.  
MauiGrown Coffee Distributors, LLC



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. James Falconer  
jkimof@msn.com

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

Dear Mr. Falconer:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated February 22, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui. The environmental impacts of the potential Water Lease will be assessed.
2. The Draft EIS discusses impacts to hydrology associated with the Proposed Action in Section 4.2 of the Draft EIS as well as the reports various technical reports prepared for the Draft EIS, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); and Terrestrial and Flora and Fauna Report (See Appendix C); and. Agricultural impacts of the Proposed Action and alternatives are discussed in the Agricultural and Related Economic Impacts report (See Appendix I).

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

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

Sincerely,

10238-02

Letter to Mr. James Falconer

Page 2

September 23, 2019

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

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

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: Comments on the EISPN for the EIS for proposed water leases  
**Date:** Friday, March 10, 2017 2:31:03 PM  
**Attachments:** [image001.jpg](#)

---

## Jeanine S.H.Y. Morioka

Secretary

Wilson Okamoto Corporation



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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**From:** Jeffreyudv [mailto:[jeffreyudv@aol.com](mailto:jeffreyudv@aol.com)]  
**Sent:** Friday, March 10, 2017 2:15 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** Comments on the EISPN for the EIS for proposed water leases

[woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

Mr. Earl Matsukawa  
Project Manager  
Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
March 10, 2017  
Dear Mr. Matsukawa;

I am writing in response to your request for public comment with regard to the proposed 30 year lease, by your client, of the public trust water resources that would need to be diverted from East Maui to the land they own in the central valley.

Let me say at the outset that I oppose the proposal. I have reviewed and agree with the comments you have already received from The Native Hawaiian Legal Corporation, and the attorney Isaac Hall, whose views I am

fully aligned with.

Rather than repeat what has already been so clearly explained, I wish to offer a few additional recommendations for your consideration.

As hopefully has become clear to you already the further allocation of these vital resources to your client is not supported by the community, and for good reason. Many of us feel that the company has not fulfilled its trust responsibility for the resources it exploited for the benefit of its shareholders as defined by the State Constitution. Additionally, as cited in the statement of Isaac Hall, it would be my position that the 30% of the gains to the company during this period, due under State Law to the Native Hawaiian community have not been paid. This represents a significant additional responsibility that your clients will need to address before their application for more water is even considered.

Additionally I am of the firm belief that an inventory of the state of our island's waters would need to be done to properly assess the degree to which they may have been polluted or contaminated by your clients' actions. To me, if such a study were to be done, and chemical contamination of these vital resources found on the land your client has been utilizing, that payment for the full complete remediation of these harms would also need to be addressed before any further allocation of new leases or rights could be considered.

Lastly for the company to begin to address the harms caused to the original inhabitants of these islands and their descendants from the time of the "annexation" of these islands (as recognized by the United States Government, Public Law 103-150), it's time for the company look at giving back (as opposed to taking even more from) the local community.

In this regard I would recommend the low cost transfer of land, with small housing construction subsidies to those who prove Native Hawaiian ancestry, for the purposes of sustainable, traditional Hawaiian farming practices to feed the island's residents. This would be a far, higher, more just and more humane "transition" than what has been requested in the proposed lease.

If any of these proposals would be of interest to you and your client to implement I would be happy to serve as a consultant (along with others I

could recommend) as to how this could all be accomplished.

Sincerely;

Jeffrey Bronfman

President of The Aurora Foundation and

Co-founder of The Haiku Aina Permaculture Initiative

Haiku-Hawaii

**From:** Jeffreyudv [<mailto:jeffreyudv@aol.com>]  
**Sent:** Friday, March 10, 2017 2:15 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** Comments on the EISPN for the EIS for proposed water leases

[woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

Mr. Earl Matsukawa  
Project Manager  
Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
March 10, 2017

Dear Mr. Matsukawa;

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Rather than repeat what has already been so clearly explained, I wish to offer a few additional recommendations for your consideration.

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Lastly for the company to begin to address the harms caused to the original inhabitants of these islands and their descendants from the time of the “annexation” of these islands (as recognized by the United States Government, Public Law 103-150), it’s time for the company look at giving back (as opposed to taking even more from) the local community.

In this regard I would recommend the low cost transfer of land, with small housing construction subsidies to those who prove Native Hawaiian ancestry, for the purposes of sustainable, traditional Hawaiian farming practices to feed the island’s residents. This would be a far, higher, more just and more humane “transition” than what has been requested in the proposed lease.

If any of these proposals would be of interest to you and your client to implement I would be happy to serve as a consultant (along with others I could recommend) as to how this could all be accomplished.

Sincerely;  
Jeffrey Bronfman  
President of The Aurora Foundation and  
Co-founder of The Haiku Aina Permaculture Initiative  
Haiku-Hawaii



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Jeffrey Bronfman  
President of The Aurora Foundation  
Co-Founder of the Haiku Aina Permaculture Initiative  
Haiku, HI  
jeffreyudv@aol.com

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

Dear Mr. Bronfman:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Cultural Impact Assessment (See Appendix F); and Social Impact Assessment (See Appendix G). Section 4.7.3 of the Draft

10238-02

Letter to Mr. Jeffrey Bronfman

Page 2

September 23, 2019

EIS will address the amount of past revocable permit proceeds that have been allocated to the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands

3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with the first name "Earl" being more prominent.

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: [Wilson Okamoto Corporation](#)  
To: [Earl Matsukawa](#), [Tania Cheng](#), [Brenda Campbell](#)  
Subject: RE: EISPW - proposed lease for 30 years - NHI  
Date: Monday, March 6, 2017 7:45:49 AM  
Attachments: [EISPW-2017-03-06-1410-0804-C-000007-0118-1-304811536-oriental.png](#)  
[image007.png](#)

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**Jeanine S.H.Y. Morioka**  
Secretary



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From: Jette Slater [<mailto:jette@vcaca.net>]  
Sent: Sunday, March 05, 2017 10:40 PM  
To: Wilson Okamoto Corporation  
Subject: EISPW - proposed lease for 30 years - NHI

To whom it may concern!  
Wilson Okamoto Corporation.

Mr. Earl Matsukawa.

I live in Huelo - we are denied the ability to even purchase the water out here that runs right by our property - at any price!

We have to make due on a rain catch system. So totally dependent on the rain and if the rain does not fall? The farm and family's future depends on water.

Giving 30 year lease is wrong!

The way the drained stream beds have overgrown over the many many years of no or enough water. Total negligence! If the water doesn't have it's natural run and have to find new ways, the undermining of trees and vegetation creates runoff, which is so harmful to the coral. Which endanger the fish population and thereby us!

Jette Slater,  
Huelo

6C833DEA-FD08-4742-8B6A-C39AB0EF791B-1-2048x1536-oriented.png

Sent from my iPad



10238-02  
September 23, 2019

Jette Slater  
Huelo, HI

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Jette Slater:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 5, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C). Sea Engineering, Inc. and Marine Research Consultants, Inc. also prepared the East Maui Irrigation Assessment of Streams and Oceans Water Chemistry report (See Appendix B).
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of

10238-02  
Letter to Jette Slater  
Page 2  
September 23, 2019

Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice  
Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. John Gelert

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. GELERT: Hello. My name is John Gelert and I'm a resident of Kihei. I've been a Maui resident for seven years. I would like the IIFS to address the needs of Native Hawaiian farmers and also the environmental concerns. So I believe that every stream should allow at least some water to go to the ocean to take care of the needs of these -- so that the environment is healthy and that the Hawaiians have more than enough for taro and other needs. As far as the rest of the water that is diverted, I fully support use for only agriculture with the exception of what is needed already for Upcountry.

And also the court did say that -- that the water is not allowed to be diverted any more, but then A&B and their lobbyist got the legislature to overturn that, so that is -- that is wrong and this water should not be going to A&B. This is the people's water and we need to have more sustainable agriculture here in Hawaii, so I would say whatever amount that is determined by the IIFS, it should be subject to review as more and more farming is actually done, but never to totally divert all of the water from any stream.

FACILITATOR SENELLY: Thank you. And just for clarification, the EIS and the IIFS process are parallel processes. So there's things that found in the EIS, the -- actually, the IIFS will be -- that decision is not going to depend on what the EIS is.

Am I correct?

But we also understand the things that you said you want to see studied in the -- we'll just make sure it's in the EIS, that portion of it.

MR. GELERT: Thank you.

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EIS Preparation Notice Comments for A&B Proposed Water Lease  
**Date:** Friday, March 10, 2017 11:03:32 AM

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Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
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-----Original Message-----

From: jgelert@everyactioncustom.com [<mailto:jgelert@everyactioncustom.com>]  
Sent: Friday, March 10, 2017 10:04 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the Nahiku, Ke'anae, Honomanu, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include

a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
John Gelert  
42 Halelani Pl Apt D Kihei, HI 96753-7923



10238-02  
September 23, 2019

Mr. John Gelert  
42 Halelani Pl  
Apt. D  
Kihei, HI 96753-7923

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Gelert:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, your oral comments at the February 22, 2017 EIS Scoping Meeting, and your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes

(HRS) Chapter 343 and Hawai'i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.

3. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Proposed Action is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2)
4. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including discussion of alternative lease terms, duration, volume, water sources, and ownership.
5. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).
6. For the purposes of this EIS, diversion quantities from the CWRM D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
7. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

10238-02

Letter to Mr. John Gelert

Page 3

September 23, 2019

Your oral and written comments, and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with the first name "Earl" being more prominent.

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Ms. Joyclynn Costa

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. COSTA: Hi. My name is Joyclynn Costa. I'm the moku representative for Hamakualoa, but I'm a descendant of Nahiku Mokuula on Makapipi. And my father, I'm sure you're going to meet him tomorrow, he's 81, he was from Nahiku, his mother was born and raised in Nahiku, her father was born and raised in Nahiku, his father was born and raised in Nahiku, he was taken to Kalaupapa.

I would like to see the original lease, I'm talking from the 1800s, if there even is a legitimate lease, before we even move forward. I would like to see critical data not of today, because we've already had too much damage and dewatering of a lot of the streams for you to even begin to measure it. So it needs to be from the beginning, not from the middle, not from the current, but from the beginning so you get accurate data.

I have to disagree a little bit with my good friend Darrell Tanaka that not every stream should be restored because there was a reason in Alexander & Baldwin he found it to be a waste which is why he decided he needed to capture all of this water and send it central. And if you go with the rule of nature, with the law of nature, it is essential when we worry about if we're underground springs and catchments underground that feeds wells are going to be able to hold the carrying capacity for elsewhere, the percolation that will be created through the restoration, you know, has anybody done a study on that? Can we -- can we restore the lands again to a more healthy environment? It's missing.

I find it really ironic that we don't have money, we don't have the resources for something more critical than a rapid transit rail, but we can find billions to put a piece of steel and concrete not even halfway around an island. So we need to reevaluate what is important. Economically, the water restored to the taro patches will be better for the state.

My father equates a bag of rice, a lot of people in here eat a bag rice, it'll last you maybe -- depending on the size of your family, a week, week and a half, cost you ten bucks. Buy a bowl of poi for the same amount, can't even feed the whole family. So multiply that to feed the family for a week and a half equivalent to that bag of rice, you've got a major economic rally, but nobody talks about it. The fish, the ocean is key if we look at -- 'cause everyone stops at the taro patch, that's okay, but if you go all the way to the end user, then at least you have a more thorough assessment. Nobody talks about that.

And as far as environmentally conscious, you look at endangered species, the state considers a Hawaiian person to be 50 percent. My father is an endangered species, there's not many left, so you guys need to protect him too. That needs to be included in the EIS. I love what this young lady said, you need to put

the people, the sense of place, of the people of this place in that EIS considered, not just -- not just the river, not just the stream, not just the pohaku, not just the trees, not just the birds, but the actual human that cohabitates here.

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Joyclynn Costa

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. COSTA: Joyclynn Costa. First of all, I would like to address the purpose of the EISPN. The purpose of the EIS process is to disclose to government agencies, the general public, stakeholders and decision-makers the anticipated impacts. I'd like the impacts to be started from the inception. I would like that to be included. I'd like to know the timetable and dates to determine these anticipations. I'd like to know why the kuleanas were omitted from this process. It's not in this process. And I would like to know what will happen if they're -- when they discover all of the irreparable harms that has already been done. I think it would be too incomplete if you started with anticipated impacts. Within the impacts, will you be studying the soil, surface water, cultural resources, and coastal waters measured from inception?

Will the data include significant knowing -- not of outside book knowledge -- to make a determination? Everyone knows who writes the book tells the story; and we have living generations that are of knowing, that have survived the direct historical impacts. Please include them.

As far as page 1-1, the description, description of the purpose, "Background:" Since 1878, A & B or its predecessors and EMI have held various -- blah, blah, blah -- permits. And use of water from the State lands, please correct them. It should reflect that the lease came from the Kingdom of Hawaii. There was no such thing as State land in 1878.

Also I want to propose, in accordance to 1.2 "Approval," meaning the direction of consent, include the consultation of the representatives for all affected areas that will not only provide but receive water included in this EIS. We should be part of the consultation board. We shouldn't be on the outside, speaking into the EIS. We are part of DLNR.

So I think it would assist in your scoping if you were to have each representative be a part of this process. And on 1.3, "Proposed Action." And so I just briefly went over this, but I'm going to be doing more extensive written. Okay. A correction and/or addition to the fourth sentence of your 1.3. "Purpose of developing, diverting and transporting the use of government-owned waters." It should read "kuleana waters" only.

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: Proposed Lease for A&B from Nahiku, Keanae, Honomanu and Huelo  
**Date:** Monday, March 13, 2017 9:15:47 AM  
**Attachments:** [image001.jpg](#)

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## Jeanine S.H.Y. Morioka

Secretary



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

**From:** KC Productions [mailto:[jkalai.kauihou@gmail.com](mailto:jkalai.kauihou@gmail.com)]  
**Sent:** Friday, March 10, 2017 5:32 PM  
**To:** Wilson Okamoto Corporation; [kyle.nakanelua@gmail.com](mailto:kyle.nakanelua@gmail.com); [johannakamaunu@gmail.com](mailto:johannakamaunu@gmail.com);  
Ke'eaumoku Kapu; aha nomura  
**Subject:** Re: Proposed Lease for A&B from Nahiku, Keanae, Honomanu and Huelo

Thank you for confirmation.

If I could I would like to also include:

Data to impact of shoreline life and the impact that may have lead to the decline in fish possibly affecting a bag limit on the Native Hawaiian way of gathering.

Perhaps there could be other ways to share the water as written in the Kanawai also referred in the State Constitution of Hawaii. Instead of looking at the quantity and volume we find a more cohesive way to live with the water. I would suggest "Time". Within the original leases there was an understanding of time for use. Knowing the Kalo required temperature for proper health the water from the rivers and streams ran to the ocean from 4am-4pm. From 4pm-4am the plantation ie ditches could take what it needed.

Thank you for this consideration.

Joyclynn Costa  
Aha Moku Rep  
Hamakualoa

On Fri, Mar 10, 2017 at 9:09 AM, Wilson Okamoto Corporation <[woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)> wrote:

Dear Ms. Costa,

This is to acknowledge that we have received your email comment on the subject EIS Preparation Notice. Your participation is appreciated.

**Jeanine S.H.Y. Morioka**

Secretary



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T [\(808\) 946-2277](tel:(808)946-2277) F [\(808\) 946-2253](tel:(808)946-2253)  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

**From:** KC Productions [mailto:[jkalai.kauihou@gmail.com](mailto:jkalai.kauihou@gmail.com)]

**Sent:** Thursday, March 09, 2017 10:32 PM

**To:** Wilson Okamoto Corporation; [johannakamaunu@gmail.com](mailto:johannakamaunu@gmail.com); Charla Konohia; aha nomura; [kyle.nakanelua@gmail.com](mailto:kyle.nakanelua@gmail.com)

**Subject:** Proposed Lease for A&B from Nahiku, Keanae, Honomanu and Huelo

Please confirm receipt of this testimony.

Thank you  
Joyclynn Costa  
Hamakualoa Moku Rep



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Joyclynn Costa, Hamakualoa Representative  
Aha Moku O Hamakualoa Council Member  
[jkalai.kauihou@gmail.com](mailto:jkalai.kauihou@gmail.com)

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae,  
Honomanū and Huelo License Areas

Dear Ms. Costa:

Thank you for participating in the scoping process for the subject Environmental Impact (EIS) Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, your oral comments at the February 22 and 23, 2017 EIS Scoping Meetings, and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
3. Section 2.1.5 of the Draft EIS discusses the phasing and timing of the Proposed Action.

4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your oral and written comments, and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely



Earl Matsukawa, AICP  
Vice President, Director of Planning

Enclosures

cc: Suzanne Case      Chair, Department of Land and Natural Resources  
A&B / EMI          Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Mr. Justin Tombe

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. TOMBE: Justin Tombe. Water is life and when we're talking about it here like a lease and we're making agreements, we're reviewing ones that have been made like it's an economic commodity and that's okay, but that process is incomplete if we don't remember, right, that it's more than that. So this process, I want to invite everybody participating in this process here all the way through to remember to stretch further than just the legal considerations; otherwise, we're failing our responsibility to the generations. Okay? That's how I feel it in my heart.

The vision of how you steward the land and the water together has to be considered in this process. Right? So it's not just water goes to someone for 30 years, they get a sign off and an agreement and a fee. It's like what's the land use that it's going to be used for? Specifically how is that vision articulated? I think 30 years, again to echo, is too long of a process. Five years, one year at a time if that's what it takes to figure it out. And you can't do that without accountability of the past, what has happened. Now someone step away from the awaas in the shape that they're in and now that it's kind of falling apart and they've made their money and they've exported all these crops with the water embodied in it and all that wealth off the island, and now they're gonna step away, no responsibility to take care of what's behind? No. That should be addressed, that should be a part of this as well. Okay? So accountability.

And then for me, like I got a little chance living over in Huelo on the Hoolawa to do a little pilot project, an eco village in an ahupuaa kind of style. Right? And so what that was, what is that, it's a vision of how the land should be organized and used, how to steward the water all the way through. Okay? So if it's going to end up being in a golf course and there's nitrate fertilizers being dumped on there and there's organophosphate pesticides sprayed on it and they're gonna end up in the ocean and the fish, is that -- like if we can't address that here in the use process, then we're not really doing the job.

And so I want to know from A&B what's their 30-year vision, what do they see, where is this going, how is this going to get used much more articulated. And I love hearing -- thank you so much -- like stream-by-stream impact. That's the kind of granularity, that's the kind of attention to detail, that's the kind of responsibility that this EIS process really needs to try and address even though it's beyond its scope a little bit.

FACILITATOR SENELLY: Okay. Future uses, you mentioned, to my -- there is no golf course. I mean, you mentioned that and it's just I kind of want for the record that, you know, we're talking about existing uses in the central plains and all that kind of stuff.

MR. TOMBE: So diversified agriculture.

FACILITATOR SENELLY: And diversified agriculture.

MR. TOMBE: Right. So that's poly-culture, no more mono-crop, monolithic institution. I'd like to see some addressing of what the land use looks like that makes room for small-time agriculture producers. I'd like to echo that again.

FACILITATOR SENELLY: Okay.

MR. TOMBE: For sure. Yep. And put a plug in also, you know, if there is a place for a pilot project for industrial hemp to find its place on Maui here as a medicine, as a food source, as an industrial product, then that's something that really ought to be part of that looking forward too.

FACILITATOR SENELLY: So different types of agriculture, not monolithic. Okay.

MR. TOMBE: Yeah. Absolutely.

FACILITATOR SENELLY: You pau?

MR. TOMBE: Absolutely. Mahalo.



**WILSON OKAMOTO**  
CORPORATION  
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10238-02  
September 23, 2019

Mr. Justin Tombe  
Earthwizard144@yahoo.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Tombe:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural and Related Economic Impacts Report (See Appendix I) and an Economic and Fiscal Impact Analysis Report (See Appendix H).

10238-02

Letter to Mr. Justin Tombe

Page 2

September 23, 2019

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Kaleikoa Kaʻeo

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. KAʻEO: Aloha. First of all, I'd like to just say exactly what has already been said, which is I find it strange that this isn't being heard, first of all, in Hana or Keanae, first of all. And that's a clear sign or a sign to the community that we're being set up. So I don't know what the intentions were perhaps, but it's clear to us that the community wasn't looked at first.

So I want to start off by making clear, this I think has to be clear, is that this EIS needs to be careful in making sure it has the correct historical, political, economic and cultural history of Koolau and East Maui, not one that provides a settler, colonial mentality of justifying how we got here. But let's be clear, because there's a lot of great historians out there. So the EIS has always failed to do that, so I want to make sure that you get somebody that knows the history of this area, and that's up front at the very beginning, prior, prior to the taking and stealing of the water from East Maui. So let's not start with when the water was taken. Let's start with how the water was managed for many, many years, and generations, let me just say.

You know, our people has been here for 2,000 years, for many, many generations. So we're not Johnny-come-Latelies into this area. However, when you look at this process, the fact that the EIS is looking on a 30-year lease extension, extension, these are extensions for the continued stealing of this water, that's the starting point, not the starting point says this water belongs to the people of East Maui. That's who it belongs to. And if HC&S, A & B, EMI, whoever they are, want that water, they should bring their plans to the people and prove to the people. This process, it's backwards. it's backwards. We gotta defend ourselves to go prove that that's our water. This is part of the confusion. That's why for me, it's very important we start with that point. And that's why I'm wondering why hasn't it started at that point. I can go straight to the EMI administration and the State process, which wants to continue business as usual. But I'm here with many other Hawaiians, and we say no more. No more we allow this to occur.

So I want to make sure that we have a correct political, economic history that's at the forefront and that we have a true Hawaiian historian involved at the forefront. Secondly, let's make sure -- we talk about this EIS, but it also does a terrible job in explaining -- not the potential impacts, but let's look at already what the impact has already been for over a hundred years. The degradation to the environment. Let's ask how much billions of water has been taken out of East Maui already? Billions. Every year, we talking billions that they take. Well, how much? What is the total?

What have been the effects of the (Hawaiian) already that have been killed off? We're not talking maybe might kill. We're talking already has been wiped out in many of those streams that used to run

every day. That's an environmental crime that has already occurred. For me, it was just a crime, before we talk about continuing crime.

Secondly, let's also look at its effects already. How much fish has already been lost? How much shellfish? What degradation has already happened to the fisheries that depend on their fresh water to go into that stream, to get the smaller fish, to get the bigger fish and the limu. What has already been the destruction that people pretend as if -- see, people believe this is the normal state as is now. This is not the normal. This is the abnormal. This is what happens when corporate mentalities comes in and rapes the land, destroys the land. So let's make sure we tell the right story. Let's tell the true story. And during the course, water has already had many impacts upon the community, the Hawaiian community already, who lost, lost food sources already, who has cultural practices already because associated with those streams, have already been harmed.

In other words, that has already been done. Let's recognize the ea first. We cannot talk about what we gonna do if you don't recognize that So let's start with that and understand what are the crimes that have already been against the native Hawaiian people. Because these are crimes against humanity. And that brings me to the third point. We should also be clear to understand what is going on between the lahui kanaka and native Hawaiian community. We are no longer afraid to speak and say we demand our human rights as human rights, our humanistic rights as an occupied people by the military foreign power that continues to exist and allows these kinds of crimes against humanity to occur.

So I want to make sure in this report we also investigate all of those things. What are our rights as native Hawaiians internationally, our human rights, our humanistic rights? You know, look at things like the UN resolution 1514, look at the Proxmire Act. These are all international covenants that are already there to protect the rights of not some human beings, but which human beings? All human beings. And I therefore would say, you know, Hawaiians, we are human beings. And therefore, we deserve the right of a state agency that will make sure, even on international law, our rights are protected.

Number four, all I'm going to say is remember Maunakea. Maunakea is occurring today because of the failure of the EIS, the EA cultural impact, all those kinds of impacts that was ever done. Even when the people came out and drove, testified against it, didn't matter. No. The State of Hawaii, the University of Hawaii went ahead anyway, anyway. And you saw what happened recently in the past few years. There's an uprising.

So part of this should also address what happens when you say yes, what happens when you say yes to A & B. You guys should be prepared to know that you gotta deal with all these Hawaiians. You guys should understand, you guys should address that question, because you're going to have to deal with us in the courts and every Planning Commission meeting. Anything to do with the taking of our water, our people gonna be there. And so these are some things even outside of the courts we gotta realize, because at some point, we as Hawaiians understand sometimes we need to stand, sometimes we need

to defend. And I believe that's something that the EIS should address by looking at examples, Maunakea and like Haleakala. It's really the same BS that's going on. The rights of developers, settlers, colonizers, investors, land speculators, are treated as if they're some golden child that needs to be protected, and our concerns as the people of this land is thrown to the wayside, our commentary to the side.

See, I understand. I've been coming to this thing for many, many years, and I've seen a whole lot of meetings. But you might even have 99 percent of the people testify against something. And what does the EIS say? Oh, let the project go through. So the point I'm trying to say, we let fools come in here and participate, but we get asking, we get demanding, and we're here also to declare that we will do whatever is necessary for us to protect our resources to return the water back to the community where it starts. If any water should be taken from the community, it's for the community to decide, first of all. So I just want to say mahalo to you guys for coming and giving us the opportunity to share. But at the same time, I would say this to everybody here: Our voices, whether one word or a thousand words, are all important.

Because it's for us, it's for us to decide for ourselves what is this for ourselves. It's not going to be the government, it's not going to be the Board of Land and Natural Resources, it's not going to be land speculators from outside, because in the end, it's going to be us.

So if the EIS doesn't listen to these voices, I blame the EIS for not listening to the voices of our people. Mahalo.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Kaleikoa Ka'eo  
87 Pueo Drive  
Kula, HI 96790

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū  
and Huelo License Areas

Dear Mr. Ka'eo:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. Section 1.3.4 of the Draft EIS discusses the Commission on Water Resources Management's (CWRM) Interim Instream Flow Standard (IIFS) Decision and Order (D&O) and the authority of the BLNR to issue a Water Lease for non-instream uses pursuant to Hawai'i Revised Statutes § 171-58, that is subject to the IIFS set by CWRM.
3. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

1907 S. Beretania Street, Suite 400 • Honolulu, Hawaii • 96826 • (808) 946-2277

4. Cultural Surveys Hawai'i, Inc. prepared a Literature Review and Field Inspection report of the License Area (Appendix E) as well as a Cultural Impact Assessment (Appendix F) in support of the Draft EIS. These studies are discussed in the Draft EIS in Section 4.5 Historical and Archaeological Resources and Section 4.6 Cultural Resources.
5. Section 2.1.2 of the Draft EIS discusses the amount of water diverted by the EMI Aqueduct System during sugar cultivation.
6. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action and alternatives on indigenous freshwater species, and terrestrial flora and fauna, respectively. The Draft EIS discusses the impacts of the Proposed Action to freshwater species in Section 4.2.1 and impacts to terrestrial flora and fauna in Sections 4.4.1 and 4.4.2. Both reports are appended to the Draft EIS (See Appendix A and Appendix C).
7. Sea Engineering, Inc. and Marine Research Consultants, Inc. prepared an assessment of streams and the ocean water chemistry in support of the Draft EIS. The Draft EIS summarizes this assessment in Section 4.2.3. The report is also appended in the Draft EIS (Appendix A).
8. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

10238-02

Letter to Mr. Kaleikoa Ka'eo

Page 2

September 23, 2019

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Ms. Kamalani Pahukoa

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. PAHUKOA: My name is Kamalani Pahukoa. Mahalo for everyone for coming and I respect everyone's comments from our country farmers to, you know, our residents and commercial users and everybody. I'm from East Maui, I'm from Keanae. I mainly come here today to give specifics on what I think the EIS should address, so I'll get to it. So East Maui streams holds one of the worlds most diverse ecosystems and native species, mollusks to arthropods and vertebra. I ask that you honor the recommendations of our state biologists, scientists, Hawaiian practitioners, and Maui community. It is crucial that habitat mapping would be incorporated into the environmental study.

I'd like to see the estimated amount of water that is wasted from the diversions. The leakage of the water from diversions have proven to contribute to landslides in some areas of the Hana Highway. Without these studies it's hard to explain to our highways engineer the detrimental effects of waste water from these diversion pipes, the effects it can cause to erosion and landslides and whatnot. The erosions of some areas along the Hana Highway are from natural material like water; however, they are caused by unnatural waterways also known as EMI's diversions. Maintaining the natural patterns of water flow and streams is the single most important requirement for protection of native Hawaiian stream animals. So I guess what I'm saying is I'd like you to be very specific and broad in your habitat mapping for the EIS. I'd like –

FACILITATOR SENELLY: What do you mean, "specific and broad"?

MS. PAHUKOA: Everything.

FACILITATOR SENELLY: Okay.

MS. PAHUKOA: I'd like to see that -- I know there's random -- it's called random --

FACILITATOR SENELLY: Sampling?

MS. PAHUKOA: -- sampling, yeah, and random insect monitoring and whatnot, but I'd also like you to consider our ecosystems, the forests, oopu, hiiwi, and everything that flows upstream. I'd like you to conduct the EIS not just below the water diversions, but above.

FACILITATOR SENELLY: Okay.

MS. PAHUKOA: And so to wrap it up, I hope that everyone can come out to tomorrow's meeting because I know there's a lot more East Maui residents that will be able to attend tomorrow's meeting as opposed to today 'cause it's kind of far and (inaudible) and whatnot.

But I ask that all records of the EIS and data collection regarding East Maui streams be made public and updated weekly as important data collection become available. So if that's something that can be done, I'd like that to be done, you know, as soon as that data becomes available, as soon as possible. Other than that, I just wanted to state that I don't support EMI obtaining this lease. I think that the county has the resources to manage these diversions on our own. I think that the community has the power to manage the diversions on our own. And for people to be relying on A&B and EMI is kind of a -- you know, we should just have more -- we should have more -- we should more respect to those who have been managing these ahupuaas since -- for several generations. I mean, sustainability has been out there since the beginning and in these streams from Koolau, from Hana to Haiku and Huelo. So for people to say that we have to only rely on A&B is kind of -- it's not right, yeah, because Hawaiians have been managing our water resources since the beginning.

So I just wanted to say that and thank you guys for your time. Thank you, everyone, for coming.



10238-02  
September 23, 2019

Ms. Kamalani Pahukoa

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Pahukoa:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).
3. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the

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Letter to Ms. Kamalani Pahukoa

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September 23, 2019

Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Kamalu Kahoʻokele

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. KAHO'OKELE: I would like to start by reading something that disturbed me very much. This is a proposed action from A & B. The proposed action constitutes the issuance of one long term of 30 years, water lease from the DL, BLNR for the continued right -- now follow me, my people -- the continued right, privilege and authority to enter and go upon the Nahiku, Keanae, Honomanu and Huelo licensed areas for the purpose, for the purpose of developing, diverting, transporting, and using government-owned waters. The water is owned by God. Excuse me.

Through the existing EMI is Maui irrigation aqueduct system, which supplies water to domestic and agriculture water users. I just thought I'd share that. And by the way, (Hawaiian name), founder and president for the past 11-plus years for the Lower Nahiku Community Association. why was this information not sent, e-mailed, mailed, to the Nahiku Community Association or the residents of Lower Nahiku, informing them on the proposed application, EISPN, for A & B's 30-year water lease. Mahalo to Dick Mayer, Alliance of Community Associations, for sending this information to us or we would not have known of this matter earlier on.

Why was the Hana District not included in these public meetings involving East Maui streams? Speaking on behalf of my ahupuaa of Lower Nahiku, and for our streams and diversions from (Hawaiian), remember what I just said. The true name of Makapipi is (Hawaiian), better known today to everyone as Makapipi River. Kopiliula and Hanawi, of which currently flows from the Koolau, down through our (Hawaiian). You don't hear that no more, because today they call it the landing, the Lower Nahiku landing. This is where these streams (Hawaiian.) There should be no more diversions, people. All waters should be returned to each and every ahupuaa, for it is their streams; it is their livelihood; it is their battle of survival; it is their (Hawaiian) of healing.

Requesting a 30-year long-term lease would be very damaging to our community. We all know that since the closing of the sugar cane plantation, no firm decisions have been released or open for public review on their so-called diversified ag. There was talk about in the absence of sugar. Just talk? Instead they are selling sugar cane land to developers from anywhere. For what, I ask.

As I review the EIS information -- here, hold this; you need a podium, honey -- provided by the County of Maui Water Supply could become promised and that the 30-year lease will enable A & B to continue to maintain the aqueduct systems that is currently maintained by EMI. The County should maintain it to provide domestic water to Nahiku and not have a third party dictate the control of this water source for our community of Nahiku. Remove all metal gates -- which I know what they look like, I've been up

there, walked the road -- and have all streams returning to its full capacity. Also cap, close, remove all diversion systems that moves water from Makapipi to Hanawi and so on. The County Water Supply should lease or maintain the aqueduct that supplies water to the County, water tanks that currently supply Lower Nahiku with domestic water, farming water, (Hawaiian) animals, yeah. They gotta drink water too, not only from the rain.

In closing, A & B, the applicant, needs to be fully transparent on their intent, their needs, their wants, and not smoke-screen and quietly do things to further divide the communities as they did with HC&S. I believe that our kupuna (Hawaiian) will guide our pathway, to be sure that our precious resource isn't solicited for their money gain, while our entire livelihood and quality of life is jeopardized. We must protect, preserve and perpetuate for the future generations to come. Our voices now and forever will be heard, as we cannot sit here no longer and watch our island become more overly developed, culturally desecrated, and our lahui is left behind, and not have a voice to our island. We will stand for what is right, and the right thing is to maintain truth and not deception. Just to add, it's not just the water that is life; it's the mana that the (Hawaiian) hold from the days of our not alii, (Hawaiian), for it holds that strong (Hawaiian) of our ancestors. I close by saying much of our (Hawaiian) throughout East Maui is (Hawaiian) with debris, fallen trees and not maintained for proper flow from mountain to sea. What are we going to do about that? Is it only about power, money, and greed?

Let us think about it. Mahalo.

*Nahiku*  
*Community*  
*Association*

March 1, 2017

**RE: PROPOSED EISPN WATER LEASE FOR NAHIKU, KEANAE, HONOMANU, AND HUELO LICENSE AREA FOR A ONE TIME 30 YEAR EAST MAUI WATER LEASE.**

**APPLICANT:**

ALEXANDER AND BALDWIN INC./EAST MAUI IRRIGATION LIMITED.

CONTACT: Daniel Y. Yasui

Email: [dyasui@abprop.com](mailto:dyasui@abprop.com)

Phone: 808-525-8449

Address: A & B~822 Bishop Street, Honolulu, Hawaii 96813

**EIS Consultant for A&B:**

Wilson Okamoto Corporation

Mr. Earl Matsukawa AICP.

Email: [ematsukawa@wilsonokamoto.com](mailto:ematsukawa@wilsonokamoto.com)

Phone: 808-946-2277

Address: WOC~1907 S. Beretania street, Suite 400 Honolulu, Hawaii 96826

**APPROVING AGENCY State of Hawaii**

Board of Land & Natural Resources

CONTACT: IAN HIROKAWA

Email: [ian.c.hirokawa@hawaii.gov](mailto:ian.c.hirokawa@hawaii.gov)

Phone: 808-587-0400

Address: Board of Land and Natural Resources~1151 Punchbowl St., Honolulu, Hawaii 96813

To Whom It May Concern:

We the Nahiku Community Association Strongly OPPOSE this applicants request for a 30 year water lease of East Maui Land and Water Lease and that the State of Hawaii (BLNR) should deny this applicants request till matters that has been brought forward by testimony in the last 2 meetings held on Maui is clarified and that Alexander & Baldwin is transparent and has fully disclosed the affirmed use of the sugar cane land that is now not in use and not just a proposed use map that has been issued and distributed which really does not affirm the confirmed use. It's quite clear that the intent of A&B while the last plantation was being closed that 339 acres of sugar cane land was sold in Paia, Maui, and now a new shopping center in their Kahului Industrial Park is quite the obvious that as they develop and or sell off these lands water will be in higher demands to accommodate the land use and the question is when the proposed diversified agriculture rolls in to play more water will be diverted to cover all aspects of their intentions.

It's concerning to us on how the notification of this EISPN was NOT distributed either by mail or other written notification to the residents of Lower Nahiku and was not even included or notified of this request earlier on as others had the opportunity to have and early consultation process.

Also, We would like to have comment by CWRM on the current status of the IIFS standards as we were advised earlier on the Makapipi and Hanawi streams will have a mountain to ocean flow all year round and how would this lease impact the status of the rivers on the their decisions increase or decrease the current flow release for the next 30 years.

We have requested that Hana District of East Maui have the opportunity to meet on this applicant's request and should not have been excluded from this process.

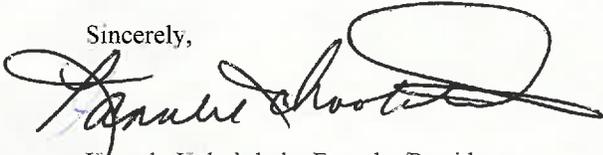
**ALTERNATIVES:**

Allowing the County of Maui DWS have the opportunity to take on the Aqueducts that supplies 3 main water tanks to continue the domestic water for the Nahiku Community and to maintain it for that purpose only and remove these two rivers from the applicants request for lease. So we the community of Nahiku can continue to gather and to avoid the damaging ecological impacts that this lease can cause to endanger to wildlife and cultural quality of life for the people of Nahiku as it did for generations. Our rivers should not ever go DRY because of excessive development use and a full-continued full flow all year round. As A&B has a current year to year lease with the STATE OF HAWAII for the next 3 years it should remain as such to maintain the current use and a more formalized confirmation on the use of all that sugar cane land that they have submitted just a proposed plan and no confirmation on if diversified AG will ever happen.

We believe that the water is the source of life and should not be controlled by A corporation for their long-term benefits but for the people of Maui and the future generations. We have so many concerns on its current use and how we can better distribute water during drought periods that really have not been addressed and the ongoing current concerns on water meter issuance on the COUNTY level, We cannot have further back logs on the current needs to be fixed NOW then to give A & B that control on the WATER SOURCE for further control or more unwanted development of Maui Island and for any one else for that matter until the current situations are addressed.

We would appreciate a continued notification on developments on this measure and if the recommendation we have listed will be addressed at a EAST MAUI HANA MEETING and or further discussions on applicants request for lease, and or when further actions are taken on the applicants proposed permit application as it goes under review by BLNR.

Sincerely,



Kamalu Kaho'okele, Founder/President  
Nahiku Community Association  
HC 1 540 Lower Nahiku Road  
Haiku, Hawaii 96708

Mapu Kekahuna, Vice Chairman  
*CC EMAIL: NCA Board Of Directors-Lihau Kekahuna, Cheryl Kekahuna, Secretary Louise Alina,  
Treasurer Corinna Kekahuna,  
Members of the Nahiku Community  
Senator Kalani English  
Representative Lynn DeCoite  
Governor Ige  
Mayor Arakawa  
Maui County Council Members  
Dave Taylor-DWS*



10238-02  
September 23, 2019

Ms. Kamalu Kaho'okele, Founder/President  
Nāhiku Community Association  
HC 1 540 Lower Nahiku Road  
Haiku, HI 96708

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū,  
and Huelo License Areas

Dear Ms. Kaho'okele:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas, your oral comments at the February 23, 2017 EIS Scoping Meeting, and your written comments dated March 1, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also

be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

5. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
6. The Office of Environmental Quality Control, State of Hawai'i, Department of Health (OEQC) is responsible for the processing and publication of Environmental Assessment and Environmental Impact Statement documents. Pursuant to the requirements of Chapter 343, HRS, the subject EISPN document was made available for public review and comment. Similarly, the forthcoming Draft EIS will also be made available for public review and comment.

Your oral and written comments, and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

Testimony by Kathy Pang  
February 23, 2017

My family has been in Hawaii since the 1890's and we were finally able to call ourselves landowners on Maui, when my grandparents were able to move out of McGerrow Camp around 1940. We don't have such a long history, but we do call this home, in every meaning of the word.

As residents of West Maui, we finally reached the end of about 7 years of testimony and hearings to get surface water rights in the Na Wai Eha contested case process. The Richardson School of Law Ka Huli Ao provided legal assistance. In the end, people who were granted rights to surface water were those who had the strongest legal claim to water, either historical, with ownership or continued farming dating back to the Mahele. In our case, we have no legal claim because Wailuku Water has a clause, slipped into our deed that extinguished our claim to water, even with 'auwai running through the middle of our land.

Should it come to this in East Maui, be warned the fair distribution of water, even to existing users is never to be taken for granted.

Governor Ige has set a goal to double our food sustainability by 2020. We need to dedicate water for this, not just "put it out there" and hope it will happen. How does his state Department of Agriculture have 122 job vacancies unfilled, and pretend that we support agriculture? We need to have true action by our government

Back on topic, I believe that the proposed EIS should include:

1. Information about exactly how much water there is in the East Maui system, prior to, and after removal of diversions. We seem to have a lot now because HC&S has quit operations. Maybe this is a false sense of plenty, and there is not that much left for diversified agriculture.
2. Information regarding how open ditch systems are to be maintained (in addition to who will carry this out). What chemicals, and how much needs to be applied to A: keep the edges clear and 2B: how often flow has to be stopped to apply the aquatic formulation of Roundup or something similar, to keep the vegetation under control?
3. An evaluation of the required amounts for different uses of water. It is known that Ag uses a lot of water, far more than for a mall or housing. Big use may just mean bigger payoffs.
4. Consideration that water dedicated, in advance, towards our goal of sustainable, diversified agriculture should be part of the EIS. What will the be overall and long-term benefits to the environment (including jobs, tax revenue, energy efficiency, water and resource management, health and well-being of the beneficiaries of these practices)?

*Respectfully Submitted*  
*Kathleen K. Pang*



10238-02  
September 23, 2019

Ms. Kathy Pang

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Pang:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated February 23, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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10238-02

Letter to Ms. Kathy Pang

Page 2

September 23, 2019

4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural and Related Economic Impacts Report (See Appendix I), an Economic and Fiscal Impact Analysis Report (See Appendix H), Social Impact Assessment (See Appendix G), and an Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A).
  
5. The Draft EIS will assess the long-term productivity of the Proposed Action in Chapter 7.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Kawika Stoner

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. STONER: Hi, how's it going? My name is Kawika Stoner. I am from Lower Nahiku. And I know you guys only want to hear about the EIS and what it should address. But, you know, first off, I think there's kind of an agenda behind the EIS and just the way you guys got it, step one, step two, step three.

And maybe next time you guys should hold the meeting or you should maybe hold another meeting out in Hana side, because most of the people – if you look on the list of places, Haiku is not on that list, and most of the people affected by these decisions actually live out there. Some of them is kupuna. They can't just go and drive this long road. Some people have babies, kids, they can't just drive this long road, like I said. They gotta work, all this kind of stuff.

But also I see that you guys -- I see that you guys are on top -- if I can go to the slide show real fast, I see you guys mentioned -- there's some things you guys mentioned in here. Where is it? Okay. Right here. "General description on the proposed action," you guys put "economic, social, cultural and environmental" characteristics on there. But what you guys gotta understand is economic -- if we're talking about Hawaiian and Hawaiian culture, you put "cultural" on there. Hawaiians, economics is cultural. If you think about it, the mauka to makai, that's from the mountains to the ocean, that's just the way things go.

But you guys', EIS, it's based off of -- you guys said that it has to meet the laws, right, of the State; it has to meet certain requirements of the law. But that's the law of the state, but there's also the law of nature, which doesn't really get mentioned. Even though you guys mentioned cultural and environmental, it's a contradiction, because economic is what? Money, right? But in the ancient days, the Hawaiians, they never used money. So if you think about that for a second, the Hawaiians used to trade. The people who lived by the ocean, makai, they would trade food with those who live in the mountain, according to what they have. Like if you're by the ocean, you have fish; people by the mountain, they have other things that isn't right next to the ocean. So they would trade, and they would -- that's how -- that's our economics, as Hawaiians. So you can take that "economic" out of there because that's a contradiction, because cultural -- how you guys gonna talk about cultural when economics and all that is in there?

And then how the EIS is supposedly – this is just a prep, right, like a preparation for you guys' main decision. This is just like – this isn't for us to testify, but where do we testify? Where do we testify?

MR. MATSUKAWA: The decision is by the -- for the permit, there will be proceedings, I imagine. So again, I'm not the attorney, I don't know the exact process, but I would think there should be.

MR. STONE: Well, if it was me -- I'm not trying to -- but if I was the one running this meeting, you know, I would definitely know everything that's going on, especially what's going on in the future. Okay. Where's the other page, though?

MR. MATSUKAWA: We should clarify that. We are doing the EIS. You know, I'm still -- in order to do the EIS, I have to learn things. I don't know all of the legal -- this thing has had a long history. I got into this not that long.

MR. STONE: I'm not saying you personally.

MR. MATSUKAWA: I don't know everything. That's why I don't answer some of the questions. I don't know.

MR. STONE: Okay. You know, I'm not -- you know, it's not a personal thing

MODERATOR SENELLY: Can I say one thing?

MR. STONE: It's not a personal thing or anything like that.

MODERATOR SENELLY: By the time the EIS is pau, we will know. Okay? But coming out here, part of it is when you, people like you --

MR. STONE: Yeah, you guys are hearing our testimony.

MODERATOR SENELLY: Yeah.

MR. STONE: You guys are hearing us speak.

MODERATOR SENELLY: What you guys are saying. And so that helps --

MR. STONE: That helps you make the decision.

MODERATOR SENELLY: Right. That helps us put what's going to be in it.

MR. STONE: I understand your process.

MODERATOR SENELLY: So that by the time we're pau, we're gonna get.

MR. STONE: Okay. I understand you guys' process and stuff like that, but like I said, you guys might need to remake a whole new PowerPoint, just by -- whoever made it, that's cool. But just think about where you're at, Hawaii. Who are the people? who's native to this place? Hawaiians. So when you talk about the actions of anything, you guys should base it off of that first. And also when you talk about culture, people get religions and this and that. Hawaiians' religion is our culture. So if I was to bring up another religion, people's ears would perk up. But they don't see Hawaiian as a religion, but Hawaiian is a religion. It's not a religion, but it is because you know what I mean.

MODERATOR SENELLY: Kawika, we're going to move on, okay? You know, I have two more people from East Maui.

MR. STONE: I'm going to wrap it up with what you guys should address in the EIS.

MODERATOR SENELLY: Okay.

MR. STONE: You guys should address the area, think about the areas that you're talking about, think about the people, and maybe you should -- oh, yeah, address the gatherers and the providers, which are the same thing. Okay. So if I can't go out to the other side to get food or anything like that -- some people go to the store, that's how they get their food. Some people rely on nature, things around them to get their food and to provide for their family. So you guys should address, mainly on the gatherers and the culture -- you guys put the word in there, "cultural." And "environmental." That's the two big words right there. Social and all that can go right now. And cultural and environmental, that should be you guys' main basis, but, you know, it's -- this is words and these are documents and stuff like that.

But when it comes down to it, it's not words and documents and signatures that will determine how the river is going to flow, because that's nature. So when it comes to nature -- oh, yeah. When you talk about meeting the laws of the State, just think about meeting the laws of nature before anything.



10238-02  
September 23, 2019

Mr. Kawika Stoner

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Stoner:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Cultural Surveys Hawai‘i, Inc. prepared a Literature Review and Field Inspection report of the License Area (Appendix E) as well as a Cultural Impact Assessment (Appendix F) in support of the Draft EIS. These studies are discussed in the Draft EIS in Section 4.5 Historical and Archaeological Resources and Section 4.6 Cultural Resources.
3. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant



**WILSON OKAMOTO CORPORATION**  
 INNOVATORS · PLANNERS · ENGINEERS

1907 South Beretania Street, Suite 400  
 Honolulu, Hawaii 96826  
 T (808) 946-2277 F (808) 946-2253  
 W <http://www.wilsonokamoto.com>  
 Attention: Mr. Earl Matsukawa

RECEIVED  
 MAR 10 2017

WILSON OKAMOTO CORPORATION

money comes &  
 goes, but aloha  
 'āina is forever ♡

He ali'i ka 'āina

He kauā ke kanaka

"The land is the chief  
 The people are the servants"

EM

**SUBJECT: EISP: PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU, KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS – SCOPING MEETING, FEBRUARY 22-23, 2017**

Aloha, I am a resident of Wai'ehu, Maui & was born & raised here. I want to express that I don't support A & B renewing their lease for East Maui because they haven't been good stewards to this precious public resource. They have neglected to fix damaged ditches resulting in a lot of wasted water. In the EIS I would like to see alternative options that could reduce harm to the ecosystem & environment. Some alternatives would be: leave 60% of the water in the stream, that way the aquatic life can begin to replenish and heal itself, including our reefs & in shore fish. Letting the water flow mauka to Makai would be healthy for our streams, oceans, and kalo farmers. I would like to see water access be given to kalo farmers and other small farmers so we can start to feed our island again. I would like the EIS to include the impact of diverting water from East Maui streams on Native plants, ecosystems, and the impact diverting the stream has on aiding the growth of invasive species including the mosquito breeding grounds. If the lease is renewed I would like to see a much shorter lease term such as 5 years, this would be much easier for the public to see. (include additional sheets as necessary)

PLEASE PRINT: Name: Konane Kamahina de la Nux Phone: 808.633-6743  
 Organization: \_\_\_\_\_  
 Address: 8 Ulu Loa Cir  
Wailuku, HI 96793  
 Email: konane.awo@gmail.com

Please submit comments by March 10, 2017 or email [woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

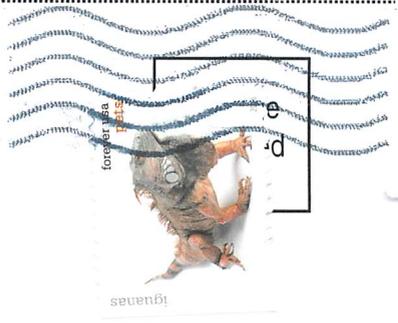
\*Receipt of e-mailed comments will be confirmed via e-mail. If you do not receive a confirmation message, please contact our office (see contact information, above).

Faint red markings at the top of the page, possibly a stamp or barcode.

(Fold on dotted lines and seal with tape or staple)

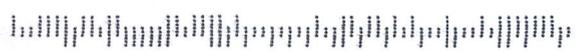
K. de la Nux  
8 Ulu Loa Cir  
Wailuku, HI 96793

HONOLULU HI 968  
08 MAR 2017 PM 1 L



Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
Attention: Mr. Earl Matsukawa

96826-130100



(Fold on dotted lines and seal with tape or staple)



10238-02  
September 23, 2019

Konaneakamahina de la Nux  
8 Ulu Loa Circle  
Wailuku, HI 96793

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Konaneakamahina de la Nux:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 8, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including discussion of alternative lease terms, duration, and volume.
3. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams

10238-02

Letter to

Konaneakamahina de la Nux

Page 2

September 23, 2019

designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

23 February 2017

Mr. Earl Matsukawa  
Wilson Okimoto Co.  
1907 S. Beretania St., Suite 400  
Honolulu, Hi 96826

Subject: Stream restoration at Honopou, Maui.

Dear Mr. Matsukawa;

I read with interest the document prepared to discuss the EMI, Inc. bid to renew the lease on the East Maui Watershed.

As a resident of Honopou for more than four decades I was drawn to the issues that surround me and may affect me as a land owner.

On page 1-12, Table 1-2 License Area, the Honopou Stream is cited as “planned for full restoration”.

On page 3-19, Item 3-12 Secondary and Cumulative Impacts, “none are reported”.

If the Honopou Stream were to receive “full and permanent restoration” we can expect to live with stream flows that were typical of over 125 years ago! In the intervening century, with stream flows reduced by EMI exports of water, local families have improved and built on their land in areas that may soon be inundated. Access into Honopou Valley requires passing over an old iron bridge, located on State Land, that will surely fail if stream flows return to their pre-1900 levels. The iron portions of the bridge are reasonably sound. At risk are the head walls which are a combination of dry stacked rock with some mortar and concrete. Seasonally heavy rainfalls cause violent swirling of stream water as it forced to turn and narrow it’s path as it flows under the bridge. Frequently stream water floods to a level that it flows over the bridge!

There will be un-intended consequences of restoring Honopou Stream to full flow, The Honopou Bridge and the few downstream properties with improvements near the stream bed need to be surveyed and accounted for. I for one feel that there will be “Secondary and Cumulative Impacts”.

On page 6-2, Other: Consulted with..... Your list of consulted parties must include the Honopou Road Association. We are a non-profit 501-3C, organized to maintain the road, which is held privately by prescriptive easement. We have the access interests of our landowners, tenants, guests and service providers to worry about. The loss of the bridge or the flooding of homes and properties could easily displace upwards of 100 people. The president of the Honopou Road Association, Ms. Lynn Scott, can be reached at 808 280-2359.

Page 2,

If someone from your staff would like a guided tour of the impacted area I would be willing offer my time to conduct the tour. Your staff can park at my home and we can take my 4wd truck into the valley. We can examine all of the critical impact points between the Hana Highway and where the Honopou Steam enters the ocean. Sending someone familiar with civil engineering issues would be wise since getting a grip on the bridge soundness should be a very high priority.

We will attend the community meeting this afternoon at the Haiku Community Center. Besides this mailing I will hand carry a copy for your staff.

Sincerely,

A handwritten signature in cursive script that reads "Laf Young".

Lafayette Young

150 Puniawa Road  
Haiku, HI 96708

[4Laf@Hawaiiantel.net](mailto:4Laf@Hawaiiantel.net)

808 572-8632  
808 283-8632 ©

9 March 2017

Mr. Earl Matsukawa  
Wilson Okimoto Co.  
1907 S. Beretania St., Suite 400  
Honolulu, Hi 96826

RECEIVED  
MAR 13 2017  
WILSON OKAMOTO CORPORATION

Subject: Stream restoration at Honopou, Maui. EIS

Dear Mr. Matsukawa;

The Hana Hwy. in its present alignment at Honopou was constructed in the early 1940's.

The Federal Aid Project map is FAP 32AC1.

The highway essentially dams Honopou valley with the exception of the natural flow of the Honopou Stream.

There is a single concrete conduit built-in to the Highway base to accommodate stream flow and freshet volumes. I would imagine that the design engineers used stream flow data provided by EMI. Co.

The basic assumptions may be flawed since Emi's data would not have accounted for all the water that they were with drawing upstream. If the Honopou Stream is restored to it's full natural flow rates the conduit may be overwhelmed during peak flows. We have seen this occur multiple time when limbs and trees flow downstream and partially block the conduit. Several upstream properties are at risk!

I believe that the EIS should address this issue.

Once the water flows under the Highway there are still the un-intended consequences to the bridge and downstream properties. These too should be accounted for.

Sincerely,



Lafayette Young

150 Puniawa Rd.  
Haiku, HI 96708



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Lafayette Young  
150 Puniawa Road  
Haiku, HI 96708

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Young:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated February 23 and 2017 and March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS assesses flood hazard impacts associated with the Proposed Action in Section 4.3.3 of the Draft EIS.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources

10238-02

Letter to Mr. Lafayette Young

Page 2

Date

A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice  
Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Lany Young

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. YOUNG: Well, this one, it comes from knowledge. (Hawaiian.) As we help others, we will find help for ourselves. Hawaiians lived in two distinctive areas of the islands: Those who lived near the shoreline, those who lived in the uplands. Goods traded with one another, those goods only available in their own area, this system created a mutually beneficial relationship that supported sustenance, living.

This one comes from the heart. Like the veins that flow your blood through the human body and feeds the limbs is the water that flows through the valleys and feeds life among us. You stop the blood flow, the arm, the leg, the brain goes dead. You stop the streams from their natural flow, life around us suffers. The only native (Hawaiian) will diminish. The only true native opai will be sacrificed. For what? The river mouths, or (Hawaiian), as it is called, is a place of birth. Like the wound, you stop the flow to the wound, you stop the beginning of life for many, many species, species that bigger species depend on for survival. Species like us. But who cares about all this when you can have money in the bank? Is this right? Is this pono?

I oppose redirecting 150 million gallons of water per day from East Maui. By the mile marker 10, Waihine Bay once had a water fountain that was an underground spring. You and the other money-hungry corporations took that for your profit. Everybody who drives on that, everybody that lives on the island and the visitors use that water to sustain their life. The County and State government, they all fall in the same corporation. So the reason why they wanted to destroy it is because the road needed to be more wide, and also for their profit. Give back what the corporations stole from the community. So I say no to the 30-year lease. We don't need development and added progress, nor diverting or transporting of our water. It's not the government's water. It's ours.

Aloha. Thank you.



10238-02  
September 23, 2019

Mr. Lany Young

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Young:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Section 1.3.4 of the Draft EIS discusses the Commission on Water Resources Management’s (CWRM) Interim Instream Flow Standard (IIFS) Decision and Order (D&O) and the authority of the BLNR to issue a Water Lease for non-instream uses pursuant to Hawai‘i Revised Statutes (HRS) § 171-58, that is subject to the IIFS set by CWRM.
3. For the purposes of this EIS, diversion quantities from the CWRM D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area.
4. Cultural Surveys Hawai‘i, Inc. prepared a Literature Review and Field Inspection report of the License Area (Appendix E) as well as a Cultural Impact Assessment (Appendix F) in support of the Draft EIS. These studies are discussed in the Draft EIS in Section 4.5 Historical and Archaeological Resources and Section 4.6 Cultural Resources.

5. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).
6. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action and alternatives on indigenous freshwater species, and terrestrial flora and fauna, respectively. The Draft EIS discusses the impacts of the Proposed Action to freshwater species in Section 4.2.1 and impacts to terrestrial flora and fauna in Sections 4.4.1 and 4.4.2. Both reports are appended to the Draft EIS (See Appendix A and Appendix C).

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Mr. Larry Koss

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. KOSS: Thank you for doing this and for the manner which you're doing it. It's very supportive. My name is Larry Koss. I live in Wailuku. I'm a member of the Maui Farmers Union -- the Hawaii Farmers Union, although I'm not a big farmer. I'm a backyard bachelor farmer. My -- I don't have all the details, the specifics that some of the people here have, but I would like to draw a distinction between a couple of things that I think would be helpful in the process. One is a distinction between systematic remediation and shifting of context.

FACILITATOR SENELLY: Say that again.

MR. KOSS: Systematic remediation, which we're doing here --

FACILITATOR SENELLY: Right.

MR. KOSS: -- dealing with water. Right? And addressing the underlying context that's driving this in the first place.

FACILITATOR SENELLY: Okay.

MR. KOSS: Because we could be -- we could be addressing this issue now in February 2017, if we don't deal with the underlying context, we could be addressing it again and again and again on the diversions. Right? The other is the notion of sustainability. And when that concept first came out, I was on Orcas Island in '96 and I published a journal, a 60-page journal that we delivered to the entire San Juan Islands of 14,000 people and it draws a distinction between -- I don't use the word sustainability anymore. Most people don't know what it means, it's been manipulated and abused, and truth is: Who gets to be sustainable? Is it the top 1 percent of 1 percent? And do sustain all the people that are -- all the people that are homeless or without food, does that number sustain itself and keep on going? So the term that I use is whole community well-being.

FACILITATOR SENELLY: Whole?

MR. KOSS: Whole community well-being.

FACILITATOR SENELLY: Thank you.

Scoping Meeting Comments of Mr. Larry Koss

Page 2

February 22, 2017

MR. KOSS: There's no wiggle room with that. Either everybody is cared for and it's all in the funnel, or it's not. So I have -- there's a couple of things that come to mind for me. Number one, I think water and electricity ought to be public trust, period, that handles a lot of issues. I think that's a good thing.

And the other is -- this may sound really outrageous, but I -- and I might get choked up doing it. But I have an invitation for A&B that I would like to have it step up to or be compelled to, to step up to, and that is given its history and given what it's done, it's time to clean up its karma and I would like to see that 36,000 acres dedicated to public trust for the local farming, organic farming, and for affordable housing. And that may sound too wild and crazy, but I just need to think that we do one more -- you know, a whole continuing series of these kinds of things across a number of issues 'cause we're not dealing with the underlying context that drives it, so --

FACILITATOR SENELLY: What do you want to see in the EIS?

MR. KOSS: Pardon?

FACILITATOR SENELLY: What do you want to see addressed in the EIS of all the things you said?

MR. KOSS: Well, I don't know if -- any way that that could fit in there, you know.

FACILITATOR SENELLY: Okay. I appreciate --

MR. KOSS: I just throw it out as a possibility.

FACILITATOR SENELLY: Thank you.

MR. KOSS: Thank you very much.



10238-02  
September 23, 2019

Mr. Larry Koss  
2547 A West Main Street  
Wailuku, HI 96793

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Koss:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna

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Letter to Mr. Larry Koss

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September 23, 2019

Report (See Appendix C);, Historical Structure Assessment (See Appendix D);  
Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact  
Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and  
Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts  
report (See Appendix I)

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EISPN: Proposed Lease (Water Lease) for Nahiku, Ke'anae, Honomanu and Huelo License Areas  
**Date:** Friday, March 10, 2017 11:03:43 AM  
**Attachments:** [image001.jpg](#)

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## Jeanine S.H.Y. Morioka

Secretary



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This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

**From:** Lehua Simon [mailto:[adventuresoflele@gmail.com](mailto:adventuresoflele@gmail.com)]  
**Sent:** Friday, March 10, 2017 10:09 AM  
**To:** Wilson Okamoto Corporation  
**Subject:** EISPN: Proposed Lease (Water Lease) for Nahiku, Ke'anae, Honomanu and Huelo License Areas

Name: Lehua Simon  
Phone: (808) 633-6216  
Address: Pukalani, HI  
Email: [adventuresoflele@gmail.com](mailto:adventuresoflele@gmail.com)

Dear Wilson Okamoto Corporation - Attention: Mr. Earl Matsukawa

A&B or any related corporation or other business entities (such as a co-op or a business in partnership)

SHOULD NOT BE ALLOWED TO LEASE WATER

Until the residents of the license areas

(Nahiku, Ke'anae, Honomanu and Huelo)

Are fully provided for in their needs for water.

These residents are not being sufficiently provided for NOW

and they have not been for years that A&B or other related business entities linked to A&B (which have been used to make short term leases adding up to a long term lease) have been obtaining the water using subversive business tactics.

YOU MUST STOP ALL LEASING ACTIVITIES

until the people of this land are compensated and provided for  
in reimbursement for the incredible detriment that A&B and related entities have caused upon this  
land for decades.

Furthermore, this EISPN should not be conducted

by a corporation that is HIRED BY the corporation that wishes to obtain a lease!!!

This is a conflict of interest and it can impact the EISPN process in favor of the corporation. This is  
not the right way to do this.

THIS IS NOT PONO.

THIS IS NOT PONO.

THIS IS NOT PONO.

AND NOW IT WILL STOP.

THIS IS THE TIME FOR ALL THIS KIND OF ACTIVITY TO STOP.

The Wilson Okamoto Corporation

MUST SUPPORT THE COMMUNITY OF MAUI

by stopping the leasing process NOW.

And I will tell you on behalf of all the ancestors that have lived upon this land,

that if Wilson Okamoto Corporation does NOT do what is PONO,

Wilson Okamoto Corporation will fail to exist upon these islands.

It is the only way for spiritual justice now.

SO DO WHAT IS PONO.

DO WHAT IS PONO.

DO WHAT IS PONO.

And all of us will be safe and provided for.

All of us will have the prosperity that we seek.

But if you do not serve what is truly PONO.

The islands will have their way with you.

Because now is the time for justice.

NOW IS THE TIME FOR HO'OPONOPONO

The only thing for you to do for your client in this EISPN process

Is to bring A&B to HO'OPONOPONO with the communities

Nahiku, Ke'anae, Honomanu and Huelo

THAT IS YOUR TASK

mark my words

if you do not do THIS

you and your corporation will fail

your client's corporation will fail

MAUI and all the islands of HAWAI'I NEI

will have their justice.

Mahalo for your attention.  
Lehua



10238-02  
September 23, 2019

Ms. Lehua Simon  
Pukalani, HI  
adventuresoflele@gmail.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Simon:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)
3. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi

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Letter to Ms. Lehua Simon

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Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.

4. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

## Leslie Kuloloio Scoping Meeting Comments

February 23, 2017

MR. KULOLOIO: Aloha everybody. We are all related to all the people all the way around the island, and the same water, I'm here to talk about what the EIS should not do. The last time I see an EIS performed was by the United States Navy for the island of Kahoolawe. And when we went inside there, we thought that we had to bring all the people together to bring back what you call Kanaloa, is a sacred place, a sacred place. And when the EIS was done, they did not clean up the island of the ordinance. This will not clean up, the (Hawaiian) of Alexander & Baldwin, who is the Roman empire.

The Roman empire is the guys that came here from the pilgrims, called Americans, came over here and put their feet down at the Sea of Kulolia, which now they are calling Honolulu Harbor. And guess what? We just had a settlement agreement of Alexander & Baldwin who owned and make the molasses, who gave it to Matson, who is on EIS, who is a subsidiary of water, like EMI, done by consulting companies.

I'm going to respect Okamoto. And guess what, they killed all the fishes in Honolulu Harbor by the sugar cane plantation molasses. Let's think big now, let's think big. So did Lahaina Pioneer Inn. So did Wailuku Sugar. All of the missionary families from Connecticut, and Pennsylvania, Rhode Island. You know what Aloha Tower is? Just like the Statute of Liberty: Come, come, come immigrants, come into my land on the Sea of Kulolia, now called Honolulu Harbor. Who fought the war for the Pauwela Lighthouse? Yours truly. And guess what the first used to run. The EMI, EMI is part of the Spreckelsville Beach that haole bought from Waiehu, the grant, the grant, 3343, all the way to Pauwela. That's the railroad. That's the fight land.

So let's talk bigger than that. It is the ending of A & B, on the plantation product of many generations. But A & B pau. Go home, go home. You folks had the aina for a long time. Give back the water. And water should be free for the homeless family in Kahului. The Hawaiians who are homeless, they're all on Alamaha Street, down the harbor, they're all over the place. We're all related. We're all ohana, we all ohana. You know what freedom of religion is? Then you'd better know so that your culture impact will affect what you should address.

Why don't you have -- you folks have a cultural person tonight, sir? Well, you'd better. You said you don't have the experience. If you don't have the experience, you don't deserve to be here tonight...

MR. KULOLOIO: And so all I'm saying is that native rights gotta be protected. We had enough. We had enough. Our ditches -- I want the Kuiaha ditch to run again. That was the first one they took over to run the cannery, the pineapple industries. Are you listening? And Pauwela ditch came all the way down to the lighthouse. Look at the maps. Show me the maps. You know what you don't have? You don't have the map of Maui. All our families are affected. No treat us kanakas (Hawaiian). We food of abundance, we navigators. Make sure you're listening. Put it down in your notes. We navigators, we farmers, we gatherers, like all you said, and we protectors, and we are really just people. That observatory on top there need to come down, in Haleakala. You know why? It get Inouye's name on top there.

You folks listening? And one mayor said the rocks are not sacred. What? Then the water is not sacred. In the name of the Father, Son, I baptize you in the name of the Father, Son and Holy Ghost. So let's do a cultural impact. Let's talk Hawaiian religion. Have Hawaiian religion here, it's about time. And the fishermen are Hawaiian religion, yeah. They treated us like the teepees. They took away all our abundant places. Everybody say: (Hawaiian.) That's the gill of the fish that travel. We are related to the fishes of the world. The fish go around the world. We don't stay in swimming pools, we don't stay in those aquariums. Our family go around the world. Okay?

And guess what, say: (Hawaiian.) We seek knowledge from the gills of the fish. That's who we are, (Hawaiian). And the ocean is part of us. We navigators, we gatherers, we know what is the reefs. We don't need one haole tell us guys how to protect the reef. But you know what, thank you folks for listening. I'm kind of P-ed off. You know why? This process is one insult.

Thanks. Mahalo.



10238-02  
September 23, 2019

Mr. Leslie Kuloloio

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Kuloloio:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, on indigenous freshwater species, and terrestrial flora and fauna, respectively. The Draft EIS discusses the impacts of the Proposed Action to freshwater species in Section 4.2.1 and impacts to terrestrial flora and fauna in Sections 4.4.1 and 4.4.2. Both reports are appended to the Draft EIS (See Appendix A and Appendix C).

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Letter to Mr. Leslie Kuloio

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4. Cultural Surveys Hawai'i and Earthplan prepared reports in support of the Draft EIS assessing the cultural and social impacts of the Proposed Action, respectively (See Appendix F and Appendix G). The impacts of the Proposed Action to traditional cultural resources and practices is discussed in Section 4.6 of the Draft EIS while impacts to the social environment can be found in Section 4.7.

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EISPN: Proposed Lease (Water Lease) for the Nahiku, Ke'anae, Honomanu, and Huelo License Areas  
**Date:** Monday, March 13, 2017 9:16:27 AM  
**Attachments:** [image001.jpg](#)

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## Jeanine S.H.Y. Morioka

Secretary

Wilson Okamoto Corporation



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T (808) 946-2277 F (808) 946-2253  
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This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

**From:** Lipoa Kahaleuahi [mailto:lkahaleuahi@gmail.com]  
**Sent:** Friday, March 10, 2017 9:24 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** RE: EISPN: Proposed Lease (Water Lease) for the Nahiku, Ke'anae, Honomanu, and Huelo License Areas

Aloha kakou,

My name is Lipoa Kahaleuahi. I write this brief email as a child of the next generation remembering the ongoing fight for water to be restored in the above mentioned streams since I was a little girl. My family hails from the other side of the Hana district, from Koali, Kipahulu and Kaupo, yet as a moku, a district, we know when and how to unite as one community. And at this time, this issue of a proposed water lease of 30 years is such a time.

My concern is that an EIS on these streams within our ahupua'a will not be thorough nor substantial enough to paint a clear picture of the needs within our community. Don't misunderstand my message; I am not entirely against the sharing of our resources to the communities that are now developed and live off of this water (Upcountry in particular). I write to express that these waters must be better accounted for, so that our communities on the east end suffer no longer. I am with the kalo farmers, as I am a part of restoration projects in Wailua Nui. It's not just about streams being restored; it's about being able to monitor and "control" the auwai or water systems into lo'i so that kalo survives. It cannot just come and go as someone else pleases. Please, come to Wailua Nui, to Ke'anae and see. Please, go up mauka to the forests and take data of how our native forests, birds, and natural habitats are affected by

the inconsistent flow of our streams. Past experiences and years of inconsistency and organizations left unaccountable for their actions is unacceptable.

We are island communities. We cannot survive without water. Yet, our water is a finite source and it is being treated - A&B and EMI are treating it - like it is an infinite source. This EIS cannot be a mere checking of the boxes. It must contain stories, quotes, cultural, ecological, and scientific data from Ke'anae to Kaupo. It must state how concerned our island community is of the development of the once sugarcane lands. Add these concerns to the EIS and you will find that a 30 year lease is absurd. It will not lend the amount of accountability necessary to ensure the security and sustainability of our 'aina.

With sincerity and deeply rooted concern,  
Lipoa



10238-02  
September 23, 2019

Ms. Lipoa Kahaleuahi  
lkahaleuahi@gmail.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Kahaleuahi:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including discussion of alternative lease terms.
3. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
4. For the purposes of this Draft EIS, the stream list used was from the Commission on Water Resource Management’s (CWRM) June 20th, 2018 Interim Instream Flow Standards (IIFS)

Findings of Fact, Conclusions of Law, & Decision and Order (D&O) which is discussed in Section 1.3.4. The D&O IIFS were also used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area.

5. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS - PLANNERS - ENGINEERS

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W <http://www.wilsonokamoto.com>  
Attention: Mr. Earl Matsukawa

**SUBJECT: EISPN: PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU,  
KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS –  
SCOPING MEETING, FEBRUARY 22-23, 2017**

Aloha Kākou,

I am submitting written testimony concerning the diversion of water. I have several questions regarding the proposed water lease: what are the intentions of the diverter? We have all seen ~~what~~ how long diversified ag on O'ahu has lasted after the release of Waiahole River... it quickly turned into housing developments. How long are A & B planning to lease for diversified ag? I believe that the attempt to secure the lease, it is not for diversified ag, but a ploy to secure the water for development. Until last year's legislative session the permit that EMI was operating under WAS 'ILLEGAL'. It is time for the gov't to stop catering to corporate interests, and fulfill the needs of the COMMUNITY you are mandated to serve.

(include additional sheets as necessary)

PLEASE PRINT: Name: Lisa Ann Pauchi Phone: 245 7786  
Organization: Hookano Hookano 'Ohana  
Address: 245 Waikea Rd  
Hāi'kū Hi 96705  
Email: pauchi.hookano@gmail.com

Please submit comments by March 10, 2017 or email [woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

\*Receipt of e-mailed comments will be confirmed via e-mail. If you do not receive a confirmation message, please contact our office (see contact information, above).



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Lisa Ann Pauahi  
245 Wailua Road  
Haiku, HI 96708

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Pauahi:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated February 23, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process

Sincerely,

10238-02

Letter to Ms. Lisa Ann Pauahi

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September 23, 2019

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with the first name "Earl" being more prominent and the last name "Matsukawa" following in a similar style.

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Mr. Lloyd Fischel

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. FISCHEL: Thank you. Thank you, ma'am. Just a few, a few things I'd like to see the EIS address. Of course, I'm a farmer and we all have to recognize that most of the food that we eat, maybe even more than 90 percent is imported. And being where we are, given the problems in the world today, given what could happen to the cost of petroleum, of oil, of energy, this decision must reflect an understanding of the importance of small farms growing food for Maui.

It's insanity to think of giving all that water to one company, one company that has not been a good partner with small farmers over the years, one company that has spewed lots and lots of chemicals into the air, into the ground. One company that's in partnership with who? Monsanto. It's insanity to think that they would get this water and that we would call it the people's water, that we would think that the water then would be used for growing crops. As Mr. Balthazar said, it's so important that this water must be used for agriculture and not developments.

And the second thing I want to mention is in the -- in the documents that have been put forward up to this point, as in the screen presentation earlier, the word "state owned land" was used. The EIS should address: What does that mean, state owned land? Who is the state? And where are the Hawaiian rights within that concept of state owned land? And any of you working on this EIS that can talk about having Hawaiian friends and loving Hawaiian people and loving Hawaiian culture that don't then address this issue, it's really a (inaudible).

And the second thing is in this -- words that have been used here in these papers and in the screen as well, "government owned waters." It said government owned waters. I'd like the EIS to define what does that mean, government owned waters? Thank you.

FACILITATOR SENELLY: Okay. You had two things. The first one was -- the first one was make sure that the -- you want the EIS to address having the water go to small farmers or, you know, like diversified and small farmers and not just industrial type; right? And the second thing is define what state owned lands means and also define what state owned water means. Okay.

MR. FISCHEL: I'd like to add one more thing to that, please.

FACILITATOR SENELLY: Okay.

MR. FISCHEL: And I think it should address what is happening to the water today? From the time that the farming of sugar cane stopped to today, what is happening to that water? Is it being dumped? In a world where water – people die for water, is it being dumped? We should know.



10238-02  
September 23, 2019

Mr. Lloyd Fischel

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Fischel:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural and Related Economic Impacts Report (See Appendix I), an Economic and Fiscal Impact Analysis Report (See Appendix H), and an Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A).

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

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Letter to Mr. Lloyd Fischel

Page 2

September 23, 2019

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Matsukawa".

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

Trip Report to WOWFarms, Waimea Hawaii  
2 November 2011  
From: Lorrin Pang representing Maui CPPW

I visited Trisha and Mike Hodson of WOWfarms ([WWW.wowfarms.com](http://WWW.wowfarms.com)) in Waimea (Big Island of Hawaii) the afternoon of 28 Oct 2011. The article in the Oct/Nov of Hanahou Hawaiian Airlines magazine talks about their achievement but barely touches the surface of the obstacles they had to overcome to get there. The purpose of my visit was to determine their “business model” used to become successful. We queried key Maui CPPW members for questions which are answered in the text below. If I forgot to address any please call me and we can discuss.

This farm project is really the brain-child of Mike, who has no formal education beyond high school where his main focus was on football. He had no mentors who taught him farming at anytime in his life. In fact he had obstacles discouraging his proposed organic techniques. After high school he worked about 25 years with the police as a crime/narcotics investigator. Throughout this time he coached high school football. Five years ago near the end of his career he felt “burned out” and began gardening to relieve his stress. He built one 20’ X 100’ “greenhouse” on their 5 acre homestead property and began to raise tomatoes. The UH College of Tropical Agriculture and Human Resources (CTAHR) held a \$250,000/year contract with Hawaiian Homestead Lands to get homesteaders to farm (only 3 of the estimated few hundred in Waimea actually farm) and they told him he absolutely needed pesticides (spraying) to grow tomatoes. Mike was also helping his relatives spray pesticides on their tomato farm and despite full protective suiting had his feet burned repeatedly from the pesticides. From his football and anti-narcotics experience Mike likes a challenge and decided to show CTAHR and his relatives that he could grow organic tomatoes in the soils (as opposed to aquaponics) of Waimea.

Only five years ago Mike and Trisha started with one greenhouse to grow tomatoes in the soil, studied and solved problems on his own using information on the internet, “trial and error”, and a good deal of observation. My note; this is an important, often forgotten discipline called empirical science which depends upon statistics (biostatistics for biological systems)

as the academic cornerstone. He had no grant money but started on a relatively small scale. He initially sold tomatoes at farmer's markets and as word spread demand picked up to restaurants. He reinvested to two to four then to eight green houses each time doubling his production. During this phase he had disastrous crop losses three times. Often Trisha wanted to quit – but each time Mike tinkered with the conditions and moved forward with modifications which proved successful. He now has about 36 green houses and will go to 54 soon. He now ships overnight by barge to Honolulu and produces about 8000 pounds of tomatoes per week. He has a several family members working with him, including those in Honolulu to handle receiving and distribution of his tomatoes. He says the current demand is more than double of what he could produce. He is “organic” but avoids “certification” since that process would take 1% of the profits. While retailers need certification for “organic labeling”, Mike says that restaurants don't. But chefs do come on his property to see what he does. Mike sees a more long term negative effect of pesticides – they poison the soil (good as well as bad microbes) and his children will forever be obliged/addicted to use them. He currently sprays when absolutely necessary with three things: Sulfa compound, Neem, and something else I cannot recall. As far as soil preparation – his soil was never use by plantations but pasture for grazing cattle. He does occasionally bring in composted material from Waikoloa, which has a large composting program as part of their green waste disposal. In addition he tries to compost at his farm, but decomposition is slow due to the cool climate. He feels that composting is not really essential for nutrients but it does help “loosen” the soil.

An example of Mikes meticulous “scientific” approach is the decision to go to wider greenhouses (20 to 30 feet width) to increase the air circulation, which in turn affects temperatures and reduces crowding of the plants. This modification is a large undertaking and will be done first to a few green houses with the effects carefully studied. All his practices, from the tilling of the soil, composting, density of covering screens, etc have been learned from trial and error (empirically). Ideas might have originated from the internet but whether they have value under his unique conditions can only be learned from observation.

He grows other crops, English cucumbers, Kalo and native sweet potatoes (uala) on a smaller scale for use by his extended family. Between two covered green houses we came upon a massive jumbled, impenetrable patch of very healthy dry land Kalo with stalks several feet tall! Mike said this

was all kinds of white (kea) varieties and was to be harvested soon by his extended family. I have never seen anything like this. Next he took us to an unprotected, seemingly abandoned plot (maybe 400 square feet) where he had planted and was harvesting 24 native varieties of uala (excluding the Okinawan type). Mike's goal with this plot was to share with potential farmers that even with minimal care uala could grow (that there is no excuse not to farm something). Mike's next five year plan is to grow so much Kalo on homestead land that it becomes as cheap as rice. We talked about the health value of high fibre carbohydrates (kalo, banana, ulu and uala) versus low(er) fibre carbs (white rice, bread, potatoes, etc). Mike says that commercial kalo farmers may worry about the low price if homesteaders undercut the market – but in the name of culture and health he would press on.

Trisha's diabetes responds well to high fibre carbs and sugar reductions (technically carbs are sugars linked together and released slower than the big blast of a sugar sweetened beverage) – and she has gone on a diet with Uala as her carbohydrate. She and Mike say that pounded uala was a Hawaiian staple equal or more common than kalo/poi. Hence the uala patch described above. He said that Kalo master Jerry Konanui will soon be studying/working on the native uala varieties to grow and promote their plantings.

CTAHR is trying to return to Mike's place now to study how/why he was so successful. Mike questions the status of their contract with Hawaiian Homestead lands given the low farming rate and their reservations about alternative approaches, till shown to be successful.

In summary, what the Hodsons have done in such a short amount of time is nothing short of miraculous, both scientifically and from a human perseverance point of view. That they had to do this against a backdrop of negative advice from “seniors” is unfortunate. They seem to have the spirit of teenagers but the wisdom of elders. But most inspiring is that their hearts are in the right place and they will be doing the right thing with the best intentions. Under these circumstances we can be honest and straightforward in our communications. We should be honored to work with them and look forward to future collaborations.

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**  
Mr. Lorrin Pang  
February 23, 2017  
Haʻikū Park and Community Center  
Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MODERATOR SENELLY: All right. First speaker, Dr. Pang.

DR. PANG: Thank you. There's nothing special about speaking first. I was -- there was a glitch. I wasn't speaking last night. Not their fault, not my fault. So I'm really last from last night, I'm not first from tonight.

MODERATOR SENELLY: It actually was my fault.

DR. PANG: Okay. That's all right. The EIS, you know, I think they should address some real, how shall we say, radical things, things that we think are impossible, for a couple reasons that really are good and they're a little bit far out. But we shouldn't just look at what we do now and say, well, you know, these ten guys, let's give more to him, he'll be happier, he'll be mad, and throw a bone to the fighting dogs. You shouldn't look at your status quo and argue about the money and the water right now. And to put this in perspective, you know, I have to give you my background. I'm not from this side. I'm not fighting for East water. I fought for the Na Wai 'Eha water. So this -- I have no conflict of interest in here. So sometimes people will say, well, then shut up, you're not a stakeholder. Sometimes the best people are those who have no conflict of interest and are interested enough to give a fair assessment.

You don't think that's true? I have reports from Big Island people, Kauai people, who look at this and say, we have no stake in this game, so let us give an opinion. My background opinion is, already last night, they said "share the water," "share the water," "share the water." You want to know what share is? Really? To the Big Island people, the Kauai people and the Na Wai 'Eha impacted people, they said here's what share is, somebody took our water for 120 years, they took 95 percent at some cheap cost. So that's your time. Now it's time to share. The East Maui guys get it for 120 years, and then when it's 120 versus 120, let's --

(Audience clapping.)

DR. PANG: Stop that clapping, because people who don't get clapped for feel bad. So now when it's 120 versus 120, then we talk about sharing. But with that in the background, let me give something kind of practical, some far-out things which you think are impossible because we haven't done them for so long, it must be impossible. First of all, can we feed ourselves? And I don't mean ag, ag, ag. I mean food, food, food. Now if you want to say Maui, Maui. If you want to say can we kind of feed Oahu, ship some stuff over there, fine. But Hawaii has to be food self-sufficient. Okay? That means chemical --

(Incomprehensible due to clapping.)

DR. PANG: The minute we say, oh, look, I made so much, I shipped it out, and I'm on the world market; and then the world market gets undercut, then all the macadamia nuts get buried, et cetera, Et cetera. So feed ourselves first. Now I know you're going to go through the details, and, oh, that's so expensive. Well, food security, security costs a little more money. Okay. So that's what I wanted to address. Next thing -- there's only three things. Next thing I want to say is when we feed ourselves, can we do it based on smaller farmers, startup, diversified, no spray. And if you say, well, gee, I just saw the report where that's just unfeasible, well, I'm sorry, I've prepared a report, I'll give it to you 2011, I visited the Big Island guys called Wild Tomatoes. That was just a practice to show that homestead land guys had a terrific operation. It was published in the on-flight magazine. And that was just a test to show they could do tomatoes. They're going to convert to taro, high-fiber carbs. The guy's wife is off insulin because she helps a little bit in the garden. They can do it. The financial is sound. They're hiring their own family to distribute on Oahu. It can be done. The technical part is in the report, four pages. So look at that. Don't just say, well, we're going to feed ourselves and the big corporate guys say we can't do it, so we can't do it.

There are alternatives. We used to. We used to do this. And the final thing is -- I really have to say this. And here's something, you say, well, that's impossible, we never did that before, here's one we never did before. But outside of Hawaii, water, fresh water, potable water, water for ag, is like gold, it's like liquid gold. And people look at Hawaii, and they say, oh, look, every time it rains here, the muddy water chokes the reef, the muddy water chokes the reef. Why don't you guys catch it. So the Na Wai 'Eha -- that's the other side, right. The Na Wai 'Eha report said you catch the 17 rainiest day of Wai 'Eha -- I'm not talking about just the water on the east side -- you put it in a big -- I call it the dam, and my wife said call it the reservoirs. You put it in three big reservoirs. You don't let the water dirty the reef. I checked this with the Sierra Club. Maybe we should go natural. The water is so muddy and dirty, it's hurting the reef. Hold it, and that's more than enough water for everything you can imagine for the near future. But you have the 800-pound gorilla. You got that much water? There's no fighting? I'm going to move in. I cannot solve the 800-pound gorilla, but this has some beautiful concepts to it. Locate the reservoirs where you want, near the ocean, so when they break, like, you know, the California dams, you don't flood out people. Put it low, pump up the water with solar energy. No battery. Just pump it. When the sun shines, you pump it up. And you control the damage to our reef. And what happens to this? How we talking about the east side water? Technically, now it comes into play. Now to share your chance to get it, I feel bad about diverting clear water. Clear water should flow in the streams when it's driest and needed. But if your side here generates dirty water -- say Haiku is developing, every time they flood, wow, look at that, look at what we did to the reef in Haiku. Divert that. Maintain enough EMI system so that all the dirty waters about to choke the reefs, whatever, goes into these holding reservoirs, settle it, pump the water high to the Kula when you need it.

Now all this stuff is like, yeah, great pie in the sky. But, you know, that's how things get started. I'm not asking for tomorrow, where the Kula guys say, well, no water. Give them the status quo. But I want to

see some progress moving to some things that are worthwhile. For 35 years, all we do is fighting and, oh, that's your stream, that's your stream, and we never move at all. I can guarantee you to fund the reservoirs, I think there's \$350 million per billion-gallon reservoir. You can float a bond. If you can float a bond for the Super Whale that's never going to be self-supporting, you can surely float a bond out of state, because fresh water that's potable, that's usable for ag, is like gold. But I only like this if your EIS says long-range plan. I want to see every three years, we're moving forward, moving forward a little bit more towards the idea that we choose. Otherwise, it's so frustrating. And I'm a patient guy, but I like to see a little progress, sincere progress.

Thank you.

MODERATOR SENELLY: Thank you, Dr. Pang.



10238-02  
September 23, 2019

Lorrin Pang

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū and Huelo License Areas

Dear Mr. Pang:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, your oral comments at the February 23, 2017 EIS Scoping Meeting, and your written comments dated February 22, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of

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Letter to Mr. Lorrin Pang

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September 23, 2019

Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your oral and written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

Enclosures

cc: Suzanne Case      Chair, Department of Land and Natural Resources  
A&B / EMI          Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Lucienne de Naie

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. DE NAIE: Mahalo. My name is Lucienne de Naie. I've lived in Huelo for 30 years. Me and my neighbors are the ones that kind of started this process, along with the folks in Nahiku and Keanae and Wailuanui, and we've been waiting for more than 20 years for this EIS. So I'm going to speak to what I think should be in the EIS exclusively.

First of all, this is not about taro farmers and rural residents versus upcountry farmers and residents. So the EIS should be very clear that there may be alternate ways for folks upcountry to get the water they need. And we all support the ranchers and farmers having water, the ag parks, the Department of Hawaiian Homelands, and even folks that want to farm in Central Maui. The thing is how. And this EIS needs to look at real alternatives of how. We need to see if there should be crops that would use less water. We need to see if improving our soil would mean that all crops need less water. We need to take a hard look at the stuff that would affect how much water we use.

We need to look not at the status quo, as many people have said, but the existing conditions and impacts, and there are many. And we need to address the impacts of our overgrown streams. We see this in Huelo. Just letting the water out is not going to solve the problem. Someone needs to take care of those streams. The EIS also needs to have better maps. The maps, you know, they don't meet the standards that you're going to need to have information. First of all, there are not 39 streams. The decision and order of the hearings officer has named 43 streams in the lease area. And there are more if you count the tributaries. But these main 43, I suggest you look at his decision and order. It's being used by everybody. There are not five streams being proposed to be restored. There are eight streams, and they are by name. And I'm not going to take time to name them, but if I turn in written stuff, you'll get their names. The EIS needs to look at alternative management plans, like several other people have said, and look at the economic side of it. So what else could be done. Could we have these smaller leased areas? Could we have partnerships in leasing the land? Does it just have to be the one, you know, big banana there, A & B? You really need to take a look at that. The three alternatives are not enough. The EIS needs to look at alternatives for managing the watershed lands.

Let me tell you, boys and girls, we're not going to keep having water unless we take care of the lands. It's like in 30 years, I've seen them go so downhill. They're not going to produce the same amount of water. So we'll be fighting over less and less. We need to grow water and grow our care. And that needs to be examined in the EIS, what the strategies for that would be, how much it would cost, because it's part of awarding any leases, the kuleana part.

The EIS needs to have specific stream-by-stream information, both historic use and proposed diversion. We have no idea what's being taken out of these streams. That needs to be in the EIS. There also needs to be specific info on how much water is derived from the streams that are outside the lease area. And those, you know, we can list those, too, but there's dozens of streams that are not in the lease area that all go to A & B right now and are part of their, you know, potential water source. But we don't know how much that is. So they're asking for 115 billion on top of all those? That's just like double dipping.

I'm getting to the end. The last thing we really need to look at is the upcountry water system the county has. This water system is being very inaccurately portrayed in the draft prep notice.

First of all, there's no map that shows that the County's two-pipe system was supplied. Half the water, they use in the upcountry system. So all the farmers and ranchers that want water, the Hawaiian homeowners, that's the water that's sent to them. The Kula pipeline, the lower one and the upper one, they are not on your maps. They do not go in the lease area. They go to streams, they go to five streams, four streams in East Maui. They do not go in the lease area. So half the County's water is not even affected by this lease. The EIS should make that very clear, and it should analyze what the wells of the County produce. They're barely using their wells. Half a million gallons a day for that Dowling well. I read the well reports. I don't see any information like that, you know, even proposed to be discussed. It should be in there, and I will write some comments.

And I'm going to conclude by saying that if you put all this information together correctly, you will understand what really needs to be taken from East Maui streams, and that number is going to drop a lot lower, and then we can talk about how long the lease should be. But 30 years, I think should – there should be alternatives, like fish and wildlife and others that have suggested. 30 years is not the only number that should be discussed. And public access to the lands needs to be discussed, too, as has been brought up by many others.

Thank you.



10238-02  
September 23, 2019

Ms. Lucienne de Naie

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Naie:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS will assess anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.3, a description of the Upcountry Maui Water System. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including a discussion on alternative water sources, lease area, and ownership.
4. For the purposes of this Draft EIS, the stream list used was from the D&O which is discussed in Section 1.3.4.
5. The Draft EIS will include in Chapter 4 an assessment of the impacts of the Proposed Action. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
6. For the purposes of this EIS, diversion quantities from the D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area.
7. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

10238-02

Letter to Ms. Lucienne de Naie

Page 2

September 23, 2019

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EISPN East Maui  
**Date:** Friday, March 10, 2017 3:06:57 PM  
**Attachments:** [image001.jpg](#)

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## Jeanine S.H.Y. Morioka

Secretary



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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**From:** alohahonopou@hawaiiantel.net [mailto:[alohahonopou@hawaiiantel.net](mailto:alohahonopou@hawaiiantel.net)]  
**Sent:** Friday, March 10, 2017 2:49 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** EISPN East Maui

Aloha Mr Matsukawa,

My name is Lurlyn Scott, I am a taro farmer in Honopou, Maui. I am also a plaintiff in the East Maui water case, previous to me in this very long case was my mother Marjorie Wallett. She passed in 2010 waiting for some kind of settlement.

Please excuse my late admittance of my suggestions. I appreciate you coming to Haiku to face the crowd, Mahalo Nui.

I would like to say I agree with comments made by our Attorneys at NHLC, Summer Sylva and Camille Kalama: the Dept. of Fish and Wildlife. The impact on taro farmers and their families, stream degradation, silt at our favorite fishing grounds, the loss of o'opu without the natural flow of our streams.

East Maui Irrigation has finally admitted to dumping water that they cannot or have no use for into Honopou Stream. This has caused the inability for our family to utilize for swimming and gathering and to maintain the stream.

My family was not able to farm due to the lack of water especially during the summer months. Taro would rot or not grow sufficiently. This was a financial and nutritional loss to

our families. That to me is an impact.

When hiking in the forest we have noticed o'opu that were stuck in the closed ditches with out much water. We need to take this into account, please.

Because we have been found by the internet we have been bombarded by tourist when the weather is good. They trespass onto private property up stream and leave their rubbish and who knows waht else and some end up in our auwai. So the impact of tourism is a concern of mine.

We were once told by the BLNR to work together with East Maui Irrigation and kind of get along, I would like to see more of that happen.

Hogs have been a problem so I guess that's part of invasive species.

Mahalo for your time.

Lurlyn Scott

Honopou



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10238-02  
September 23, 2019

Lurlyn Scott  
alohahonopou@hawaiiantel.net

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Lurlyn Scott:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact

Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

3. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
4. The Draft EIS discusses impacts to hydrology associated with the Proposed Action in Section 4.2 of the Draft EIS as well as the reports various technical reports prepared for the Draft EIS, including: Assessment of Streams and the Ocean Water Chemistry (See Appendix A); Terrestrial and Flora and Fauna Report (See Appendix B); and Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix C).
5. Cultural Surveys Hawai'i, Inc. prepared a Cultural Impact Assessment for the Draft EIS which assesses the potential impacts of the Proposed Action on native Hawaiian traditional and customary resources and practices. (See Appendix F). Impacts to agriculture, including traditional agriculture, are discussed in Chapter 4 of the Draft EIS and the Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: Testimony. Water diversion.  
**Date:** Tuesday, March 14, 2017 8:06:28 AM

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Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
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-----Original Message-----

From: madeleine migenes [<mailto:madmig@hotmail.com>]  
Sent: Monday, March 13, 2017 5:05 PM  
To: Wilson Okamoto Corporation  
Subject: Testimony. Water diversion.

Madeleine Migenes  
424 Kaupa kalua, Haiku, Maui, HI 96708  
914 434 3531  
[madmig@hotmail.com](mailto:madmig@hotmail.com)

Aloha,  
I am writing to urge you to respect the water rights of the Hawaiian and original residents of Huelo, Nahiko, Kipahulu and Hana.

Alexander & Baldwin (A & B) must  
Cease to withhold water from these residents and farmers. It has not been pono or right action to favor corporation over the collective for water use and diversion.

I agree with the position of the Sierra Club and Together for Maui.

Mahalo.  
Madeleine Migenes, MFA



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10238-02  
September 23, 2019

Ms. Madeleine Migenes  
424 Kaupa Kalua  
Haiku, HI 96708

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Migenes:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 13, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Diversion quantities from License Area are based on the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). The D&O used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

10238-02

Letter to Ms. Madeleine Migenes

Page 2

September 23, 2019

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**From:** [Wilson Okamoto Corporation](#)  
**To:** "Madelynn"  
**Subject:** RE: A&B request for Water Lease from East Maui  
**Date:** Monday, March 6, 2017 9:05:50 AM  
**Attachments:** [image001.jpg](#)

---

Dear Ms. Kanakaole,

This is to acknowledge that we have received your email comment on the subject EIS Preparation Notice. Your participation is appreciated.

## Jeanine S.H.Y. Morioka

Secretary



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
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**From:** Madelynn [mailto:kanakaolej@gmail.com]  
**Sent:** Saturday, February 25, 2017 4:46 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** A&B request for Water Lease from East Maui

I am one of 325 people who signed affidavits proving who I am as a native kanaka maoli. Affidavits have been sent to county, state, federal and congress levels of law on my behalf by my grandfather Eric Kanakaole. In the early 90s my grandfather and his cousin Edward Kaiwi excercised their mineral rights and shut down a portion of E.M.I's water contraption. The act made local news on KGMB 9. Point is 10,000 acres of East Maui land has been returned to my family and 30 other family heirs of Queen Emma. The water A&B is requesting for continues to be stolen by A&B themselves. Part of the stolen water comes from the 10,000 acres I mentioned before which means EMI and A&B are stealing from my Ohana. To this day we know A&B has only 32% stake of the water. So that means from all the decades A&B have been mishandling their stake there is still 68% unaccounted for. 68% of money over decades of thievery not accounted for which is owed to Kanaka Maoli, more specifically, to the 325 signees on affidavit. So no . No is my response for A&B's request for water from East Maui. And I will continue to defend my land and mineral rights by paper already on record.



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10238-02  
September 23, 2019

Ms. Madelynn Kanakaole  
kanakaolej@gmail.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Kanakaole:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated February 25, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Mahealani Wendt

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

My name is Mahealani Wendt. I'm a board member, I'm also a board member of Na Moku Aupuni 'O Ko'olau Hui. As a founder and executive director of the Native Hawaiian Legal Corporation for 32 years, I filed the petitions to set interim instream flow standards for all the streams within Koolau on behalf of Na Moku. This was in 2001. In a free and Democratic society, we should all have a reasonable expectation that the rule of law will apply and result in a fair and -- fair outcome, a fair and just outcome for all disputants. This is how we have been taught things operate in a free and Democratic society. A & B's last long-term lease expired in 1986.

From 1986 until 2016, when the legislation passed, when the legislation passed the so-called permit, A & B operated outside the law for 31 years. From 1986 until 2016, it had no valid permit. And you know, it's, you know, kind of an outrage. But more than that, I think when things like that happen, as people, as citizens, we lose respect for the law. They lose heart. They feel like they cannot trust. So, you know, as yourself, as consultants and other decision-makers go through this process, please consider this. Because, you know, honestly, I feel like we're being herded into another process with a predetermined outcome. A lot of us feel that way. You know, you tell us that, you know, it's going to open bid and all of that, but there is every appearance, especially given the history, that, you know, A & B is going to get the lease and that the politicians and the people at DLNR Board are inclined to push it through, the same way they did at the legislature. So this is kind of like editorializing a little bit, but I think these are things that we're all feeling.

Nevertheless, operating outside the law, A & B siphoned every drop of water from the East Maui watershed, while A & B, HC&S, upcountry and other county users enjoyed water, our families went without. You have no idea. We never did not want to share. We always wanted to share. Nobody shared with us. And it was really, really, really, really hurtful, because the origin was right there. We could look at the water, we could look up mauka and see the water, but we couldn't use it. It wasn't for us. And so, you know, it was really, really hurtful. And we went through these processes, and we would hear, you know, the other people who have access to this water accuse us of being selfish and not wanting to share. That was not the case. We didn't have anything. So, you know, so this was the situation and, you know, we were for so many generations, the taro from -- you know, generationally, traditional taro farming went out. There was no water to farm taro. The fishing grounds were depleted. The doctor probably knows, Dr. Lorrin Pang probably knows that in our area, the empty streambeds were nesting places for mosquitoes. It was a very unhealthful situation that we lived with every day.

Several speakers from East Maui did know that the EMI ratcheting up is a diversion. So that you took everything in 1990, just happened to coincide with a water conference that was held at Keanae around the same time. And it seemed like on EMI's part, it was maybe perhaps a preemptive move or something to send a signal to the people over there don't try anything. You know, the water conference was attended by a lot of attorneys from both sides. The attorneys who were sympathetic to the East Maui farmers were saying you have rights, you really do have rights. They don't have a right to come in here and take everything. And these are what your rights are. And I think it came to a shock and surprise to some of the EMI operatives on the ground who were accustomed to behaving in the old way, you know, where, you know, like an Imperial, somebody from outside that comes in and tells you: This is how it's going to come down, and you have nothing to say about it. This is how they treated the people, very disrespectful, very condescending.

So the EMI process should actually have started a long time ago. A lawsuit was filed. And in 2005, EMI and A & B were ordered to do an EIS, and they did not. They fiddle-farted around, you know. And actually, in the interim 30 years since they -- since the other long-term lease expired, they have what amount to a de-facto long-term lease, because it's been 30 years, and they have had continuing access to the water. That's exactly what happened. So there is this -- I mean, I know you're only interested in knowing what's supposed to go into the EIS, but this is a really important historical framework for people to understand. So I actually do have some comments on the Environmental Impact Statement, but I just have another point about that, that all of this would not have been possible but for the collusion of DLNR.

The DLNR attorneys with the A & B attorneys were working together and came up with these wonderful legal strategies to issue these so-called temporary interim leases, I mean temporary permits, which did not exist, which were false, and which were finally declared to be illegal. So given that framework, it's really hard to trust that this process is going to go, you know, in any other way but in A & B's direction. But here are some comments for the EIS.

The degraded watershed, which has resulted from decades of A & B's unlawful occupation, should not be the standard. You know, that point was made last night, that they have, you know, all of these many, many, many decades to go out there and wreck the watershed. And that is not the starting point or, you know, the standard toward which we should aspire in terms of the EIS. Never again must aina be transformed into killed areas, disturbed so severely that the people are deprived of their constitutional rights and human rights to live the subsistence traditions of their kupuna, including growing taro, fishing and gathering from the streams and shoreline areas nourished by fresh water. These also include rights of access to these areas.

We have had to humble ourselves and beg and go through a monthly permitting process just to be able to go up mauka and clean the streams so that the water can flow. Streams must flow continuously and uninterrupted from the mountain to the ocean shores so that aquatic animals can live. Gauges to collect

accurate water, transfer and collect, collection data are critical. Regulatory oversight and enforcement are also critical. Without enforcement, EMI has run roughshod over the people, you know. The public can say whatever they want, but EMI really does whatever they want. You know, they think whatever they want, we go up there, we say, hey, you know, we're supposed to be getting water, but you've completely closed, you know, closed your gate and nothing is coming to us. And they say, oh, well, you know, take it up with our attorney. And then their attorney calls our attorney, and their attorney says, oh, well, my client is in full compliance. And that's the kind of BS our people have been going through for decades. I have one last point. DLNR should seriously consider alternatives to awarding A & B a 30-year lease. I'm totally opposed to A & B receiving the 30-year lease.



10238-02  
September 23, 2019

Ms. Mahealani Wendt  
Na Moku Aupuni o Ko'olau Hui  
P.O. Box 961  
Ha'ikū, HI 96708

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease for the Nāhiku, Ke'anae, Honomanū,  
and Huelo License Areas

Dear Ms. Wendt:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. Section 1.4 of the Draft EIS explains that in 2016, the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of

Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area.

4. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, on indigenous freshwater species, and terrestrial flora and fauna, respectively. The DEIS discusses the impacts of the Proposed Action to freshwater species in Section 4.2.1 and impacts to terrestrial flora and fauna in Sections 4.4.1 and 4.4.2. Both reports are appended to the Draft EIS (See Appendix A and Appendix C).
5. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).
6. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including a discussion of alternative lease duration.

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Edward Wendt

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. WENDT: Aloha.

MODERATOR SENELLY: Aloha.

MR. WENDT: My name is Ed Wendt. I am president of Na Moku. Our community has been involved with this water contested case for many years. In these years, DLNR and (inaudible) have never displayed their leadership in enforcing the laws, protecting our native rights and the public trust doctrine, which are our constitutional rights. Who will enforce these laws? Each stream and river that is diverted has a major impact on our environment and our constitutional rights, when we have never had accurate measurements of the volume of water that is being transferred out of the watershed. We need gauges in the ditch systems and regular intervals to determine how much water is actually being diverted. We are also concerned about invasive species, such as Miconia, Gardenia, and African tulips, which are overtaking the watershed and claiming our native plants. From Maliko to Honopou, which are outside the permitting areas, streams and rivers are diverted by East Maui Irrigation for free. The State has allowed them to take this water also. This should be accounted for. It is in the public trusts interests.

Well water. A & B has 15 wells on its property. The amount of water available to A & B from these wells needs to be accountable. Gray water. We need to know if gray water from the treatment plant can be used for Alexander & Baldwin irrigation needs. USGS studies were done on the streams and rivers, it took three years to do this, specifically for East Maui watershed. Their recommendations should be considered. Water needs to flow uninterrupted into the ocean. It is critical for our health, a healthy environment. Based on USGS studies, we have noticed since the recent release of water that our native species, such as the Koloa bird, Hawaiian stilt and species of the dragonfly, found only in East Maui and Halawa Valley, are returning. OHA should have a say in the wording of the 30-year lease. Honomanu, Keanae, Nahiku are on so-called ceded lands. We'd also like to know how much water Hawaiian Homes is entitled to.

My last comment, for the people of upcountry, Kula Farms and Alexander & Baldwin, you have enjoyed the privilege of receiving water from these four areas. As Father Tomoso stated, water is for life and water is for everybody. And we agree. While you all were enjoying this privilege, we in the four areas went dry. Dewatered completely. This does not match (Hawaiian). This is called sacrifice and culture genocide.

Mahalo.

*Na Moku Aupuni o Ko`olau Hui*  
*P.O. Box 961*  
*Ha`ikū, Hawai`i 96708*

March 10, 2017

Earm Matsukawa, Project Manager  
Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, Hawai`i 96826

SUBJECT: Early Consultation for the Preparation of an Environmental Impact Statement  
Preparation Notice; Proposed Lease for Nāhiku, Ke`anae, Honomanū, and  
Huelo License Areas, East, Central and Upcountry Maui, Hawai`i

Dear Mr. Matsukawa:

Thank you for this opportunity to comment. Na Moku Aupuni o Ko`olau Hui ("Na Moku") is a 501(c)(3) non-profit organization whose members include lineal descendants of the original settlers of the adjacent ahupua`a of Wailuanui and Ke`anae, Ko`olau Moku, current tenants and their spouses.

Na Moku was organized for the following purposes:

- A. to promote the general welfare of the tenants and descendants residing in the Ahupua'a of Keanae-Wailuanui and elsewhere in social, spiritual, cultural, educational and economic affairs;
- B. to preserve and protect, and enhance the quality of the existing life of the people within the Keanae-Wailuanui Ahupua'a;
- C. to provide and improve communication and mutual understanding among the tenants and descendants of Keanae-Wailuanui Ahupua'a themselves and with other community associations concerning their mutual welfare;
- D. to provide a formal voice and organization through which the residents of the community can participate fully and more meaningfully in the determination and development of policies and decisions affecting their destiny.

Accordingly, Na Moku respectfully submits the following comments.

**Conflict of interest.** We respectfully question the appropriateness of Alexander & Baldwin (A&B) preparing this EIS, rather than the state Board of Land & Natural Resources, which shall award the lease, inasmuch as A&B has always had exclusive control of the proposed subject

license area, there has never been another lessee/licensee for over a century, and this arrangement not only gives a strong appearance of a conflict of interest, but also suggests the successful awardee is a foregone conclusion notwithstanding a public bidding process.

**Environmental harms, 1986-2016.** Because of A&B's monopoly, its exclusive use and control of public trust resources for over a century, the EIS should include an assessment, at the very least, of environmental damage which has occurred during the 30-year period since its long-term 25-year license expired in 1986 up to the legislature's enactment of House Bill 2501, the temporary holdover permit legislation which legalized a theretofore illegal practice; i.e., issuance of "temporary" short-term revocable permits. The EIS should include an assessment of damage and steps A&B/EMI will take to repair that damage. There was no interruption of A&B/EMI's massive diversions during the 30-year period 1986-2016, when A&B/EMI held no long-term lease/license. The state DLNR allowed A&B/EMI to continue its up to 450 mgd per day diversions without any accountability for the environmental, social, economic, health, etc. consequences caused by its actions and in contravention of existing environmental laws which were circumvented but which should have applied. Some of the environmental impacts include 100% kill of all aquatic life within completely dewatered streams below A&B/EMI diversions; devastating economic, social and cultural impacts Native Hawaiian taro farmers, gatherers, fishermen and cultural practitioner communities that had historically relied on these streams; proliferation of invasive species and the choking off of natural waterways within the 33,000 license/lease area, causing catastrophic flood events, among other impacts;

The EIS should also include:

- Full disclosure of every single diversion along the East Maui Irrigation system;
- Full disclosure of how much water it diverts from every stream;
- Full disclosure of all maintenance and access roads for the diversion system, including identification of all access points at public roads and highways;
- Maps identifying the entirety of every single stream and tributary that would be affected by this lease;
- Alternative proposed sources of water, including ones that involve no diversions from the East Maui proposed license areas;
- Full disclosure of the amount of water proposed to be taken from each stream daily (average, minimum and maximum);
- Full disclosure of the amount of water proposed to be taken from each license area daily (average, minimum and maximum);
- Impacts of diverting water from every East Maui Stream within the proposed license areas on traditional and customary Hawaiian practices (including kalo farming, gathering of native stream flora and fauna for food, and recreation);
- Impacts of diverting water from East Maui Streams on aquatic life;
- Impacts of diverting water from East Maui Streams on estuaries, including aquatic plants and animals, spawning grounds for fisheries;
- Impacts of diverting water from East Maui Streams on native plant and animal species;

- Impacts of diverting water from East Maui Streams on invasive species, including the creation of mosquito breeding grounds, proliferation of invasive plants within dewatered streambeds and surrounding areas;
- Impacts of diverting water from East Maui Streams on outdoor recreational activities, the maintenance of ecosystems and aesthetic values such as waterfalls and scenic waterways.

**Customary and Traditional Practitioner Input:** Na Moku respectfully requests that every effort be made to contact and gather information from our traditional practitioner family members, attestations as to likely impacts of the proposed lease upon their taro farming, gathering of traditional foods from the streams, fishing practices which depend on healthy estuaries, and related cultural traditional and customary practices.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Wendt". The signature is fluid and cursive, with a large, stylized initial "E" and "W".

Edward Wendt  
President



10238-02  
September 23, 2019

Mr. Edward Wendt  
President, Na Moku Aupuni o Ko'olau Hui  
P.O. Box 961  
Ha'ikū, HI 96708

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease for the Nāhiku, Ke'anae, Honomanū,  
and Huelo License Areas

Dear Mr. Wendt:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas, your oral comments at the February 23, 2017 EIS Scoping Meeting, and your letter dated March 10, 2017. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. For the purposes of this EIS, diversion quantities from the D&O were used to estimate the total amount of water to be diverted by the EMI Aqueduct System from the License Area, a

description of the EMI Aqueduct System and its operation is included within the DEIS (refer to Sections 2.2.1 and 2.1.2).

4. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, on indigenous freshwater species, and terrestrial flora and fauna, respectively. The DEIS discusses the impacts of the Proposed Action to freshwater species in Section 4.2.1 and impacts to terrestrial flora and fauna in Sections 4.4.1 and 4.4.2. Both reports are appended to the Draft EIS (See Appendix A and Appendix C).
5. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C); Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).
6. Cultural Surveys Hawai'i, Inc. prepared a Cultural Impact Assessment for the Draft EIS which assesses the potential impacts of the Proposed Action on native Hawaiian traditional and customary resources and practices. (See Appendix F).
7. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including a discussion of alternative water sources.
8. Section 2.1.1 discusses the Department of Hawaiian Home Lands' water reservation.

Your oral and written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Maluhia Stoner

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. STONER: My name is Maluhia Stoner, and I've lived in Lower Nahiku all of my life. Now before I begin, I would like to inform you that this is specifically for the East Maui Irrigation Company and A & B and does not portray my opinion of the council before me. This is a Hawaiian proverb handed down for generations: When the earth is ill, what is its medicine? Rain. Because when the heavens cry, the earth is healed.

By this saying, it is easy to understand the Hawaiian connection of water and health. The rain that falls from the heavens causes the waters to flow; and they, in turn, gives life to the earth. The earth in turn sustains the people. The waters of life which flow from the mountains and which will sustain our generation and future generations are of great importance to me and people who love and care for the land and culture. The initial development of the ditch system was authorized as a part of the Hawaiian Kingdom's program to promote prosperity for all the people of the Kingdom. Of importance to the native Hawaiian families of the land, each of the water licenses issued under the Kingdom included clauses which protected the water rights of native tenants of the respective lands through which the ditch system was developed.

The original license stated: The continuance of the right here before granted is upon this condition, that existing rights of present tenants of said lands or occupiers along said streams shall in no wise be affected injuriously by reason of anything herein before granted or covenanted.

Now before I continue, I would like to point out that during the time of February 2015, during the drought on the other side of the island, you cut off not only the rivers but the aqueduct that supplies Lower Nahiku with water. May I inform you that we had children under the age of three at the time, and this threatened not only our health but the health of the land, the native plants and animals, and the native fish, both fresh water and salt water. It took having the County workers of our community go all the way to the water blockage and turn it back on. This is a clear violation of the license issued under the Kingdom of Hawaii and is ineligible to pass in court. But regardless of the laws and regulations stated above, you don't only break the laws of the state but the laws that nature itself has set for every man, woman and child who sets foot on these sacred lands; and you are in no position to determine what is and isn't sacred. You're making us pay for our water that you take too much of; and you don't even have the courtesy of doing it within the legal boundaries of the laws you agreed upon years ago.

You take 450 million gallons of water a day and waste a huge percentage on releasing it on the ground. When will you realize there's no more cane fields to feed and that the industrial progression which you

support is the very reason why you feel you must take that much water. You are the reason that there's no water in certain sections of the island. Nature has taken the waters of life from you because you had the nerve to abuse such a sacred element. You have already deprived our culture of the once abundant source of life, and you dare take more. I testify that the East Maui Irrigation Company and A & B is guilty for the theft of our culture, the endangerment of native and indigenous species, the choice to ignore the claims of the Hawaiian people, the people of this island, and the destruction of the home in which we will always and have always resided in.

Thank you very much.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>  
Attention: Mr. Earl Matsukawa

**SUBJECT: EISPN: PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU,  
KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS -  
SCOPING MEETING, FEBRUARY 22-23, 2017**

I DO NOT APPROVE, THE  
ONLY thing I approve is the removal  
of all the waste you call Blockades  
and pipes, and that justice be  
served... BEAT IT!!!

(include additional sheets as necessary)

PLEASE PRINT: Name: Maluhia Stoner Phone: 748-7579  
Organization: The Hawaiian People  
Address: 600 Lower Nahiku RD  
Email: maluhiakepenastoner@gmail.com

Please submit comments by March 10, 2017 or email [woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

\*Receipt of e-mailed comments will be confirmed via e-mail. If you do not receive a confirmation message, please contact our office (see contact information, above).

Name: Maluhia K. Stoner

Email: MaluhiaKapenaStoner@gmail.com

PO Box 434 / 600 Lower Nahiku RD

\*the contacts I would like to have are:

- CEO's of EMI and A+B.

- their attorneys and lawyer.

- anyone with potential power in A+B.

- the email addresses of all of these people.

\*I want copies of the video taken today, and a copy of the information spoken (word-for-word)

\*I want updates on:

- any meetings regarding EMI + A+B 1 month prior to the event.

- Please provide me this information and I will be very grateful.



Now before I begin I would like to inform you that this is specifically for the East Maui Irrigation co. and does not portray my opinion of the council before me. Here is a hawaiian proverb handed down through generations-When the earth is i'll, what is it's medicine... rain, because when the heavens cry, the earth is healed. By this saying, it is easy to understand the Hawaiian connection of water and health — The rain that falls from the heavens causes the waters to flow, and they in turn, give life to the earth; the earth in turn, sustains the people. the waters of life which flow from the mountains, and which will sustain our generation and future generations, are of great importance to me and those who love and care for the land and culture. While testimonies in some public hearings have expressed the sentiment that 'the waters were taken without permission' , the initial development of the ditch system was authorized as a part of the Hawaiian Kingdom's program to promote prosperity for all the people of the Kingdom. Of importance to the native Hawaiian families of the land, each of the Water Licenses issued under the Kingdom included clauses which protected the water rights of native tenants of the respective lands through which the ditch system was developed. The original license stated: and the continuance of the right herebefore granted is upon this condition...that existing rights or present tenants of said lands or occupiers along said streams shall in no wise be lessened or affected injuriously by reason of anything hereinbefore granted or covenanted... now before I continue I would like to point out that during the time of feb 2015, during a drought on the other side of the island, you cut off, not only the rivers, but the aqueduct that supplies Lower Nahiku with water. May I inform you that we had children under the age of three at the time, and that this threatened not only our health, but the health of the land, the native plants and animals, and the native fish, both freshwater and saltwater, it took having the county workers of our community to go all the way to the water blockage and turn it back on. this is a clear violation of the license issued under the kingdom of hawaii, and is eligible to pass in court, but I am nowhere near done. According to chapter 174, part 9 of the state water code, native hawaiian water rights state that Traditional and customary rights of ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778 shall not be abridged or denied by this chapter. Such traditional and customary rights shall include, but not be limited to, the cultivation or propagation of taro on one's own kuleana and the gathering of hihiwai, opae, o`opu, limu, thatch, ti leaf, aho cord, and medicinal plants for subsistence, cultural, and religious purposes. The appurtenant water rights of kuleana and taro lands, along with those traditional and customary rights assured in this section, shall not be diminished or extinguished by a failure to apply for or to receive a permit under this chapter, which states that if we must travel upstream in search of hihiwai, opae, o`opu, or other

native plants or animals that cannot be acquired in our vicinity due to the East Maui Irrigation co. taking too much water, then we have all the right to pass on to your lands to do so with or without your permission. According to chapter 174, section 71, part 6, instream uses of water, The commission shall establish and administer a statewide instream use protection program. In carrying out this part, the commission shall cooperate with the United States government or any of its agencies, other state agencies, and the county governments and any of their agencies. In the performance of its duties the commission shall:

- (A) Establish instream flow standards on a stream-by-stream basis whenever necessary to protect the public interest in waters of the State;
- (B) In acting upon the establishment of instream flow standards, the commission shall set forth in writing its conclusion that the public interest does or does not require, as is appropriate, an instream flow standard to be set for the stream, the reasons therefor, and the findings supporting the reasons;
- (C) Each instream flow standard shall describe the flows necessary to protect the public interest in the particular stream. Flows shall be expressed in terms of variable flows of water necessary to protect adequately fishery, wildlife, recreational, aesthetic, scenic, or other beneficial instream uses in the stream in light of existing and potential water developments including the economic impact of restriction of such use;
- (E) After giving notice of its intention to set an instream flow standard, the commission or other agencies in participation with the commission shall investigate the stream. During the process of this investigation, the commission shall consult with and consider the recommendations of the department of health, the aquatic biologist of the department of land and natural resources, the natural area reserves system commission, the University of Hawaii cooperative fishery unit, the United States Fish and Wildlife Service, the mayor of the county in which the stream is located, and other agencies having interest in or information on the stream, and may consult with and consider the recommendations of persons having interest in or information on the stream. In formulating the proposed standard, the commission shall weigh the importance of the present or potential instream values with the importance of the present or potential uses of water from the stream for non instream purposes, including the economic impact of restriction of such uses. In order to avoid or minimize the impact on existing uses of preserving, enhancing, or restoring instream values, the commission shall consider physical solutions, including water exchanges, modifications of project operations, changes in points of diversion, changes in time and rate of diversion, uses of water from alternative sources, or any other solution;

(F) Before adoption of an instream flow standard or modification of an established instream flow standard, the commission shall give notice and hold a hearing on its proposed standard or modification:✓

✓According to my knowledge, the public is not satisfied with the current instream flow standards and/or the stream-by-stream basis in which the commission has set, and the public is not only entitled to a new instream flow standard, but the ability to build the foundation for a new one. Now regardless of the laws and regulations stated above, you don't only break the laws of the state, but the laws that nature itself has set for every man, woman and child who sets foot in these sacred lands, and you are in no position to determine what is and isn't sacred. You're making us pay for our water that you take too much of and you don't even have the courtesy to do it within the legal boundaries of the laws that you agreed upon years ago. You take 450 million gallons of water a day, and waste a huge percentage on releasing it on the ground, which if I must remind you, kills many native reefs, and destroys the homes of native fish. When will you realize there is no more cane fields to feed, and that the industrial progression which you support, is the very reason why you must take that much water. You are the reason that there is no water on certain sections of the island, nature has taken the waters of life from you because you had the nerve to abuse such a sacred element. You have already deprived our culture of the once abundant source of life, and you dare take more? I testify that the East Maui Irrigation co. and A&B are guilty for the theft of our culture, the endangerment of indigenous species, the choice to ignore the claims of the Hawaiian people, the people of this land, and the destruction of the home in which we will always and have always resided in, thank you very much.

  
Maluhia Kapena Stoner

Lower nahiku, Maui, Hawaii



10238-02  
September 23, 2019

Maluhia Stoner  
600 Lower Nahiku Road  
Nahiku, HI  
maluhiakapenastoner@gmail.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Maluhia Stoner:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated February 23, 2017, and oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The forthcoming Draft EIS will assess anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures

in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended to the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

4. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).

Your oral and written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice  
Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Mapu Kekahuna

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. KEKAHUNA: Mahalo to all our kupuna for being here. Thank you for being here. Today I'm very disappointed as -- I'm going to (inaudible) the vice chair tonight of the community association. And I'm insulted that A & B, your organization, to bypass Hana and involve East Maui, all of East Maui, from Kaupo, Kipahulu, Hana, Nahiku, and everybody else. This is big geographics, yeah. And not have them participate in this EIS, whatever you want to call this. Okay? It's not pono. You know, people, our people here in Maui are seeing the desecration. We see it every day. Gradually we have to keep our Maui, all of us in this room. People, wake up. Because Maui will be gone. It will protect this island.

Seven generations, my family -- I'm a seventh-generation from Nahiku. You know, like you guys said, that EIS, you guys, I was reading through it, that you could probably compromise our domestic drinking water if A& B don't get this 30-year lease. That's what I was reading. Is that a threat?

You know, for me, as a kanaka, I feel like, wow, if A & B don't get what they want, we don't get drinking water, my kupuna have to go to the river and haul water from the river, as they did when they were growing up? Is that what the answer is? I think the County of Maui has a fiduciary responsibility. We have three County water tanks in Makapipi. Like the lawyer said before, carve it out, take Hanawi, Kapaula, Makapipi, carve it out, take out that diversion, let the County of Maui take care of their aqueduct that feeds the county to provide us domestic water, which is our right too, yeah. And then take us out of your palapala. Take the word "Nahiku" out. Take it out, take it out. We don't want it.

You know, our people of Maui can see this, right, plain as day. I drive to Paia every day, Monday through Friday, going back to Nahiku. The traffic is nasty. Selling land quietly, use the term "quietly," they sell it to a businessman in California to supplement that development. People, we're not stupid. We're not stupid. The sooner A & B realizes all the illegal actions -- and I thank the na moku aupuni people that started this battle. It shouldn't be a battle. Not for the kanaka, not for the people of Maui, born and raised, bred, to have to sit in a meeting when we have to work, work, to come listen to this nonsense.

It's expensive to live here in Maui, in our homeland, our one hanau. Expensive to live here, but we have to take that -- our passion for our island is important to all of us. Even for you malehinis that moved here to Maui, you guys can see the desecration going on. Keep Maui Maui. Oahu is already messed up. Leave Maui alone. Take Nahiku out of that equation. That's my recommendation. Cut it out, like the attorney said, cut it out. Take the diversion, feed on the other county tanks, that's it, and let our rivers, rivers flow.



10238-02  
September 23, 2019

Mr. Mapu Kekahuna

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Kekahuna:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Section 1.3.4 of the Draft EIS discusses the Commission on Water Resources Management’s (CWRM) Interim Instream Flow Standard (IIFS) Decision and Order (D&O) and the authority of the BLNR to issue a Water Lease for non-instream uses pursuant to HRS § 171-58, that is subject to the IIFS set by CWRM.
3. For purposes of this Draft EIS, the list of streams assessed as part of the License Area is taken from the CWRM D&O.
4. Section 2.3.1 of the Draft EIS discusses the Maui Department of Water Supply (MDWS) system, including water sourced from the EMI Aqueduct System. Figure 2-4 depicts the MDWS surface water supply system.

10238-02

Letter to Mr. Mapu Kekahuna

Page 2

September 23, 2019

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

Mark H. Kijima  
241 Puanani Place  
Kula, Hawaii 96790

EM

February 22, 2017

RECEIVED  
FEB 27 2017  
WILSON OKAMOTO CORPORATION

Wilson Okamoto Corporation  
Attention: Earl Matsukawa  
1907 South Beretania St. Suite 400  
Honolulu, Hawaii 96826

RE: EISPN East Maui Water Lease 2017-02-08-MA-5E Testimony

My name is Mark Kijima. I support EMI's application for a long-term lease to divert and convey water from East Maui to Central and Upcountry Maui.

I live in Kula so I benefit from water being diverted from East Maui to Upcountry Maui.

I work for BEI Hawaii. Our company sold products that supported agricultural and industrial operations at HC&S. In late 2014 we had 10 employees here on Maui before HC&S announced their closing. We will be down to five employees by the end of this year. There is little prospect that things will improve in our base business without seeing agricultural operations resume in Central Maui.

It is in the public's interest that water continues to be diverted from East Maui to the highly productive, though arid agricultural land in Central and Upcountry Maui whether it is used for organic farms, diversified agriculture or energy crops. These lands would be valuable in helping realize Governor Ige's goal of doubling local food production by 2020 that cannot be met without an adequate, reliable supply of fresh water.

EMI has infrastructure in place to efficiently divert and transport the water from East Maui. It would be a tremendous waste of resources to see this valuable infrastructure fall into a state of disrepair because of a lack of use and maintenance. The costs of restoring an abandoned water conveyance system would be cost prohibitive for the state and county.

Thank you for the opportunity to offer this testimony.

Sincerely,



Mark H. Kijima



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Mark H. Kijima  
241 Puanani Place  
Kula, Hawaii 96790

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Kijima:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated February 22, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The social impacts from modification or removal of diversion structures in streams designated for full restoration are discussed in the Social Impact Assessment by Earthplan (See Appendix G). The agricultural and economic impacts are assessed in the Agricultural and Related Economic Impacts Report done by Plasch Econ Pacific, LLC (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

1907 S. Beretania Street, Suite 400 • Honolulu, Hawaii • 96826 • (808) 946-2277

10238-02

Letter to Mr. Mark Kijima

Page 2

September 23, 2019

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: Comments on EISPN Proposed E. Maui Water Leases  
**Date:** Tuesday, March 7, 2017 10:25:35 AM  
**Attachments:** [image001.jpg](#)

---

## Jeanine S.H.Y. Morioka

Secretary



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

**From:** marksheehan8@gmail.com [mailto:marksheehan8@gmail.com] **On Behalf Of** Mark Sheehan  
**Sent:** Sunday, March 05, 2017 9:24 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** Comments on EISPN Proposed E. Maui Water Leases

Dear Mr. Okamoto:

Mahalo for the opportunity to comment on EISPN for the use of water from four license areas consisting of 33,000 acres of public lands and water in East Maui.

I have been a Haiku resident for over forty years, own 10.5 acres of land through which flows the dewatered Kuiaha stream. My farm operations which are extensive have been directly impacted by diversions.

The comments from Native Hawaii Legal Corporation need to be addressed in the Draft EIS. The information they request should be included.

The Draft EIS needs to consider a wider range of management alternatives. I do not think that EMI has been a good steward of the lands. Because they have been gifted public waters at a bargain rate, EMI has allowed the ditch system to deteriorate with unacceptable losses as high as 30mgd. Nor have they worked to protect the watershed. I don't believe Maui county or the state of Hawaii would do much better, so I favor a trust type of watershed partnership to manage the resource with first priority to be repair of the system along with work to control invasive species that are degrading the watershed.

I look forward to the publication of the EISPN as soon as possible.

Respectfully,

Mark Sheehan  
588 E. Kuiaha Rd.  
Haiku, HI 96708



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Mark Sheehan  
588 E. Kuiaha Road  
Haiku, HI 96708

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Sheehan:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 7, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural and Related Economic Impacts Report (See Appendix I) and an Assessment of the Environmental Impact of Stream

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Page 2  
September 23, 2019

Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A).

5. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Martha Martin

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. MARTIN: Thank you. I appreciate all of the work that is being done on the EIS. I think it's going to be a very interesting document. And some of my comments that I have I think go -- should be directed to the Department of Land and Natural Resources, not to the EIS.

I have -- I've lived on Maui for 50 years and I see that agriculture is changing on Maui. We're not going to have a big mono crop cultivation of sugar that we -- and pineapple that we used to have. And so what I would like added to the EIS is for the EIS to address the condition of the ditches and the amount of water leases that exists today. It may be in there, but in my hurried look at it on the computer, I didn't see anything that reported that, the condition of the ditches and the amount of leakage in the ditches.

Also I would like the EIS to recognize what the priority is for water use. To me, that land that they're drawing water from is watershed and the primary use of the water should first be watershed and stream protection and forest preserve.

And the -- for me, the second priority should be the farmer taro users of the streams and restoring flow of the water in the streams which maintains animal and reef life in the ocean.

And then I think the third user that should have priority should be the county.

And then No. 4, I think the small farmers, both old and new, should get priority because we don't produce enough of our food locally. And when sugar and pineapple were grown, they didn't support our state with enough diversity.

And then No. 5, the last bidder allow -- the last bidders allowed to bid I think should be corporations and I think they should get only short-term leases, not -- not 30-year leases.

And I think bidders who are working to make Hawaii more self-sustaining in food and energy should be given priority over private profit. And so thank you for this chance to speak and I hope we're going to make a good decision on this.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Martha Martin  
29 Hana Highway  
Paia 96779  
mauimartha@gmail.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Martin:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including discussion of alternative lease terms.
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of

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Letter to Ms. Martha Martin

Page 2

September 23, 2019

Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Mr. Albert Perez

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. PEREZ: I have a lot of comments and I'm not going to read them all because I'm going to submit written testimony, but I did want to talk about what I consider to be A major flaw in the initial premise of the EIS preparation notice. So there are many places where it says the proposed action will maintain existing conditions subject to the pending stream flow decision and those significant impacts are anticipated for various topic areas of like geology and things like that. To me, that is a flawed premise, you are -- sorry.

Currently HC&S is using very little water and it may be years before they use much more. In terms of the environmental impacts of the proposed action, it does not matter what their stated future intent is, we have to evaluate from the existing situation, which is that opae and other stream life are currently using habitat that currently exists. The proposed action will reduce or eliminate this habitat and that is an impact that must be analyzed. Kalo farmers currently have water available that will be reduced or eliminated by the proposed action and this is an impact that must be analyzed. So your -- I think if you -- if you go ahead on this basis, that the entire EIS will be flawed.

I also wanted to say that no one is talking about either/or, you know, it's not either Central Maui gets water or East Maui gets water, it could be both. There's plenty of water, but it should be used wisely. I'm hopeful that some of the people here today will share what positive impacts they've already seen from the increased water flow, and we have heard some of that. We need to insist that this EIS has real information about real impacts and not just gloss over what has happened in the past, because we can learn from that and incorporate that into the EIS. And then I'm not going to go into detail about what should be discussed, I'm going to leave that out, but I did want to talk about some alternative actions that could reduce harm to the environment and to cultural users such as: Leaving more water in the streams than A&B has requested, using other water sources like wells or streams that A&B already diverts outside of this lease area. Maybe they have enough already, maybe they don't need this, this lease. Making sure that the water is used for agriculture. A&B does not have clear plans for agriculture. They keep changing it and the land is being sold, so what assurance do we have that leasing this thing for 30 years, that the water is going to be used?

How about growing crops that are appropriate for the environment out there in Central Maui that -- I mean, you don't have to grow mangos in the middle of the arid part of the island. Using less thirsty crops that would use less water. Currently 42 million gallons per day is lost from the ditch system and the reservoirs. How about the alternative of reducing ditch system and reservoir losses? How about allowing more access to public lands so that we can see what's actually going on there?

Do you want stop me?

FACILITATOR SENELLY: I'm going to -- you said that you were going to turn something in?

MR. PEREZ: I am.

FACILITATOR SENELLY: Because it's still gonna be on record. Is that okay?

MR. PEREZ: That's fine.

FACILITATOR SENELLY: All right. And here's what I'm saying, here's what I'm saying, we do have limited time and --

MR. PEREZ: I'm almost pau.

FACILITATOR SENELLY: Okay.

MR. PEREZ: I think it would be very important that we get actual stream flow data. We just participated in the --

FACILITATOR SENELLY: No, no. I'm acknowledging that.

MR. PEREZ: Okay. I'm just watching that finger. (Laughter.)

FACILITATOR SENELLY: No, no, no. Because I -- we've heard that and I'm just acknowledging.

MR. PEREZ: Okay. We don't have stream flow data for each stream that's proposed to be diverted and we should have. We should explore alternatives and shorter lease terms, an alternative of just leasing the ditches and roads instead of the entire 30,000 acres. What about the possibility of state acquisition and repair and maintenance of the diversion system and charging of market rates for water to generate enough money for that repair and maintenance?

And then it can be administered in accordance with the public trust instead of -- I mean, let's face it, the county relying on a private corporation for its Upcountry water system is really, really risky. What if they change their minds, what are we going to do Upcountry?

And then, finally, I'd like to ask about if the EIS could analyze -- and I don't know if this is appropriate or not because A&B is applying for a lease, DLNR is evaluating the impact of that lease to them, but what about the possibility of having other bidders for a lease on these waters?

FACILITATOR SENELLY: There -- actually, that is going to be happen.

MR. PEREZ: Okay, Good. And I'll wrap up here. There's also a problem with the analysis in the EIS preparation notice. It says that the -- the no action alternative says that no entity, including A&B, would have the right to use waters derived from state lands if they don't get the lease, but this is not true. Downstream riparian and appurtenant users would have that right. The water's gonna flow and people can use it, so its incorrect to say that nobody would have the right to use that water. The other thing that I found odd was that the preparation notice raises the possibility that continued maintenance of the ditch system outside of the leased areas might not be economically feasible. I don't understand why that would be true outside, but not inside the leased area.

FACILITATOR SENELLY: Okay. I'm going to -- and we'll make -- we have your oral and you're going to turn in your written and I -- is that okay?

MR. PEREZ: I am actually done.

Maui Tomorrow Foundation  
55 North Church St, Suite A-4  
Wailuku, HI 96793

Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, Hawai'i 96826  
woc@wilsonokamoto.com

March 10, 2017

Attention: Mr. Earl Matsukawa, Project Manager

Re: Environmental Impact Statement Notice: Proposed Lease for the Nāhiku, Ke`anae,  
Honomanū, and Huelo License Areas of Public Land, Maui, Hawaii

Dear Mr. Matsukawa:

Maui Tomorrow Foundation (MTF) is grateful for this opportunity to provide comments on the Environmental Impact Statement Preparation Notice (EISPN) for the use of water from four license areas consisting of 33,000 acres of public lands and waters in East Maui. We have been part of a coalition that has long requested environmental review for the removal of such large quantities of water - which is a public trust resource held in trust for all the peoples of Maui - from public lands.

Following, please find our comments on the type of information that must be included in the Draft EIS to comply with the content requirements established by Hawai'i Administrative Rules (HAR) Sections 11-200-16 and 11-200-17. Without this information, the document will not disclose enough information to government agencies, the general public, stakeholders, and decision-makers about the anticipated impacts of the project, alternatives to the proposed action and feasible measures that might be taken to mitigate potential impacts, sufficient to allow informed decision making.

Scope of the Draft EIS:

We do not concur with the EISPN statement:

*"The Proposed Action is limited to the issuance of the Water Lease for the subject License Area, which would enable A&B to continue operation of the EMI Aqueduct System that has been in operation for over a century. In general, the Proposed Action will maintain existing conditions, subject to the pending IIFS decision and any reservations in favor of DHHL."*

The DEIS document needs to acknowledge that "existing conditions" and operations of the East Maui Irrigation (EMI) system for over a century already have multiple impacts on streams, stream life, aquifers, watershed health, local subsistence agriculture, traditional farming and gathering and economic viability of rural families...these current conditions need to be

discussed, and viable alternatives to the status quo presented, in the alternatives section of the DEIS. The scope of alternatives discussed in the EISPN is too narrow to comply with the standards set out in HAR 11-200.

The EISPN states in many places that the Proposed Action will maintain existing conditions, and that no significant impacts are anticipated. This is a seriously flaw that will invalidate the entire EIS if it remains unchanged. Currently, Alexander and Baldwin/East Maui Irrigation/Hawaiian Commercial & Sugar (A&B) is using a lower amount of water than they were prior to the end of sugar operations; it may be years before they use much more. In terms of environmental impacts of the Proposed Action, it does not matter what their stated future intent is. Opaie and other stream life currently have access to habitat that currently exists. The Proposed Action will reduce or eliminate this existing habitat. The impacts of the proposed action that must be analyzed in the current context.

Similarly, kalo farmers currently have water available for kalo that will be reduced or eliminated by the Proposed Action. The reduction in available water, as compared to existing conditions, is an impact that must be analyzed.

Many people at the EISPN hearings on February 22nd and 23rd, 2017 testified regarding positive impacts that they have already seen from increased stream flow resulting from the cessation of sugar operations. The EIS must discuss the following:

1. information about known impacts that occurred in the past, which are likely to occur again if water is diverted as it was in the past
2. present impacts that are continuing (such as watershed degradation as a result of invasive species having gained a foothold as a result of low stream flows)

Maps Need More Clarity:

Fig 1-1 ditch system map does not very clearly delineate the EMI ditch systems. The colors used to indicate abandoned or active ditch sections are not very distinguishable. The dotted lines used to indicate ditch tunnel sections make the relationship of the various ditches hard to determine. Using a contrasting color to mark tunnel sections would make more sense.

Fig 1-3 shows the Alexander and Baldwin (A&B) use area for diverted water but does not indicate:

- the County of Maui Department of Water Supply (MDWS) use area that depends upon the EMI diversions
- the location of the MDWS aqueduct systems (Upper and lower Kula Pipelines) which occur almost entirely outside the lease area and are not dependent upon continued water diversion by EMI.
- the area containing streams outside the lease area that are diverted by EMI and provided to the A&B use area regardless of the outcome of the License agreements

All of these are important parts of the information the Board of Land and Natural Resources (BLNR) needs in order to understand what the EMI system does. If these items are not included on this map, new maps should be created to clearly include this information.

## Section 1.2

The BLNR instructed that the scope of work should distinguish between those matters that can be undertaken prior to the (Commission on Water Resources Management (CWRM) decision on the petitions to amend the Interim Instream Flow Standards (IIFS), and those matters that require the final CWRM IIFS decision. The EIS needs to follow the advice of the U.S. Fish and Wildlife Service (USFWS) and provide analyses based upon different ranges of IIFS restoration, not wait until IIFS is resolved.

## Sec 1.3

The description of the Proposed Action states that the Lease agreement “will also allow the continued provision of water to approximately 30,000 acres of agricultural lands (formerly in sugarcane) in Central Maui owned by A&B (See Figure 1-3). “

The recent maps and charts provided for the East Maui Stream IIFS Contested Case ( A&B Exhibit C-156-A) refer to 3,954 acres of that 30,000 acres being used for “unirrigated pasture” and a total of 26,996 acres that will need some form of irrigation from A&B water sources in the EMI system. The DEIS should be consistent with these figures.

Section 1.3 also states: “The Water Lease will not allow the lessee to use more water than the amount that will be available for diversion after CWRM issues a decision on the pending IIFS matters.” The Draft EIS needs to clearly indicate how much diverted surface water will be available to meet A&B’s diversified ag needs from streams outside the lease area that are also heavily diverted by the EMI system. Specific information should be provided about these streams and their output to the EMI system.

There should also be specific delineation of provision for water needs for Department of Hawaiian Home Lands (DHHL) lands, within East Maui and the upcountry MDWS service area, as noted in the DHHL comments.

## Section 1.4

The EISPN states that, “Settlements along Hāna Highway from west to east, toward Hāna, include Huelo and Kailua makai of the Huelo License Area, Ke’anae and Wailua makai of the Ke’anae License Area and Nāhiku makai of the Nāhiku License Area.”

This description should add the communities of Honopou, Hanawana and Hoolawa to the Huelo Lease area. These communities have no public water systems, and the DEIS needs to specifically discuss mitigation plans to restore sufficient flows to Puniawa, Hoolawa, Mokupapa, Honokala,

Waipio, East Waipio, Waipio iki and Hanawana streams to provide domestic water to hundreds of families who live in these communities. Their streams are not part of the 2001 IIFS petition for the East Maui Lease areas, yet the continued diverted conditions of their streams impact their daily lives and their rights to have sufficient water for their domestic needs.

### Section 1.5 Purpose and Need

Section 1.5 states: “The “need” for the Water Lease is due to the lack of existing adequate alternative sources of water and infrastructure to meet these demands.”

This section should clearly define the amount of A&B acreage actually needing irrigation and additional EMI sources of stream water outside the lease area, or reclaimed water from the Kahului treatment plant, to provide that irrigation. It should also note that a portion (around half) of the Upcountry MDWS system comes from diversions outside the proposed lease area, or from fresh water wells, and is not dependent on the EMI system. It should also discuss new upcountry wells being planned by the MDWS and DHHL as potential “alternative sources”

### Section 1.6 Environmental Characteristics

Section 1.6 states: “There are 39 identified streams within the four License Areas (See Figure 1-4), several of which are the subject of the pending IIFS decision before CWRM (See Table 1-2). Some have identified Waikani as a stream, but it is a waterfall on the Wailuanui stream, and not a stream itself.”

IIFS hearings Officer, Dr. Lawrence Miike identified 43 streams in the Lease area in his 2016 Findings of Facts/ Conclusions of Law (FOF/COL) and Decision and Order. This information should be reflected in the DEIS.

Fig 1-4 “License streams” is incorrect - a number of stream names are left out.

Table 1-2 is also incorrect. For example: Hanehoi and Puolua and Huelo stream are all separately diverted streams. Honokala stream and Waipio Iki stream are left off; East and west Wailua iki are separate streams that are each diverted. This Table should list all 43 streams found in Dr. Miike’s 2016 Findings of Facts/ Conclusions of Law (FOF/COL) and Decision and Order.

### Section 1.7 EMI Service Area

Section 1.7 states: “While DWS has worked diligently in recent years to bring additional sources of water online for Upcountry users, the County’s dependence on water received through the EMI Aqueduct system cannot be overstated.” “Three DWS water treatment facilities rely on water from the EMI Aqueduct System.”

The DEIS needs to clarify that two DWS water treatment facilities only rely on the EMI system during the driest portion of the year.

The DEIS needs to clarify that DWS has around 4 mgd in existing well capacity for its upcountry system and usually uses about 25% of that due to expense of pumping the wells. The EMI water, under current conditions, is not the only water available to DWS; it is the cheapest water. That should be made clear. If renewable technologies were available to pump the wells, as A&B has done for many years to operate some of their wells, additional water could possibly be feasible for the upcountry system.

Section 1.7 refers to the current “Memorandum of Understanding” (MOU) executed between the two parties.” It should also refer to the section of the MOU where both A&B and DWS agree to work on plans to restore stream flows if agricultural needs change (which they have!!) The DEIS should specify those plans for stream restoration that have been discussed by A&B and DWS.

Section 1.7 states: “The Kamole-Weir Water Treatment Facility relies on water from the Wailoa Ditch, which receives water from diversions of several streams: Honopou, Hanehoi, Puolua, Alo, Waikamoi, Puohokamoa, (West, Middle and East Branches), Ha’ipua’ena, Kōlea (East and Punalā’u), Honomanū, Nua’ailua, Pi’ina’au, Wai’aka, Kapā’ula, Hanawī, and Makapipi (East and West). The average daily production at this facility is 3.6 MGD, but it can process up to 6 MGD at maximum capacity.”

This list leaves off the following streams that are diverted by the Wailoa-Ko’olau Ditch: East & West Wailua Iki, and East & West Wailua Nui, Waipio, Hoalua, Ho’olawa, Na’ili’ili haele, Kailua, Waiohue, Kopili’ula, Wahinepe’e, Waiokamilo, Puakea, Puaka’a and Palauhulu. The DEIS should have an accurate list.

Section 1.7 states: “The EMI Aqueduct System continues to serve a critical role in providing Upcountry Maui with water, and should the delivery of water from the EMI Aqueduct System to DWS be curtailed, Upcountry Maui and the Nāhiku community would be left without a reliable source of water.”

The DEIS should clearly state what level of “curtailed” delivery of water from EMI would begin to effect the DWS Upcountry system, since a very small portion (3 to 10 mgd) of the EMI system capacity goes to DWS, and around half of that amount travels thru their own systems, which are not currently pictured on EISPN maps.

Section 1.7 states: “Agricultural Users: Upcountry Maui was once the center of vegetable production in the State, but over recent decades, many of the large farms changed ownership leaving the KAP as the only large continuous farmland in the region.”

Details must be provided to support this claim. According to CWRM reports used in the IIFS proceedings, the upcountry system supplies around 40% of its water to commercial farmers.

Section 1.7 states: “When under sugar cultivation, the full needs of the 30,000 acres of Central Maui fields could not be met by stream waters diverted by the EMI Aqueduct System at all times of the year. Every month, HC&S would be required to utilize its brackish wells to supplement available surface water supplies to meet the demands of its sugar cultivation operations in Central Maui.”

Given this fact, the Alternative’s section of the DEIS needs to discuss crops and growing methodologies that will use significantly less water than the 115 mgd currently discussed in the EISPN. The Maui Tomorrow Foundation’s report “Mālama ‘Āina: A Conversation About Maui’s Farming Future” provides information on these proven methods. HC&S historically used their brackish wells for up to 40% of their water needs up to 2002. They are part of a reliable system. A&B also reported being short of water 10 months out of the year, even though they had unrestricted access to all of the water they could divert from East Maui, and 25 mgd from Na Wai Eha and their system of 15 wells.

#### Section 1.8 Project Setting

Section 1.8 states: “Immediately upon acquiring HC&S, the partners started construction on the Lowrie Ditch, which started in the rainforests of Kailua in the Makawao District of Maui. The ditch had two sources, the first was a reservoir at Papaea that was fed by two five- to six-mile ditches, and the second was Kailua Stream where a diversion intercepted the source of the older Ha’ikū Ditch and ran parallel to that ditch.”

This description of the Lowrie ditch diversions is incorrect. Lowrie also intercepts and diverts dozens of other streams along its route. A complete chart of all the ditches and diversion points in the lease area should be provided in the DEIS, as has been requested by Native Hawaiian Legal Corp in their comments.

This section also has no mention of construction of the New Hamakua ditch, Manuel Luis and Center ditches, and no mention of construction of county upper and lower Kula pipelines. These pipelines traverse EMI lands and are serviced by intakes on the upper reaches of around five streams that flow through the East Maui lease area. The intakes, mostly above the East Maui lease area, are maintained by EMI, which charges the county for “water delivery” that arrives at the DWS reservoirs through the Kula pipelines. It is important that the DEIS clearly explains the workings of this system.

Section 1.8 states:

“In 1938, the Territory of Hawai`i and EMI entered into an agreement intended to set the stage for competitive bidding when the existing water licenses expired. The 1938 agreement provides for the joint use of the EMI Aqueduct System. “In the agreement, both parties granted easements to each other for portions of the aqueduct facilities that crossed land owned by each respective party,”

The DEIS should discuss the alternative of the system being managed as a public irrigation district, being managed by a partnership of agencies and stakeholders, and other possible management scenarios. Maui DWS also referred to a need to have the DEIS discuss these options in their comments. EMI/A&B would then be one user of the system. The DEIS should also discuss the option of individual lease areas being awarded to the residents of the area who depend upon the streams.

Section 1.8 states: “Another aspect of the agreement set forth the manner in which the Territory was to charge for water collected. The amount charged was to be in inverse relation to the distance between the source and the delivery point. Thus, the government received less for Nāhiku water, which had to travel the greatest distance to Central Maui fields, than it did for water taken from the Huelo license area, which was closer to the Central Maui fields.”

The Nahiku lease, according to EMI, delivers much more water than the lease areas further west. The lower flat fee based upon distance does not account for this windfall. The alternatives section should discuss a variety of updated fee schedules and a funding structure that creates enough revenue to actually actively manage the lease lands for watershed productivity.

Section 1.8 states: “Over the course of the 20th Century, A&B retained the rights to the use of water from the License Area by being the successful bidder for water leases, the last of which expired in 1986, issued by the State of Hawai‘i Board of Land and Natural Resources (BLNR).”

The DEIS should clearly explain that no one else bid on the leases and A&B/EMI had a defacto monopoly on their use.

Section 1.8 states: “The industrialization of agriculture served as a catalyst for radical social, cultural, and economic change that the islands experienced over the course of the latter half of the 19th century, and much of the 20th century.”

The DEIS also needs to discuss that this industrialization and dewatering of streams has left lasting and continuing impacts on the watersheds and the communities who dwell there as well as native Hawaiian cultural practices. The EIS should acknowledge those impacts and address the following mitigations:

- 1) restore watershed health and productivity in lease areas
- 2) Restore native stream life and viable stream flows for traditional agriculture
- 3) restore soil health and productivity and reduce water demand in central Maui

Section 1.8 states: “While the sugar industry on Maui has steadily declined and all but disappeared (prompted largely by the decline in relative value of sugar as a commodity and the steady increase in production costs), the aqueduct systems that enabled the mass cultivation of previously arid, non-arable lands remain in place and may continue to service the community in

support of Maui’s rich agricultural tradition and history, and may serve as an asset to ensuring the sustainability of Maui’s economy moving forward.”

The DEIS must discuss the relative benefits of regenerative agricultural methods in future plans for the irrigated former sugar lands. Examples would be: rotational grazing; extensive cover cropping; contour plowing and water collection swales (see MTF “Mālama `Āina report referenced earlier). The DEIS cannot conclude that “sustainability” will be achieved by using the same outmoded methods that lead to past chronic water shortages.

## Section 2. ALTERNATIVES CONSIDERED

Section 2 states: “The Draft EIS, in addition to the No Action alternative, however, will identify alternative(s) that contemplate a lease that permits less than the IIFS-enabled diversions, and will evaluate environmental impacts, benefits, costs, and risks of such alternative(s).”

Alternatives should include:

- shorter lease terms
- high, medium and low IIFS levels set by CWRM
- A&B use of only diverted waters outside of Lease area and County use of some lease area waters
- creation of additional large capacity storage, and A&B use of high flow waters to fill these new and existing reservoirs
- measures that can reduce the 22.7% system water losses and deliver more water with less diversion
- alternative management systems for the ditch system and watersheds, including:
  - State acquisition, repair and maintenance of the diversion system
  - Operation of the irrigation system by a nonprofit water system operator, providing water to multiple users in a manner consistent with the public trust,
  - Charging market rates for water to generate sufficient funds for repair and maintenance of the system.
- alternative fee structure for the water leases
- alternative size of lease area, freeing public lands for more recreational use.
- elimination of whole lease areas from the proposed license agreement to allow for streamlife habitat
- restoration of stream flows to communities with no public water supply in the Huelo license Area who are not part of the East Maui IIFS Contested case petition
- using other water sources like wells, or streams that A&B already diverts outside the lease areas.
- making sure the water is used for agriculture. A&B does not have clear plans for agriculture, and their agricultural land is continuing to be sold.
- growing less thirsty crops
- allowing more access to public lands

- postponing action until actual streamflow data is gathered for each stream proposed to be diverted, including an evaluation of the benefits that would accrue by having real information on which to make decisions.
- just leasing the ditches and roads, instead of the entire 30,000 acres mentioned in the EISPN
- Leasing of a smaller area than is included in the four license areas.

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*[Note that per HAR 11-200, the discussion of alternatives shall include, where relevant, those alternatives not within the existing authority of the agency.]*

## 2.1 No Action Alternative

Section 2.1 concludes that: “ As a consequence of this Alternative, in order to meet the objectives set forth in Chapter 1, both domestic and agricultural water demands in Upcountry Maui, as well as agricultural demands in Central Maui, would need to be met by alternative water sources that may include but are not limited to: desalinization of seawater or brackish groundwater or the extraction of fresh groundwater from wells that currently do not exist.”

The DEIS should analyze what portion of A&B’s water needs have been and can be met thru water from A&B lands outside of the License Areas through the EMI Aqueduct System. The system diverts at least 10 streams that are not part of the License areas.

Many sections of the EISPN conclude that there are No Impacts from the proposed action, therefore, none will be discussed in the DEIS. We believe the DEIS should consider the following impacts and discuss them in.

### Section 3.1 Climate

DEIS should mention impacts of continued large scale diversions proposed in the event of climate change, and provide strategies for the EMI system to respond to changes in rainfall patterns. There should also be a discussion of funding needed to be resilient and grow the capacity of our watersheds to store and release surface and ground water that supplies the EMI system in response to changing weather events. The continued mass dewatering of streams will have impacts if rainfall patterns change.

### 3.8 Visual Resources

The DEIS should discuss impacts of proposed large scale diversions on the dry and diminished appearance of streams, pools and waterfalls enjoyed by the public during hiking and nature study and by local residents in areas like Ho’olawa, Hanawana, Mokupapa and Waipio.

#### 3.10.4 Recreational Uses and Park Facilities

Section 3.10.4 states : “No significant impacts on parks and recreational facilities within the subject License Area are anticipated as hunting and hiking access to the License Area would be maintained under the issuance of a State Water Lease.”

The EMI leases limit public use and enjoyment of public lands, as noted in comments from DLNR lands division and Na Ala Hele. The proposed lease area also includes streams that are part of recreation use at such facilities as the Garden of Eden arboretum, Twin Falls Community and Camp Ke’anae. Recreational use of many streams in the lease area, especially in local neighborhoods such as Hanawana, Hoolawa, Mokupapa, Honokala, Honopou and Huelo is already significantly impacted under the former lease conditions. The proposed diversions will continue those impacts and should be discussed.

#### 3.10.5 Solid Waste

Section 3.10.5 states: “No significant impacts on solid waste disposal services or infrastructure are anticipated from the Proposed Action.”

The DEIS should discuss EMI plans to remove decades worth of debris and waste from ditch system maintenance that has been left to clutter the natural features of the lease area. It is not accurate to conclude that the project will not generate any solid waste, when past activities already have generated significant waste, and this waste has not yet been removed.

#### 3.10.1 Police and Fire Protection Services

If stream water is used for central Maui development there will be a cumulative impact on public facilities and services that must be considered. The EISPN is silent on those proposed uses, but A&B has “provided” stream water allotments to Maui County in the past to secure additional water meters for developments on A&B’s own former agricultural lands (such as Haiku Hill, Haiku Makai). The full range of potential development impacts resulting from this type of water allotment should be discussed.

#### 3.11.2 Traffic

The cumulative effects on traffic of A&B having access to millions of gallons of water to use for development if Ag operations “fail to be profitable” needs to be discussed as a real scenario. Even Maui County DWS has suggested in their comments that A&B’s diversified agriculture plans may not be viable.

The following topics need to acknowledge existing and continuing impacts in the DEIS.

### 3.3.1 Hydrology

Section 3.31 states: “Of these 40 streams, A&B has historically operated diversions on 37, but abandoned the diversion of one stream in 2007, and is in the process of permanently abandoning all of its diversions on 5 additional streams, all as shown in Table 1-2.”

There are far more than diversions than on the 37 streams in the license area. Dr. Miike’s Decision & Order names 43 streams. Many of these streams also have multiple tributaries which are each individually diverted. The EISPN needs to fully describe the extent of the resource being impacted by the diversions.

Also, A&B already has or intends to abandon diversions on 8 streams: Waiakamilo, Wailua Nui (East and West) Palauhulu, Pi’ina’au Hanehoi, Puolua and Honopou. (July 18, 2016 CWRM order re: Interim Restoration of Stream Flow). The DEIS should contain this accurate information.

The DEIS needs to provide information on every stream in the lease area, including the amount of water that is diverted or planned to be diverted, from each section of each stream, each stream as a whole, each license area, and all licensed areas as a whole. This is not currently mentioned as needed data in the EISPN.

### 3.3.2 Groundwater

Nahiku to Keanae aquifer is believed to be fully saturated with no separated levels between Kula and Honomanu basalt layers. (Gingerich, 1998) This implication and the deep connection between surface and ground water in a “saturated” aquifer should be discussed in the DEIS. It should also acknowledge that diversions over the last century had significant impacts on the aquifers and watershed health, which continue to progress; the proposed lease would cause a resumption of those impacts.

### 3.3.3 Coastal Waters

Existing and ongoing impacts to our coastal waters and fisheries need to also be discussed in the DEIS. It should also acknowledge that East Maui diversions over the last century had significant impacts on coastal waters and fisheries, not just on Maui, but throughout the Hawaiian Islands; the proposed lease would cause a resumption of those impacts, and those impacts should be discussed.

### 3.5.1 Flora

We fully support the comments of USFWS regarding impacts of diversions on threatened and endangered flora and fauna in the Hanawi section of the lease areas. Significant native plant communities are also found above Puohakamoa, Waikamoi, Haipuaena. Impacts of maintenance equipment bringing in invasive species needs to be discussed and mitigated.

### 3.5.2 Fauna and Aquatic Habitat

Impacts on endangered fauna and flora (plants and avian species) should be discussed, as well as impacts on existing native stream life resources and anticipated impacts on all native stream life species used for traditional practices. We concur with USFWS comments, which should be used to formulate content of the DEIS.

### 3.5.3 Historic and Archaeological Resources

Previous and ongoing impacts to archaeological resources such as lo'i, 'auwai and house sites in the lease areas should be fully documented, as these can be expected to continue if the proposed lease is granted.

### 3.5.4 Cultural Resources

Hamakuapoko has cultural sites in A&B agricultural fields that should be identified and protected; Hamakualoa also has cultural sites in the lease area lands that should have proper recording and protection. Old ditch structures such as the Spreckels Old Haiku ditch, are also deteriorating and drifting downstream in chunks. Impacts to gathering and cultivation of traditional crops should be addressed, including impacts in areas where no restoration is being proposed, such as the Hanawana and Kailua areas, Waipio and Waipio Iki, Hoolawa, Honokala, Makapipi and Mokuapapa.

The DEIS should use Kepa Maly's East Maui study as part of the Cultural Impact Assessment.

## 3.9 Socio-Economic Characteristics

Cumulative Socio-Economic impacts of A&B controlling use of such a large amount of water for 30 years, as proposed, must also be discussed.

### 3.11.1 Diversion Infrastructure

DEIS needs to discuss abandonment of ditch structures on permanently restored streams and what happens to diverted water on streams while they await "permanent restoration." It should also discuss, the effect of diversion design and its impact on native streamlife migration, as well as the impacts/benefits of permanently removing all ditch structures on the

permanently restored streams. In addition, there should be a discussion of who controls the diversion structures, how any allowable streamflow amounts will be enforced, and the relationship that public access to the leased areas has on the likelihood of streamflow violations being reported.

### 3.11.3 Potable Water System

Some DWS Kula Pipelines intakes appear to divert streams in the lease area. The intake for the Nahiku DWS supply is in the lease area. Community water systems for Huelo, Honopou, Hoolawa, Waipio resident are in the lease area. What happens there affects many potable water users; this should be discussed in DEIS.

### 3.12 Secondary and Cumulative Impacts

The DEIS should include impacts of utilizing water for any uses other than agriculture that are anticipated over the 30 year term of the proposed lease.

### 4.2 Required Permits and Approvals:

If the IIFS limits diverted amounts on some streams in the lease area, it is possible that EMI may seek to obtain more water thru greater exploitation of the remaining streams in the lease areas. This should be discussed as a possible cumulative impact. Permits are already required and not complete for proposed restoration of 8 streams.

The DEIS should provide details of plans to restore stream courses and watersheds in the lease area where diversions are being permanently abandoned and removed, as well as impacts of such restoration.

Mahalo for the opportunity to comment.

Albert Perez  
Executive Director  
Maui Tomorrow Foundation



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CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Albert Perez, Executive Director  
Maui Tomorrow Foundation  
55 North Church Street, Suite A-4  
Wailuku, HI 96793

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū,  
and Huelo License Areas

Dear Mr. Perez:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, by providing your written comments on the EISPN, dated March 10, 2017, and your oral comments at the February 22, 2017 scoping meeting. We also appreciate Maui Tomorrow Foundation's early consultation comments provided by letter dated December 27, 2016 from Mr. Isaac Hall, Esq., on behalf of Maui Tomorrow Foundation, wherein he stated that Maui Tomorrow Foundation joined in the early consultation comments made by Native Hawaiian Legal Corporation (NHLC) dated December 26, 2016. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments and the NHLC comments have been appended to the Draft EIS in Appendix J (Pre-Assessment Consultation Correspondence) and Appendix M (Scoping Meeting and EISPN Comments and Responses). We have also enclosed a copy of our response to NHLC's comments.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. Section 1.4 of the Draft EIS explains that in 2016, the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who

purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction,

3. Chapter 1 of the Draft EIS discusses the purpose and need of the Proposed Action.
4. Chapter 4 of the Draft EIS discusses the existing environment, impacts of the proposed action and mitigation measures. As relevant and appropriate, the discussion of impacts includes those pertaining to conditions before and after the closure of sugar cultivation in 2016.
5. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including alternative duration and diversion volume, as well as a No Action alternative. Section 3.1.1 of the Draft EIS discusses water source alternatives. Section 3.1.2 of the Draft EIS discusses alternative aqueduct ownership.
6. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
7. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action and alternatives on indigenous freshwater species, terrestrial flora and fauna, and invasive mosquitoes. The Draft EIS discusses the impacts of the Proposed Action to freshwater species in Section 4.2.1 and impacts to terrestrial flora and fauna in Sections 4.4.1 and 4.4.2. Both reports are appended to the Draft EIS (See Appendix B and Appendix C).
8. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full or partial restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of Streams and the Ocean Water Chemistry (See Appendix A); Terrestrial and Flora and Fauna Report (See Appendix B); Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix C), Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment

(See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

9. Figure 1-1 in the Draft EIS illustrates the EMI Aqueduct System overlaid on the Department of Land and Natural Resources (DLNR) Division of Aquatic Resources (DAR) geographic information system (GIS) data of streams. An electronic drawing of the EMI Aqueduct System was georeferenced by Akinaka & Associates, Ltd. to depict major diversions on East Maui streams on a United States Geological Survey (USGS) GIS base map. Due to the complexity of the EMI Aqueduct System and the level of detail shown on the map, not all of the minor diversions could be associated with a stream or tributary. The stream names shown are from the DAR GIS database but a few of those stream names may differ from how some East Maui residents may refer to them. Moreover, certain streams that were identified during certain proceedings before the Commission on Water Resources Management (CWRM) do not have associated GIS data and therefore could not be precisely located on the map. Table 1-2 in the Draft EIS reconciles discrepancies between stream names used in the February 2017 EIS Preparation Notice and the D&O.
10. Section 2.1.4 of the Draft EIS includes a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on estimates of available surface and ground water. Information from the D&O was used to estimate the maximum amount of water that can be diverted by the EMI Aqueduct System from the License Area. Section 2.1.1 discusses the Department of Hawaiian Home Lands' water reservation.
11. Section 1.3.4 of the Draft EIS discusses the D&O and the authority of the DLNR to issue a Water Lease for non-instream uses pursuant to HRS § 171-58, that is subject to the IIFS set by CWRM.
12. Section 2.3.1 of the Draft EIS discusses the Maui Department of Water Supply (MDWS) system, including water sourced from the EMI Aqueduct System. Figure 2-4 depicts the MDWS surface water supply system.
13. Section 2.1.3.2 of the Draft EIS discusses water needs for the Kula Agricultural Park.
14. Section 1.3 in the Draft EIS incorporates additional historical information from the Archaeological Literature Review and field Inspection report (Appendix E).
15. Section 4.3.1 and 4.3.2 of the Draft EIS discuss climate change and sea level rise, respectively as well as the Assessment of Streams and the Ocean Water Chemistry (See Appendix A).
16. Section 4.9 of the Draft EIS discusses Visual Resources.
17. Section 4.8 of the Draft EIS discusses recreational resources and park facilities.
18. Section 4.14 and Section 4.15 of the Draft EIS discuss how the amount of water available through surface water diversion may impact public services and facilities; and, infrastructure and utilities, respectively.

19. Section 4.13 of the Draft EIS discusses potential traffic impacts of Mahi Pono's proposed diversified agricultural operations.
20. Section 1.3.4 of the Draft EIS discusses the D&O.
21. Section 4.2.2 of the Draft EIS discusses groundwater hydrology, including in East Maui.
22. Sea Engineering, Inc. and Marine Research Consultants, Inc. prepared an assessment of streams and the ocean water chemistry in support of the Draft EIS. The Draft EIS summarizes this assessment in Section 4.2.3. The report is also appended in the Draft EIS (Appendix A).
23. Cultural Surveys Hawai'i, Inc. prepared an archaeological report as well as a cultural impact assessment, which are summarized in Section 4.5 and 4.6 of the Draft EIS, respectively. These reports are also appended in the DEIS (Appendices E and F, respectively).
24. Earthplan prepared a social impact assessment which is summarized in Section 4.7.1 and 4.7.2 of the Draft EIS. The report is also appended in the Draft EIS (Appendix G).
25. Implementation of the D&O through modifications and adjustments to the EMI Aqueduct System is independent of the Proposed Action, which is the issuance of a Water Lease. Section 1.3.4 of the Draft EIS discusses the D&O.
26. Section 4.16 of the Draft EIS discusses secondary and cumulative impacts of the Proposed Action.
27. Section 5.8 of the Draft EIS discusses the permits and approvals related to the Proposed Action.

Your written and oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant  
Isaac Hall, Esq.

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Letter to Mr. Albert Perez

Page 5

September 23, 2019

Enclosure (NHLC response letter)

**Environmental Impact Statement Preparation Notice  
Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Mavis Oliveira-Medeiros

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. OLIVEIRA-MEDEIROS: But my name is Mavis Oliveira-Medeiros, and I come from Hana, Maui, Hamoa. But my mom and dad was -- my dad actually came from Nahiku, and my mom came from Olahino, both places that we were water people. So my mom was a gatherer. I don't know if anybody said that yet, but the gathering people need to be on that EIS. She taught us how to gather all the stuff growing in the fresh water ponds and rivers, and that's what we ate, that's what we ate to subsist. And then A & B took the water, and then we had our kids, and our kids had their kids, and it was never able to be passed on to the next generations.

So two generations, including me because I was a little girl when she used to take me in the rivers, so it's like three generations of people that were robbed of gathering, gathering food in the rivers. I cannot tell you how awful that feels. What was taught to us, we haven't been able to teach our kids. It feels like genocide, cultural genocide, when you cannot teach your children and theirs how to survive from the aina that they grow up around. That is a terrible, horrible thing. So I hope that you put that in your EIS, the gatherers.

There's also -- in Hana, there's tons of fishermen. So I wish you guys come to Hana too, on the list of wishes. Lots of fishermen, hula dancers, they rely on the water. And gatherers, we still have people who actually go in the EMI's ditches. I don't feel comfortable because it says "keep out, no trespassing." But there's people who still go in there and gather opai. So, you know, we still eat that stuff. In Hana, a lot of people in Hana still fish to subsist, to survive, to help put food on the table. That's another thing that you can add to the EIS. Subsistence. And if you ask me, I think you should put the people first and the corporation last.



10238-02  
September 23, 2019

Ms. Mavis Oliveira-Medeiros

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Oliveira-Medeiros:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Cultural Surveys Hawai‘i, Inc. prepared a Literature Review and Field Inspection report of the License Area (Appendix E) as well as a Cultural Impact Assessment (Appendix F) in support of the Draft EIS. These studies are discussed in the Draft EIS in Section 4.5 Historical and Archaeological Resources and Section 4.6 Cultural Resources.
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of

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Letter to Ms. Mavis Oliveira-Medeiros  
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September 23, 2019

Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

4. Sea Engineering, Inc. and Marine Research Consultants, Inc. prepared an assessment of streams and the ocean water chemistry in support fo the Draft EIS. The Draft EIS summarizes this assessment in Section 4.2.3. The report is also appended in the Draft EIS (Appendix A).

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Megan Loomis Powers

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. POWERS: Thank you, everyone, for all your incredible sharing and your spot-on, you know, right to the number responses. I grew up right next -- I grew up on Ho'olawa Stream, which was an absolutely dry stream. And thank goodness for Stephen Cabral. He was the guy who managed the gates most of my life, the EMI gates. He knew that streams needed a certain minimum amount just to try and survive. And so every year, he would give us at least six weeks of uninterrupted stream flow. And what was so amazing is you would watch life start to return. And all the mosquitoes would get washed away, and the frogs would come back, and they'd eat the rest of the mosquitoes that were growing in the bananas.

And what we're here defending is that we know that is -- the East Maui watershed is the supply of water for the big half of Maui, and it's -- everybody's water depends on that. And if we don't steward that mountain, if we don't steward that watershed, if we don't take care of the plants that gather the rain and bring it down to the earth we're cutting off future generations. And we know that because we've lived there and witnessed it, like your beautiful child with some mysterious disease that you don't have any way to fix just withering in front of you. And the thing is living systems, they can only take so much abuse until something breaks, until you get cancer, until, oh, my goodness, how many species have gone extinct on the East Maui watershed in the last 120 years.

You know, that should be something in the EIS. How many species have gone extinct. So what I am observing is that there's been 120 years of severe mismanagement of this watershed that serves not only the people living here now but future generations and future generations and future generations. And that mismanagement also includes the 36,000 acres of A & B land that now doesn't even hold water because they never, not once, let land be fallow. They never gave back to the soil. There's no humic acid in the soil to hold water. I mean, we've seen studies. We've done it at the farm conferences. You pour water into A & B's soil, and it doesn't even make the dirt wet. It just runs around the outside and drips out. If you have healthy soil, it holds water. There's so many studies that show if you have good humic acid content in your soil, you can reduce watering by 70 percent. Wow, 70 percent of the water gets to stay in East Maui.

That's what we need. We need good management. This is just the beginning of like recognizing that. And what she said about go all the way back to the beginning, we need to -- this is not the baseline. Right here, this is not the baseline. The baseline needs to be way back when it was a healthy ecosystem; and we need to make plans, and this EIS has to direct that planning, to support bringing, regenerating and restoring what's already been damaged. And the same goes for the soil out in the valley. So I know I had something else to say, but thank you very much.

Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, Hawai`i 96826

3/10/17

Attention: Mr. Earl Matsukawa, Project Manager  
[woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

Re: EISPN for Proposed Lease for the Nahiku, Ke`anae, Honomanu, and Huelo License Areas of Public Land, Maui, Hawaii

Dear Mr. Okamoto,

Mahalo for the opportunity to provide comments on this Environmental Impact Statement Preparation Notice (EISPN) for the use of water from four license areas consisting of 33,000 acres of public lands and waters in East Maui.

As a landowner/ resident of Huelo who has legal rights to use the waters of Ho`olawa and Hanapou streams I am personally affected by the A&B request to secure 30 year leases for 33,000 acres of public lands in the East Maui Lease areas. My lands and water right apply to the Huelo lease area. Our community has no public water system and we are entirely dependent upon rainfall and the streams for our water supply.

Myself and my family and my neighbors have been impacted by the long term diversions of our streams by A&B/EMI ditch system. Our streams are so completely diverted, by the four levels of EMI ditches that there is rarely any flow at all except during rainstorms. This deprives me and my family and my neighbors (approximately 45 people) of sufficient water for domestic and agricultural use, forcing us to have limited water available for our needs. Our lands are zoned Ag. We are required to have productive and functioning farms according to *farm plans* submitted to the County in order to qualify for agricultural tax rates. We do not have access to a consistent or reliable source of water to meet those farming requirements.

I request that the Draft EIS have a specific discussion of the impacts of A&B/EMI diversions on Ho`olawa and neighboring streams that have never been included in the 2001 IIFS petition contested case. The discussion should include amounts historically diverted from each stream; amounts planned to be diverted from each stream; amounts planned to be restored to each stream to meet the legally protected rights of downstream communities (plant, aquatic and human) and actions proposed to care for the watershed productivity of the Huelo lease lands where the diversions occur.

In the last 45 years I grew up, played, went to school from, farmed, built a homestead and raised a family alongside Ho`olawa stream. I have witnessed the stream be stagnant and mosquito infested for most of that time. I have witnessed invasive species overtake the last remnants of native species of plants and wildlife as the ecology changed due to lack of consistent stream flow. I have witnessed springs where we collected our drinking water dry up. I have lost agricultural crops to lack of water, which has discouraged any significant investment in future

farming operations until water is secured. I have also witnessed the wonder and brilliance of the stream coming back to life when stream flow was returned due to rainstorms, or Steven Cabral allowing the stream to flow 6 weeks every year. Although many species may never recover and return the stream to its original glory and vitality, the few that have survived will be thrilled and re-introduction of native species from other streams may be possible.

The Draft IES needs to acknowledge the damage that has been done to the watershed and downstream animal, plant and human communities since the inception of the diversions. Many communities outside and downstream of the Lease areas have been devastatingly affected due to radical changes in habitat. Fisheries have nearly collapsed due to their nurseries being eliminated. The Hawaiian community whose culture of gathering stream related food sources and sharing them with other farming and fishing communities was destroyed.

The Draft IES needs to document the damage to stream, aquatic and amphibian life from the spraying of Round-up and other pesticides along the ditch. I witnessed first-hand the toad and frog population, which helped to control the mosquitos, nearly disappear when the ditch spraying began in the mid-1980's.

As the largest watershed on the island of Maui, its care and proper management (maintaining a thriving ecosystem that collects and stores water – I'm not talking ditch system here) is paramount to the livelihood of current and future generations on all of Maui. A&B/EMI have not shown good stewardship over this ecosystem for the last 120 years and do not deserve to be given the "Golden Goose" again.

I request to be a consulted party during the entire EIS process for the proposed Lease request.

Sincerely,

*Megan Loomis Powers*

Megan Loomis Powers and Ohana  
#5 Loomis Rd.  
Haiku, HI 96708

Mailing address:  
P.O. Box 1128  
Haiku, HI 96708



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Megan Loomis Powers  
PO Box 1128  
Hā'ikū, HI 96708

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease for the Nāhiku, Ke'anae, Honomanū  
and Huelo License Areas

Dear Ms. Powers:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas, your oral comments at the February 23, 2017 EIS Scoping Meeting, and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. For the purposes of this Draft EIS, the stream list used was from the CWRM D&O.

4. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
  
5. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Mr. Michael Pasco

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. PASCO: I'm Michael Pasco. I want to save some of the comments about the taro farmers and about the agriculture, those -- those remarks were spoken for it seems like well today. But touching on a little bit the minimum flow standards, I know that's part of the CWRM process, but I just want to make sure that when we're looking at the ecosystems here, the CWRM process, that it's ecosystem based and not the needs of A&B based about what can be taken from the -- taken from the streams. And I echo those comments about maintaining mauka to makai connectivity not just for the health of the fishes for the fishermen, but, you know, I just want people to make sure we're keeping track of the fact that the fishes that are produced on East Maui side, they don't just stay and effect East Maui, you know, that affects the entire island and even neighbor islands. And especially when we have like 80 percent or so of our modern economy based on visitor industry and stuff like that, a lot of us here have jobs that are connected to the visitor industry and we need to make sure that we're protecting those resources also for our economy.

The other thing I want to talk about is the ecosystem-based flow standards, I want to make sure that we're also keeping enough movement in the water to keep the mosquito populations down because the mosquitos, when the -- when the stream flow gets too low, the mosquito populations come up and that affects the native birds. And we need to make sure we're protecting all of the native resources, the native plants, the native birds, you know, with the -- without those native animals or plants, you have no Native Hawaiian culture and we need to sure to be protecting those things. The other thing that we're talking about with the -- with the water is we're talking about this being such a -- such a cherished resource, so I want to make sure the EIS is addressing the management of that resource. We're seeing, you know, like 20 percent or so leakage and seepage and that doesn't sound like treating this resource like the valuable resource that it is.

And the last thing I want to say, the -- when we're talking about sustainable local agricultural for food production, I want to make sure that we're looking at it with the -- with the aspect of what's happening in the other parts of the world. Like the other gentleman was saying, there's -- particularly California, you know, we're looking at the Oroville dam situation and I know that impacts so much of the food that is produced in Southern California. And they're talking about -- worrying about that dam failing and what that's gonna do to all of the food prices that all of us pay since we're not producing enough food on island. So I hope that that's factored into this decision-making process about where we're going to be getting our food if events in the world make it so that we were not getting as much from across the ocean.

Scoping Meeting Comments Mr. Michael Pasco

Page 2

February 22, 2017

And I guess lastly I just want to state that, you know, because over the years we've seen that A&B has been such poor stewards of the -- of the resource, flushing stuff out to sea when they're not use it, I want to make sure that we have public access to the -- to the ditches so that way some verification can take place, because we haven't been able to count on the words and actions of A&B over time to manage our resources. So that's all I want to say.



10238-02  
September 23, 2019

Mr. Michael Pasco  
220-A Oe Street  
Kihei, HI 97753  
myklpasco@hotmail.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Pasco:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource

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Letter to Mr. Michael Pasco

Page 2

September 23, 2017

Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Michelle Waikiki

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. WAIKIKI: My name is Michelle Waikiki. And this is a message from my husband to the EIMS --or EIS tonight. The Department of Water Supply, County of Maui, released their statements of cash flow audits done by M & K CPAs. In their audit, cash received from the public trust and others, from 2013 to 2017, equal \$200 million. Payments to suppliers, A & B, HC&S, EMI and Wailuku Water Company from 2013 to 2017 surpassed \$100 million. All suppliers are ditch operators. They are all selling state-owned water to the County and charging the public trust at a 33 percent or more increase. The public trust pays water bills to the County, who then pays A & B, EMI, HC&S and Wailuku Water Company to transport the water to the County grid. The public trust doctrine simply has no representation.

This is theft and fraud and other crimes because these operators are in violation of expired water licenses, expired leases, EIS audit violations, violation of HRS 167, failure to public auction, year to year revocable permits, violation of HRS 271G, Hawaii Water Carriers Act, violation of HRS 271G-10, violation of 271.12, under the PUC, PUCC, PCN. And the County of Maui is an accessory to these violations. Only a federally regulated public water utility company, publicly traded stock corporation, bonded and insured, providing water, can meet all of these requirements and lawful demands by representing and enforcing the public trust doctrine. Maui Electric Company is a public utility company, providing electricity to the public trust. In final, all of you, meaning the board, should be arrested for fraud, plundering and pillaging.

And then I would like to also say for myself, like, I would like to propose that the Hawaiians get together and we figure out how we can figure you guys out through blood quantum. I know my husband is 100 percent Hawaiian. They threw him in prison for 20 years over this water, over \$141,000. So I hope -- before he went to prison, he put videos out, which are on my Facebook page. The 1863 water course agreement, with my husband's two grandfathers' names on it, he created an EIN for Maui water utility company. So we need is the public to come together, and we use this Maui water utility company to put the water in the public's hands, not HC&S, EMI. And then we also have a document that is a Supreme Court order right here for -- from 1914 to present, the American government owes the Kingdom of Hawaii, it's 74 billion on this paper, but it's about 125 billion now. And in court, Judge Nishimura ruled that A & B water permits are invalid. I have 11 file boxes full of information. I've proved my husband innocent beyond a reasonable doubt and this state guilty of fraud. And I want my husband out of prison. He don't belong in prison.

Thank you.



**WILSON OKAMOTO CORPORATION**  
INNOVATORS • PLANNERS • ENGINEERS

1907 South Beretania Street, Suite 400  
 Honolulu, Hawaii 96826  
 T (808) 946-2277 F (808) 946-2253  
 W <http://www.wilsonokamoto.com>  
 Attention: Mr. Earl Matsukawa

**RECEIVED**  
**MAR 06 2017**  
 WILSON OKAMOTO CORPORATION

**SUBJECT: EISP: PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU, KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS – SCOPING MEETING, FEBRUARY 22-23, 2017**

For Kingdom of Maui Government  
 I would like Audits for the State of Hawaii  
 And every department within the State.

Judge Rhonda Loo and her Water Stocks  
 With A&B Need Completely Reviewed as  
 well as the Abuse of Power she used to  
 Throw my husband in prison for 20 years,  
 Over Opunui Water Company.

I propose Work & Education Rehabilitation  
 Programs for the 10,000 Hawaiian men being  
 held in America's High tech Slavery prison  
 System.

State officials are committing crimes  
 against Hawaiian people and this state  
 does not even follow their own laws.

(include additional sheets as necessary)

PLEASE PRINT: Name: Michelle WaiKiki Phone: 808 726-5122  
 Organization: Grow WaiKiki LLC  
 Address: Po Box 81475 Haiku HI 96708  
 Email: Royal Kanaka Maoli@gmail.com

Please submit comments by March 10, 2017 or email [woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

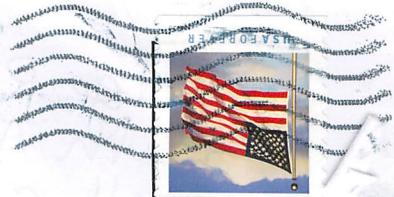
\*Receipt of e-mailed comments will be confirmed via e-mail. If you do not receive a confirmation message, please contact our office (see contact information, above).

RECEIVED  
MAR 28 2017  
WILSON OKAMOTO CORPORATION

(Fold on dotted lines and seal with tape or staple)

Michelle Waikiki  
PO Box 81475  
HaiKu HI 96708

HONOLULU HI 968  
02 MAR 2017 PM 1 L



Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
Attention: Mr. Earl Matsukawa

001061-92895



(Fold on dotted lines and seal with tape or staple)



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Michelle Waikīkī  
PO Box 81475  
Ha'ikū, HI 96708

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū  
and Huelo License Areas

Dear Ms. Waikīkī:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas, your oral comments at the February 23, 2017 EIS Scoping Meeting, and your written comments dated March 2, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

Your oral and written comments, and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

10238-01

Letter to Ms. Michelle Waikiki

Page 2

September 23, 2019

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a prominent loop at the beginning.

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resource  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mikiala Puaa-Freitas

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

My name is Mikiala Puaa-Freitas. I'm a Native Hawaiian and my ohana has been on Maui for many generations. You know, this meeting should be held in East Maui so that, you know, everyone here and you folks as well can look the people of East Maui in the eye and talk about their resource that we're trying to do all these other things with, first and foremost. Maybe consider doing an environmental impact study on the generations of East Mauians that have lost of a way of life and continue to be oppressed by these diversions, so let's start there, you know. After 120 years of diverting the water, it's great that they're doing an environmental impact statement, but maybe look a little deeper and really look at what's been going on out in East Maui and not just argue and bicker about the water that should be out there and the uses that everybody wants to use their water with, you know. The people – the things that don't have voices, you know, the -- like the natural environment out there that doesn't have voices, you know, who's going to be speaking for them? So we need to consider an environmental impact study to be done on, you know, these people that have been effected, the people and environment that have been affected for 120 plus years.

Secondly, I think, you know, are you guys adequate enough to do this study for a 30-year lease, you know? I mean, is that a recommendation that you folks feel comfortable with, doing a study that's potentially going to influence a lease for 30 years. Maybe you recommend doing year to year if -- you know, if you can have any kind of input along the lines of that, you know. Thirty years is a long time and, you know, will your study be adequate enough for that? More public involvement, oversight, and transparency and less privatization, you know, I understand the need for existing homes and businesses and, you know, ranchers and everybody that's using the water right now, but, you know, why does the people of East Maui and, you know, the environment of East Maui have to put future developments and future business ideas and expenditures on their shoulders? You should be looking at, you know, alternative water resource -- I mean alternative water uses, you know, A&B should be looking at alternative water uses, you know, whether it be catchments or swales. Yeah, like uphold their end of the bargain and --

You know, as a kalo farmer, you know, the reason you hear so much about kalo farming and whatnot, is, you know, as a kalo farmer you use the water and then the water continues to be used. It's not you take the water, use it for one crop, and it replenishes a different aquifer from where it came from. So, you know, that's why you hear about the kalo farmers and the water is they still have that system of sharing and using the water for, you know, the things that don't have voices. So, you know, let's really -- yeah, I don't know how to end it, but that's basically my concerns and you want to follow up with. You got it?



10238-02  
September 23, 2019

Mikiala Pua'a-Freitas  
2644 Kahekili Highway  
Wailuku, HI 96793

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū  
and Huelo License Areas

Dear Mikiala Pua'a-Freitas:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas and your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
3. Cultural Surveys Hawai'i, Inc prepared a report in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on cultural resources and practices. The impacts of the Proposed Action to cultural resources and practices are discussed in Section 4.6. The report is appended to the Draft EIS (See Appendix F).
4. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
5. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also

10238-01

Letter to Ms. Mikiala Puaa-Frietas

Page 2

September 23, 2019

be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EIS Preparation Notice Comments for A&B Proposed Water Lease  
**Date:** Friday, March 10, 2017 8:38:11 AM

---

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: maumiranda@everyactioncustom.com [<mailto:maumiranda@everyactioncustom.com>]  
Sent: Thursday, March 09, 2017 6:35 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

Another 30 year water lease to A&B is ludicrous. The water belongs to all of the citizens of Maui and should not be leased to any one private entity for 30 years. This is an antiquated system that needs to be changed and be fair to all. The citizens of Maui should be the ones to decide the fate of this request. The BLNR should certainly NOT depend on an EIS report that has been paid for by the requesters. How fair do you expect that report to be? It is time to change this whole process of how this water has been allowed to be stolen from the people by the very departments that are supposed to represent the people and are paid for by the people. Let's once and for all clean up this system whose time has come for redirection.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR work on behalf of the people they are paid to represent and not private interests..

Mahalo for your time.

Sincerely,  
Miranda Camp  
Kihei, HI 96753



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Miranda Camp  
Kihei, HI 96753  
mauimiranda@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Camp:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the

BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.

3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
  
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C); Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**  
Mr. Moke Kiamoe & Ms. Kahikina Kiamoe  
February 22, 2017  
Maui Electric Company Community Meeting Room  
Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. KAHIAMOE: My name is Moke Kahiamoe. I come from Huelo. I live by the stream. My family all from there from way back when they started doing the ditches. The thing I like you guys to remember when you looking at all this, everybody, the county (inaudible). I -- for right now, the -- you trying to take care of your -- there's so much to take care of this world going on, but I only can take care so much and the first thing is my ohana. So because now your parents getting older, sick, this, that, you get pulled away from the actual water situation going on. So the thing that I want to address is that this 30-day window, we gotta come in and make one decision, you know, that's pretty quick, yeah.

FACILITATOR SENELLY: Actually, it's not to make a decision, what --

MR. KAHIAMOE: But either way --

FACILITATOR SENELLY: Yeah, yeah, yeah.

MR. KAHIAMOE: We pick out points because what we talking about, 30 days is nothing, yeah.

FACILITATOR SENELLY: So what's going to happen is what you guys tell us during these 30 days is what they have to study, which will probably take months. So the things you bring up, that is the basis for the studies that they're going to look at. Your comments will be in the EIS and it'll help frame what is in the EIS.

MR. KAHIAMOE: Okay.

FACILITATOR SENELLY: Yeah.

MR. KAHIAMOE: Okay. That's what I was --

FACILITATOR SENELLY: Okay.

MR. KAHIAMOE: -- gonna bring you back to here. Because we've been going through this problem for way hell a long time. And probably me, I'm gonna (inaudible) before this thing get done, because there's other people, our parents, going, my grandparents going. Our cousins, they leave Keanae. They (inaudible) started all this stuff. We're talking about the same kind of things going on. But you know what, the water has been going. I live by 'em, I go up, I check all the time, yeah. Things are changing, the

February 22, 2017

environment change, the trees not growing because they took the water away, you know, and something else that stay inside the land right now that we found out -- I went up and I seen something that is -- that is -- I have never seen in my -- since I was born stay in the stream. Now, whether or not it came -- if people threw it and it went in the water or the water wasn't there, that's why it grew up, I don't know. It's lot of stuff. So one we need to look at is that not only the streams that carry the water, but the places where the water do reach, but it's through spring, not necessarily on that water -- I mean that river itself, need to look at.

And then the next thing is when we dam stuff -- because I see the water come, go, come and goes, so I don't know where the thing going. I think -- I don't see 'em coming, yeah.

FACILITATOR SENELLY: So we've heard this before too, you want to know what the flows are and that -- how it's managed and stuff, yeah, where the flow goes. Are you signed up?

MS. KAHIAMOE: No, but I'm his daughter. Can I say something really quickly?

FACILITATOR SENELLY: You gotta talk like him then.

(Laughter.)

FACILITATOR SENELLY: No, no, no. Tell us your name. Tell us your name.

MS. KAHIAMOE: I can talk like him.

FACILITATOR SENELLY: Okay.

MS. KAHIAMOE: My name is Kahikina Kahiamoe. I live in Huelo. And I think the EIS should address the people that actually gets the water.

FACILITATOR SENELLY: Okay.

MS. KAHIAMOE: As far as -- I see the environmental issues as far as the fishermen and the farmers, but I'm talking about the people like myself, because I -- these clothes that I'm wearing, I wash them from that water that comes from that stream. We bathe in that water, you know, we wash our dishes, everyday use comes from that water. So I would like them to address the people and their normal daily lives that they need to do and that water that comes to their house.

FACILITATOR SENELLY: The social part.

MS. KAHIAMOE: Exactly. The modern day living.

FACILITATOR SENELLY: Okay. Everybody, I diverted, 'cause I let her talk, but we will still try to stay in order.

Okay?

MS. KAHIAMOE: Okay. Thank you.



10238-02  
September 23, 2019

Mr. Moke Kiamoe and Ms. Kahikina Kiamoe

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. and Ms. Kiamoe:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

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2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. For the purposes of this EIS, diversion quantities from the D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area.
4. The Draft EIS assesses impacts to socio-economic characteristics associated with the Proposed Action in Section 4.7 of the Draft EIS, as well as in the Social Impact Assessment (See Appendix G) and Economic and Fiscal Impact Study (See Appendix H). Existing conditions and impacts of the Proposed Action, including the impacts from modification or removal of diversion structures in streams designated for full restoration by the D&O, will be included in Chapter 4 of the Draft EIS and various technical studies, such as: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian

10238-02

Letter to Mr. Moke Kiamoe and Ms. Kahikina Kiamoe

Page 2

September 23, 2019

Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C); Cultural Impact Assessment (See Appendix F); and Agricultural Related Economic Impacts report (See Appendix I).

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with the first name "Earl" being more prominent.

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

February 26, 2017

As A resident of Nahiku I would like to express my grave concern over the use of the water streams of Nahiku, Keanae & Hueho. The Board of Land and Natural Resources should realize this water should rightfully belong to the local residents and farmers. The Board should support the smaller family farms of East Maui. Not corporate farms from outside!

And certainly not developers! These outside interests won't even give you detailed plans for our water's use. It's NOT fair - it's NOT Right!  
≡ this is your opportunity to help us put an end to the gross misuse of our beloved resources.

→ respectfully, Mrs. Mugs Ivanovich  
P.O. Box 1058  
Hana, HI 96713  
- resident on Nahiku Rd.



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Hana, HI 96713

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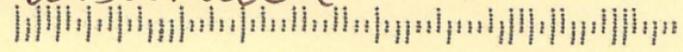
1907 S. Beretania St.

Ste. 400

Honolulu, HI

96826

ATTN: Earl Matsukawa







10238-02  
September 23, 2019

Mrs. Mugs Ivanovich  
PO Box 1058  
Hana, HI 96713

**Subject:** Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mrs. Ivanovich:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated February 26, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D);

10238-02

Letter to Mrs. Mugs Ivanovich

Page 2

September 23, 2019

Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Matsukawa".

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Ms. Nalani Kanenau

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. KANENAU: Okay. Aloha kakou. My name is Nalani Kanenau. Mahalo for everyone to have my voice heard today. For me, it is no coincidence that today, a day water protectors from Standing Rock are being forcibly removed from the Oceti Camp trying to protect the water, that I, a Native Hawaiian, am here to testify to protect water. And this is my first time, so (inaudible).

I would like the EIS to address agricultural needs and that sustainable crops are found with any combination of co-op farmers. I would love A&B to be transparent in their plans for whatever mass farming that they're wanting to get into. I'd also like that there is no action until actual stream data -- stream flow data is gathered for all of the streams proposed to be diverted and that the repair and maintenance of the diversion system is cared for, cared for by charging of market rates for water to generate sufficient funds to keep that repair and maintenance going.

I'd like the EIS, EIS statement to look at impacts on aquatic life, native plant species, and traditional and customary Hawaiian practices, kalo farming, gathering native plants, and kahua dancers, recreation, et cetera. I believe we need real farmers, not rich gentleman farmers. If you go to the A&B website, there's -- you can become an investor of their gentleman farmers. I need to know that A&B truly has the interests of Maui at heart. I need A&B to honor the tradition of taking only what you need and not taking all that you can. Mahalo.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
July XX, 2019

Ms. Nalani Kaninau  
255 Kaikea Street  
Kihei, HI 96753

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Kaninau:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna

Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

4. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
5. Cultural Surveys Hawai'i, Inc prepared a report in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on cultural resources and practices (See Appendix F). The impacts of the Proposed Action to cultural resources and practices are discussed in Section 4.6.

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Nik Hilananda

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. HILANANDA: First of all, I wanted to refute the fake news -- we all know what that is now -- on the front page of the finest daily paper here on Maui, which said that yesterday at the meeting at MECO -- and it's interesting to have a meeting at MECO but not in Hana or Keanae -- that without the lease -- and, of course, a former County councilmember said this, and it was quoted in the paper -- without the lease, upcountry would have no water. Okay. Let's get rid of that fake news right away.

Next, the lease, A & B is going to donate the ditch system, and I had to the County. But thinking about it here, I changed that to some kind of publicly controlled trust. They could donate the delivery system to us, the people, because they've already made -- as has been said already by many people, they've already made millions and millions of dollars. EMI employees know that ditch system to be hired by this public entity to run the ditch system. I also want to say, before I go on, I wanted to incorporate in my testimony the brilliant testimony of people before me. It just got me. People have been here for generations. I bought my property 20 years ago. Mokupapa Stream is totally bone dry. 20 feet west of my property, it blocks all the water. On December 31st, that big storm, 5 feet, it almost was over me, running through my streams, wiping out all the vegetation, all the trees and a hundred foot across in that streambed, running like the Wailuku River. I've been there 20 years, I've never seen that. It was incredible. That's how some of these streams used to be. Those who have been here for generations know that.

Somebody had earlier mentioned that the Maui Police Department was here and said they'd never seen that. Everybody said no, no, no. About 10 or 15 years ago, maybe 10 years ago, 12 years ago, there was a meeting right here in this very room, and there was just as many police here. Now who asked them to come and why is it a coincidence that it's another water meeting?

UNIDENTIFIED SPEAKER: EIS, EIS.

MR. HILAWANDA: I do want to thank you for saying "EIS, EIS," because what I really liked about this meeting, you guys who know only a little bit and you've been educated by the people, did you notice we weren't held to a three-minute testimony?

MODERATOR SENELLY: Actually, people came up to me, and they wanted -- we don't do that.

MR. HILAWANDA: Okay. So I want to thank you for that, because the passion of some of the people here, you can't cover that in three minutes, like when the County Council or whatever meeting says,

we're going to give you three minutes. It was incredible. You know, it's funny, I'm up here for about five minutes to seven minutes, and other people go -- and I know it's the end of the day, and half the people left, and it's fine. That's why I cut this down to just a couple of points. I hope I don't miss them.

So by the way, A & B is not going to get the 30-year lease. They're not even going to get -- hopefully, a one-year lease, but they're not going to get the 30-year lease because of what's happened in this room today. And it's not stopping here. It's been going on for generations, you guys know. So the EIS -- but we have to stay on top of that. And just as a side mention, I want to talk about development. There's about a half a dozen developments right here around Haiku already, just popping up, that we don't even know about, right here around the Haiku Community Center here. So it's going to keep on happening, keep on happening, keep on happening. People have mentioned some of the other ones. And I think that's about the things that I wanted to add that I didn't hear people talking about.

But again, now put in your EIS that A & B does not deserve it. The people should have the water and the people that live on the East side of Maui. And there's plenty of water. For the people that need the water upcountry, somewhere else, can then ask the community of East Maui, hey, could we have some of your water, not the other way around.

Thank you, Berna. You run a brilliant meeting.

**From:** [nikhilananda@everyactioncustom.com](mailto:nikhilananda@everyactioncustom.com) on behalf of [n Nikhilananda](#)  
**To:** [Earl Matsukawa](#)  
**Subject:** EIS Preparation Notice Comments for A&B Proposed Water Lease  
**Date:** Friday, March 10, 2017 4:36:15 PM

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Dear Earl Matsukawa,

Aloha: I have land which has the dry creek bed of Mokupapa stream run through it. Twenty feet west of my property line is an EMI dam which blocks 100% of the water from the stream. West of the dam, it continually flows 365 days a year. East of the dam, it is dry over 350 days! This is reprehensible and the time has come to deny A&B and EMI the continual environmental destruction which they have wrought on mine, and most of the East Maui streams for 150 years. They have been a terrible steward and to reward them with even one more day is sacrilegious. All of the natural fauna and flora are gone. Mosquitoes are now dangerous and terrible result of their destructive practices.

Our State Constitution says that water is a public trust, held for the people of Hawai'i. Yet this multi-national, for profit, land development company has made hundreds of millions of dollars by stealing this natural resource and selling it back to the county and State.

Enough is enough

Mahalo.

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the Nahiku, Ke'anae, Honomanu, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo

Nikhilananda  
P.O. Box 1704  
Makawao Maui, Hawai'i  
96768-1704  
residence:

102 West Waipi'o Road  
Huelo Maui, Hawai'i  
96708-5760

Sincerely,  
n Nikhilananda  
PO Box 1704 Makawao, HI 96768-1704



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Nik Hilananda  
PO Box 1704  
Makawao, HI 96768-1704

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Hilananda:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, your oral comments at the February 23, 2017, and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards

(IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

4. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
5. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
6. The impacts from modification or removal of diversion structures in streams designated for full restoration by the D&O will be discussed in Chapter 4 of the Draft EIS, as well as the various technical reports done for the Draft EIS, including: the Social Impact Assessment by Earthplan (See Appendix G), in the Cultural Impact Assessment (See Appendix F), and the Agricultural and Related Economic Impacts Report done by Plasch Econ Pacific, LLC (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

Enclosures

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

PHONE (808) 594-1888

FAX (808) 594-1938



EM

**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
560 N. NIMITZ HWY., SUITE 200  
HONOLULU, HAWAII 96817

April 4, 2017

HRD 16-8044

Board of Land and Natural Resources  
Attn: Ian Hirokawa  
1151 Punchbowl Street, Room 220  
Honolulu, HI 96813

**RECEIVED**  
**APR 17 2017**  
**WILSON OKAMOTO CORPORATION**

Re: Comments on the Environmental Impact Statement Preparation Notice (EISPN) for the Proposed "Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas" being proposed by Alexander & Baldwin Inc. and East Maui Irrigation Company, Limited, situated at TMK Nos. (2) 1-2-004:005, 007 (por.), 1-1-001:044, 1-1050, 2-9-014:001, 005, 011, 012, 017 in the Makawao and Hāna Districts, on the island of Maui

Aloha e Mr. Hirokawa,

The Office of Hawaiian Affairs (OHA) appreciates the opportunity to review and comment on the above-referenced Environmental Impact Statement Preparation Notice (EISPN) and application by and for Alexander & Baldwin Inc. and East Maui Irrigation Company, Limited (collectively "A&B"), who are seeking a long-term, thirty-year Water Lease pursuant to HRS §171-58(c) for the "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'anae, Honomanū, and Huelo license areas (collectively the "License Areas") "for the purpose of developing, diverting, transporting, and using government-owned waters." (Collectively the "Proposed Action.") This application relates to issues of past, present, and future significance which have required considerable review before responding. OHA apologizes that its comment is being submitted after the requested due date, and thanks the applicant for its previous agreement to consider the agency's analysis.

OHA appreciates the applicant's decision to proceed with an EISPN, and its acknowledgement that the "potential for significant environmental impacts requires the

preparation of an EIS.”<sup>1</sup> OHA’s analysis and comments in response to the EISPN are limited to that document, while acknowledging that there are pending matters before the Commission on Water Resource Management (CWRM) regarding interim instream flow standards (IIFS). Finally, OHA’s comments should be viewed as preliminary in nature, and will be supplemented as additional information is provided throughout the Chapter 343 process.

As the constitutionally-established agency possessing kuleana (responsibility) for protecting and promoting the rights of Native Hawaiians, OHA holds substantive obligations to advocate for Native Hawaiians, and to assess policies and practices as they may impact the rights and resources of Hawai‘i’s indigenous people. HRS §10-3(3) also designates OHA as “the principle public agency in this State responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians.” OHA seeks to fulfill this kuleana not only with respect to those rights that extend specifically to Native Hawaiians by nature of their unique legal status, but also those laws of general applicability to Hawai‘i and its people. This includes Article XI, §1, which lists water among those public natural resources “held in trust by the State for the benefit of the people,” and also Article XI, §7, which confirms the State’s “obligation to protect, control, and regulate the use of Hawaii’s water resources for the benefit of its people.”

OHA is highly mindful of the unique value that Native Hawaiians have ascribed to wai (fresh water) since time immemorial, and which continues to be upheld in state law today. In pre-contact times, land, water, and other natural resources were not to be owned, but to be stewarded for the benefit of the general public. This worldview was reflected in the Kingdom of Hawai‘i’s first Constitution, which described the natural resources of the ‘āina (land) as a public resource that “was not [the king’s] private property. It belonged to the chiefs and the people in common, of whom [the king] was the head, and had the management of the landed property.”<sup>2</sup> This concept continues to be embodied in Article XI of the State Constitution, as well as in the State Water Code, HRS Chapter 174C, and in a long line of judicial precedent from the state courts. These ancient values stand alongside the growing understanding amongst the scientific community of the fragile nature of the systems of abundance that make life and commerce possible in the world’s most isolated inhabited archipelago.

OHA therefore emphasizes the legal and cultural significance of the application underlying the EISPN, which would grant a private landowner a thirty-year lease to control water resources that are considered to be held in trust for the public benefit. An inescapable consequence of the approval of the Proposed Action is that members of the public, including subsistence farmers affected by the water diversion, may continue to be denied the benefit of the very resources that our State’s constitution promises are held in trust for them. Compounding the issue, OHA notes that this is a proposal to continue the diversion of stream water from the License Area that began in the 1870s, to the benefit of certain commercial and public interests, but at the expense of others.

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<sup>1</sup> Applicant’s EISPN, S-2

<sup>2</sup> See KING. HAW. CONST. OF 1840; D. Kapua‘ala Sproat’s Chapter (“A Question of Wai: Seeking Justice Through Law for Hawaii’s Streams and Communities) in *A Nation Rising: Hawaiian Movements for Life, Land, and Sovereignty*, edited by Noelani Goodyear-Ka‘ōpuia Ikaika Hussey, and Erin Kahunawaika‘ala Wright.

OHA offers five general comments for your consideration as you prepare the draft EIS.

***1. Applicant should consider multiple alternative diversion volumes, including the alternative of discontinuing the diversion of fresh water entirely.***

Hawai'i's environmental review regulations require a draft EIS, in its review of a proposed action, to meaningfully consider a range of alternatives, including alternatives "that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks."<sup>3</sup> The analysis of a "no action alternative" is explicitly called for, as well as alternatives that include actions of a "significantly different nature" or that relate to "different designs or details" which may result in different environmental impacts.<sup>4</sup> Notably, "environmental impact" is defined to include "an effect of any kind, whether immediate or delayed, on any component of the environment," *i.e.*, "humanity's surroundings, inclusive of all the physical, economic, cultural, and social conditions . . . including land, human and animal communities, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."<sup>5</sup>

In order to satisfy the alternatives analysis requirements of the law, any draft EIS should therefore include both a specific action proposal, as well as alternative actions that may result in lesser impacts to the natural, cultural, and socioeconomic environment. Given the clear and significant environmental impacts that have and continue to result from the diversion of East Maui's streams, the subject EIS should at a minimum contain a specified proposed amount of water to be diverted, as well as alternatives that involve the diversion of less or no water at all. However, while the EISPN early consultation request originally described a proposal to divert 100 million gallons per day (mgd) of "government-owned" *i.e.*, public trust water from the License Area for a period of thirty years, the notice to which OHA is responding to at this time does not specify the amount of water being proposed for diversion. Without such specificity, it may be difficult if not impossible to analyze the impacts of the Proposed Action, or provide comparative analyses of the lesser impacts of alternative diversion scenarios.

Accordingly, the draft EIS should provide the specific amount of public trust water to be requested by the applicant, and any alternative scenarios involving the diversion of less water. Such scenarios may include variations in end water uses and crops; infrastructure maintenance and development to increase efficiency and decrease the need for diverted water; and diversion practices that minimize diversions during low-flow conditions. OHA understands that several parties have already recommended that the draft EIS include multiple alternative diversion volumes.

Lastly, OHA appreciates the applicant's stated commitment to include an alternative of no action, which we interpret to mean the exploration of an alternative where no license has been

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<sup>3</sup> HAR § 11-200-16(f) ("The 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 section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions. Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks." (emphases added)).

<sup>4</sup> *Id.*

<sup>5</sup> HAR § 11-200-2.

granted, resulting in the end of diversions and the full restoration of streamflows. OHA notes that while the EISPN described several potential downsides to an alternative of no action, the draft EIS should, at minimum, pay equal attention to potential benefits of a no action alternative to East Maui residents and others.

***2. Applicant should consider multiple shorter alternative lease periods for use of the License Area and its public trust water.***

For similar reasons, OHA recommends that the draft EIS include shorter alternative lease periods, which may allow for the adjustment of diversion allocations to account for changing climate conditions, end uses, population increases, or other reasonably foreseeable circumstances. Both the early consultation request and the application in question seek use of the License Area and the diversion of public trust water for a period of thirty years. It is unclear why the applicant considers a lease of this length to be optimal, or what differences in benefit the applicant anticipates from a lease of a shorter period. Notably, a lease of this length may lock the State into a situation where critically needed public trust resources are unavailable for public use for decades, without potentially costly legal intervention.

Accordingly, OHA joins several parties who commented on the early consultation request in recommending that the draft EIS include multiple alternative lease periods. OHA recommends that the multiple periods be no greater than thirty years, a period for which OHA already has concerns. If the applicant believes that the State is able to provide such a lease in a manner consistent with its trust obligations, OHA encourages the applicant to provide its rationale in its analysis of these alternatives.

***3. Applicant's exploration of impacts and mitigation measures must consider current and cumulative impacts caused by diversions up to this point. OHA does not accept the framing of current diversion as neutral in impact.***

In its section on “Existing Environment, Potential Impacts to be Explored, and Mitigation Measures,” the applicant repeatedly stresses that a granted lease would “maintain existing conditions, subject to the pending IIFS decision and any reservations in favor of DHHL.”<sup>6</sup> It is unclear as to whether the applicant intends to limit its review of potential environmental impacts to those which go above and beyond current impacts (of current and historical diversions), or whether there will be due attention given to how stream diversions have impacted and currently impact members of the public, including East Maui communities, and the environment. Limiting the EIS’ analysis in such a fashion would appear to be at odds with the applicant’s responsibility to consider cumulative impacts of the Proposed Action, which the applicant acknowledges as:

Cumulative impacts refer to the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency, or person undertakes such

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<sup>6</sup> While it is not treated as its own topic in this comment, OHA joins the Department of Hawaiian Homelands in urging that the applicant’s analysis of the Proposed Action consider any impacts to DHHL and homesteaders, especially in light of DHHL’s Maui Land Inventory and Maui Island Plan.

other actions. Cumulative impacts can result from individually minor, but collectively significant impacts taking place over a period of time.<sup>7</sup>

Any proposed diversion scenario would extend the impacts that have and continue to occur due to the diversion of East Maui's streams, and should therefore be analyzed cumulatively with these impacts. In other words, the impacts of historic and ongoing diversion actions cannot be ignored, by simply framing them as "existing conditions."

Moreover, the treatment of historic diversions as "existing conditions" not meriting an environmental impact analysis begs the question as to what the present EIS actually intends to analyze. For over a century, diversions have dewatered streams throughout East Maui, disrupting ecological and hydrological cycles, altering native habitat, and displacing communities reliant upon fresh and abundant water flow for their cultural, subsistence, and socioeconomic needs. The Proposed Action to grant a lease would result in the continued accumulation of such impacts for thirty years, the analysis of which would appear to be the very purpose of the instant EIS. Accordingly, the impacts of any historic or current diversions that may be continued by the Proposed Action cannot be dismissed as "existing conditions" not meriting careful consideration and analysis.

OHA therefore recommends that the applicant's draft EIS include the current and historic impacts that have resulted from the diversion of public trust water from its natural pathways from mauka to makai, and that would continue to accumulate as a result of any proposed action. The draft EIS should specifically consider possible adverse impacts to traditional and customary practices, the natural and cultural resources they rely upon, and the particular attributes of East Maui in general. These include, but are not limited to:

- Kalo cultivation;
- Estuarine and stream cultivation;
- Gathering areas;
- Aquifer recharge;
- East Maui's communities' unique character as kīpuka for Native Hawaiian culture, values, and subsistence lifestyles;
- Key habitat for stream and coastal species, including species unique to East Maui, as well as species which may migrate or act as broodstock for other regions and islands; and
- Impacts to other cultural and subsistence practices

***4. Applicant should describe any limits or impacts to Native Hawaiians' ability to traverse or utilize the License Area in order to engage in traditional and customary practices, as well as feasible action to mitigate impacts to such practices.***

While much of OHA's concerns center around the applicant's use of a to-be-determined amount of public trust water, we also seek to understand how the Proposed Action may impact access to the License Area itself. Namely, we hope to understand how the applicant intends to

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<sup>7</sup> HAR §§11-200-2, -12(a); see Applicant's EISPN, 3-19.

support any efforts by Native Hawaiians to travel through or otherwise utilize the License Area in the exercise of traditional and customary rights protected by Article XII, §7 of the Hawaii State Constitution.<sup>8</sup> OHA expects that the applicant has concrete plans and procedures in mind to ensure that Native Hawaiian rights to hunt, gather, and otherwise engage in traditional and customary practices are respected at all times, and that the EIS will examine alternatives that may mitigate any impacts to Native Hawaiian rights as part of the broadly defined socio-cultural “environment.”

OHA further recommends that the applicant also explain what impacts will occur for the general public. Any restriction should be explained in terms of its purpose, with an appropriate analysis of less-impactful alternatives to achieving such a purpose.<sup>9</sup>

***5. Applicant should clearly articulate how its use of the license area and water is consistent with public trust purposes, especially in light of the impact of its diversions on Native Hawaiians and members of the public.***

While not an express requirement of Chapter 343, OHA reiterates the need for the applicant to support the assertion that any request for a thirty-year lease of public land for the purpose of diverting public trust water is consistent with the public trust. Absent such justification, any proposed action could be presumed contrary to the obligations of the State under its constitution and Water Code.<sup>10</sup> While it is not inconceivable that off-stream diversions, even by private entities, may in some cases be consistent with the public trust, such diversions and their end uses must be carefully justified and balanced with protected public trust purposes and other beneficial public uses. In other words, for the EIS to be a meaningful analysis of a realistic proposal, the Proposed Action must be legally justifiable as consistent with the public trust.

In this regard, OHA joins the U.S. Department of the Interior’s Fish and Wildlife Service in noting that the Hawai’i State Water Code (HRS §174C) does not include agricultural diversions among those purposes necessarily considered consistent with public trust use. We add that HRS §174C-101 affirms that “the appurtenant water rights of kuleana and taro lands, along with those traditional and customary rights assured in this section, shall not be diminished or extinguished by a failure to apply for or to receive a permit under this chapter.”<sup>11</sup> We further urge that the applicant demonstrate its understanding of what impacts continued diversion may have on the Native Hawaiian farmers, fishers, and other residents of East Maui.

## **Conclusion**

From the earliest days to the present, fresh water has and continues to be a precious necessity to life in Hawai’i. In light of the generations that have passed since the continuous commercial dewatering of streams throughout East Maui, we approach the applicant’s request

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<sup>8</sup> Article XII, § 7: The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua’a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.

<sup>9</sup> HAR § 11-200-16.

<sup>10</sup> See, e.g., In re Water Use Permit Applications, 94 Haw. 97, 154-55 (2001).

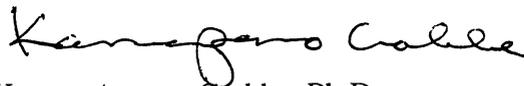
<sup>11</sup> The chapter referenced in this section is the State’s Water Code.

Mr. Ian Hirokawa  
April 4, 2017  
Page 7 of 7

for the continued diversion of East Maui stream water for an additional thirty years as a serious matter. OHA urges the applicant to continue to utilize the Chapter 343 process as an opportunity to sincerely consider how to propose an arrangement that meets the legal obligations of all parties as well as the interests of Native Hawaiians and the greater public, especially the people of Maui. OHA looks forward to reviewing the draft EIS.

Mahalo once again for the opportunity to comment. If you have any question, please contact Kai Markell at (808) 594-0220 or via email at kaim@oha.org.

‘O au iho nō me ka ‘oia ‘i ‘o,



Kamana‘opono Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Officer

CC: OHA Trustee Hulu Lindsey, Maui Island  
Daniel Y. Yasui, Alexander & Baldwin/East Maui Irrigation Co., Ltd.  
✓ Earl Matsukawa AICP, Wilson Okamoto Corp.



10238-02  
September 23, 2019

Ms. Sylvia Hussey  
Interim Chief Executive Officer  
Office of Hawaiian Affairs, State of Hawai'i  
560 N. Nimitz Hwy., Suite 200  
Honolulu, HI 96817

**Subject:** Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū,  
and Huelo License Areas

Dear Ms. Hussey:

Thank you for the Office of Hawaiian Affairs' (OHA) participation in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your agency's written comments dated April 4, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including alternative lease terms.
3. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from

the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)
5. Cultural Surveys Hawai'i, Inc. prepared an Archaeological Literature Review and Field Inspection (See Appendix E) and Cultural Impact Assessment (See Appendix F) reports in support of the Draft EIS assessing the impacts of the Proposed Action to historic and cultural resources, as well as cultural practices. The analysis of the reports is discussed in Sections 4.5 and 4.6 of the Draft EIS.
6. The Proposed Action's relationship to various State of Hawai'i and County of Maui plans will be discussed in Chapter 5 of the Draft EIS.

OHA's written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, Hawai'i 96826  
Attention: Mr. Earl Matsukawa, Project Manager  
[woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

9 March 2017

**Re:** Early Consultation for the Preparation of an EISPN Proposed Lease for the Nahiku, Ke`anae, Honomanu, and Huelo License Areas East, Central and Up-Country Maui, Hawaii

Aloha Mr. Okamoto,

Mahalo for the opportunity to provide comments prior to the issuance of an Environmental Impact Statement Preparation Notice for the use of water from four license areas consisting of 33,000 acres of lands and waters in East Maui. I provide these comments as a restoration ecologist and conservation planner, with knowledge of the extensive ditch and diversion system of East Maui and the varying natural conditions of the streams and surrounding ecosystems there; and as a taro farmer.

My comments are preliminary in nature at this time. The proposed action involves the continued diversion of water from at least 31 streams (not inclusive of tributaries, springs and seeps) along the north-facing slopes of East Maui/Haleakala, covering the following license units: Nahiku, Keanae, Honomanu and Huelo for a total of more than 33,000 acres. This area represents critical source waters and watersheds that support native species, including numerous threatened and endangered terrestrial and aquatic plants, birds, fish, crustaceans, molluscs and insect species; riparian and nearshore fresh, brackish and marine water health; the health of coastal SMA areas such as the traditional Nahiku, Keanae-Wailuanui, Honopou and Huelo taro farming districts; as well as, Traditional Cultural Practice (TCPs) including gathering for food, medicine, weaving, kapa, cordage and hula mauka to makai, the tending of ancient sacred sites and the rehabilitation of traditional taro growing places.

Peak acreage in sugar and pineapple occurred in the 1940s with peak production in the late 1970s. Water extraction from East Maui has remained at 1940s levels, estimated at an average of 160-200mgd (system capacity has been estimated at roughly 400-440mgd), while acreage and production over the last five decades has sharply declined. Alexander & Baldwin is currently authorized to divert 80mgd and now seeks to obtain 150mgd water allocation with a 30-year lease from the Board of Land and Natural Resources to apply to 26,600 acres in Central Maui, as well as to maintain its current service to the County of Maui. The allocation of water to the County should be considered separately from the allocation to A&B in the EIS, as water has been determined to be a Public Trust resource and decisions for allocation rest with the BLNR, not Alexander & Baldwin.

In general, I support and reiterate the comments of the Native Hawaiian Legal Corp that the EIS should consider impacts to and along: (1) each diverted stream, (2) each individual license area, and (3) the entire 33,000 acres of license area, mauka to makai, along with the full disclosure of diversions, diversion conditions, maintenance roads and maps. The maps and EIS should make a distinction between taro farmer and resident diversions versus Alexander & Baldwin ditch system diversions. This is a surface water evaluation.

I would add to that and emphasize for A&B's Environmental Impact Statement the importance of evaluating the cumulative impacts of water diversion to East Maui based on the already 150 years of water diversion and the proposed 30 years, as a requisite for assessing cumulative impacts to:

- Aquifers and springs throughout the license area;
- Plant composition of native riparian habitat of each stream, particularly at the subsurface/tap root interface; and
- An assessment of the relationship/dispersal of strawberry guava (*Psidium cattleianum*), rose apple (*Syzygium jambos*) and black bamboo (*Phyllostachia nigra*) to ditches, maintenance practices and roads, and riparian areas in the 33,000 acre license area over the last 60 years, and projected encroachment into non-invaded areas of the units over the next 50 years under two scenarios - the ditches and roads remain open; and, if they are closed. I encourage the engagement of experts such as the Maui Invasive Species Committee in this analysis.

The EIS should also include:

- Declaration of the number acres for sugarcane and pineapple watered by the East Maui system from 1880 to 2016 and the average mgd change over that same period to provide a reference for review of the pending 150mgd application for 26,600 acres.
- A biological assessment of the instream aquatic fauna and riparian flora, including damselflies, broken down by upper, mid- and lower reaches of each stream and tributary in the four proposed License Units of East Maui; and, a prioritization of each stream section by biological and ecological significance (see below; Alternatives).
- An assessment of feral ungulate populations in each unit broken down by upper, mid- and lower elevations, in relation to levels of *Leptospirosis*, *Escherichia coli* and *Staphylococcus* sp in stream bed and riparian area standing water and pig wallows (vis-à-vis correlation to stream flow or lack thereof).
- An assessment of the incidence of illnesses due to the above listed bacteria among taro farmers and residents of East Maui within the last 30 years.

The Alternatives section of the EIS should include an assessment of continued use of all 4 units, less than the 33,000 acres license area (3, 2, or 1 license units) and a no use/no diversion alternative. I concur with the details outlined by the NHLC regarding the analysis under each alternative, and add the following:

- As A&B/HC&S is no longer in the business of sugar production, this analysis should also provide realistic and concrete, not speculative, water budgets for each proposed end use under each alternative for the 26,600 acres and separately for use by the County of Maui.
- The analysis of each license unit should also include a list of diversions on each stream/tributary that can be decommissioned and removed from the diversion system and restored to natural flows; and,
- A priority ranking of the most critical habitats for native aquatic flora and fauna by stream, tributary and stream section (in relation to ditches at various elevations) that would benefit from diversion and/or ditch removal within the license area.
- A priority ranking of streams and areas within each license unit for TCP use, historic sites and traditional taro-farming terraces and lands that would benefit from diversion and/or ditch removal within the license area.

I look forward to the publication of the EISPN. Should you have any questions regarding the above, you may contact me at (808) 285-3947 or by email at [pennysfh@hawaii.rr.com](mailto:pennysfh@hawaii.rr.com)

Sincerely,

A handwritten signature in blue ink, appearing to read 'Penny Levin', written over a horizontal line.

Penny Levin



10238-02  
September 23, 2019

Ms. Penny Levin  
pennysfh@hawaii.rr.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Penny Levin:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. A description of the EMI Aqueduct System, its operation, and maps are included within the Draft EIS (refer to Sections 2.2.1, 2.1.2, and 2.1.5). The Draft EIS will include in Section 2.1.4, a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area.
3. For purposes of this Draft EIS, the list of streams assessed as part of the License Area is taken from the D&O.
4. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
5. The Draft EIS will include in Chapter 4 an assessment of existing conditions and the impacts of the Proposed Action and modification or removal of diversion structures in streams

designated for full restoration by the D&O, including a summary of secondary and cumulative impacts in Section 4.19.

6. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
7. Cultural Surveys Hawai'i, Inc conducted a Cultural Impact Assessment in support of the Draft EIS assessing the impacts of the Proposed Action on cultural resources and traditional practices. Cultural resources and practices are discussed in Section 4.6 of the Draft EIS. Agricultural impacts are also discussed in the Agricultural and Related Economic Impacts report (See Appendix I).
8. Hydrology conditions and potential impacts are discussed in Section 4.2 of the Draft EIS and the Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A) and Assessment of Streams and the Ocean Water Chemistry (See Appendix B).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EIS Preparation Notice Comments for A&B Proposed Water Lease  
**Date:** Tuesday, March 7, 2017 8:18:23 AM

---

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
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T (808) 946-2277 F (808) 946-2253  
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This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

-----Original Message-----

From: Responsible\_Citizenry@everyactioncustom.com [[mailto:Responsible\\_Citizenry@everyactioncustom.com](mailto:Responsible_Citizenry@everyactioncustom.com)]  
Sent: Monday, March 06, 2017 8:14 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

In addition to what has been written by the East Maui Streams coalition's Call to Action ... I'd just like to say that A&B's continued access of Maui's water is a "disgrace" beyond belief. Too, that Maui's new dishonestly-contrived council aided and abetted by a Mayor (who doesn't believe rocks are sacred) and his hired gun corporation counsel are so deep in complicity with the spec-marketed exploitation (read "rape") of Maui demonstrated by their participation in the back-door January 2nd "Council Overthrow" akin to the 1893 takeover of HI - the lot of them should remove themselves from office! Additionally, Maui's planning department needs to take a deep look in the mirror itself!

Alas, not only has HC&S ceased growing sugar cane thus not needing the water, Iao River has been "raped" at the hands of a mind-boggling array of bulldozers, etc. that spent months re-routing the river back to the diversion gates. Word has it A&B is being "bought" by a mainland "devolve-ment" company. Is that correct? If so, what is all this greedy water-grabbing all about? To feed the "devolve-ment" plans of the new company?

A&B is a disgrace to Maui and has been since 1893 along w/its cohorts. INDEED, anyone working for A&B to the least paid clerk is complicit in the events that occurred 220 years ago! The entire operation needs to be shut down with its entire land holdings turned into a community trust that supports local organic agriculture and affordable homes. FOR INDEED, that its the only way it might clean up a measure of its so nasty karma here!

As for the water lease - it's a no-brainer! It should never happen, and to have to pay a consulting company gobs of money to make that decision signals a very distorted, dishonest county administration that lacks courage to do the right thing out the gate. Sadly, it seems it to know "squat" about true sustainability or commitment to aloha, ohana and pono w/re to this community.

SHAME ON THE LOT OF THEM. PLEASE SIMPLY DISAPPEAR YOURSELF FROM FURTHER PARTICIPATION IN MAUI'S FUTURE!

Sincerely,  
Responsible Citizenry



10238-02  
September 23, 2019

Responsible Citizenry  
Responsible\_Citizenry@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Responsible Citizenry:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 6, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact

10238-02

Letter to Responsible Citizenry

Page 2

September 23, 2019

Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EISPN: Proposed Lease (Water Lease) for Nahiku, Ke'anae, Honomanu and Huelo License Areas  
**Date:** Friday, March 10, 2017 11:04:05 AM

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Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
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W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: Riconekt [<mailto:llostpoet@gmail.com>]  
Sent: Friday, March 10, 2017 10:47 AM  
To: Wilson Okamoto Corporation  
Subject: EISPN: Proposed Lease (Water Lease) for Nahiku, Ke'anae, Honomanu and Huelo License Areas

Dear Wilson Okamoto Corporation  
Attention: Mr. Earl Matsukawa

A&B or any related corporation or other business entities (such as a co-op or a business in partnership) SHOULD NOT BE ALLOWED TO LEASE WATER Until the residents of the license areas (Nahiku, Ke'anae, Honomanu and Huelo) Are fully provided for in their needs for water.

These residents are not being sufficiently provided for NOW and they have not been for years that A&B or other related business entities linked to A&B (which have been used to make short term leases adding up to a long term lease) have been obtaining the water using subversive business tactics.

**YOU MUST STOP ALL LEASING ACTIVITIES**

until the people of this land are compensated and provided for in reimbursement for the incredible detriment that A&B and related entities have caused upon this land for decades.

Furthermore, this EISPN should not be conducted by a corporation that is HIRED BY the corporation that wishes to obtain a lease!!!

This is a conflict of interest and it can impact the EISPN process in favor of the corporation. This is not the right way to do this.

**THIS IS NOT PONO.**

**AND NOW IT WILL STOP.**

THIS IS THE TIME FOR ALL THIS KIND OF ACTIVITY TO STOP.

The Wilson Okamoto Corporation  
MUST SUPPORT THE COMMUNITY OF MAUI  
by stopping the leasing process NOW.

And I will tell you on behalf of all the ancestors that have lived upon this land, that if Wilson Okamoto Corporation does NOT do what is PONO, Wilson Okamoto Corporation will fail to exist upon these islands.  
It is the only way for spiritual justice now.

Please do what is right, Pono

And all of us will be safe and provided for.  
All of us will have the prosperity that we seek.  
Water is Life & should not be taken over.

Mahalo,

Ricardo Padilla



10238-02  
September 23, 2019

Mr. Ricardo Padilla  
lhostpoet@gmail.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Padilla:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

4. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
5. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Rose Reilly

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. REILLY: I would just like to say that I see that the streams reaching the ocean with all of the fish that are produced as fundamentally important to the survival of the people, and that for as far as Hawaiians are concerned and as far as everyone's concerned, we are here in Hawaii because of Hawaiians. The way that they made this place is what has made it so special and that everybody wants to be here because of it. And that they're here, they all are, with their lands and their water management, and like the system is set up to manage this.

The environmental impact is in their history, and they know the whole thing, and they're the ones that should be saying like, you know, restore the forests. Like that's all these different levels of having -- you have the groundwater, the middle, the upper. You know, like the animals. This system that is being imposed, this colonial system is killing all of us. Please do not be a part of that.



10238-02  
September 23, 2019

Ms. Rose Reilly

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Reilly:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. Cultural Surveys Hawai‘i, Inc. prepared a Literature Review and Field Inspection report of the License Area (Appendix E) as well as a Cultural Impact Assessment (Appendix F) in support of the Draft EIS. These studies are discussed in the Draft EIS in Section 4.5 Historical and Archaeological Resources and Section 4.6 Cultural Resources.
3. Sea Engineering, Inc. and Marine Research Consultants, Inc. prepared an assessment of streams and the ocean water chemistry in support of the Draft EIS. The Draft EIS summarizes this assessment in Section 4.2.3. The report is also appended in the Draft EIS (Appendix B).
4. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action and alternatives on indigenous freshwater species, and terrestrial flora and

fauna, respectively. The Draft EIS discusses the impacts of the Proposed Action to freshwater species in Section 4.2.1 and impacts to terrestrial flora and fauna in Sections 4.4.1 and 4.4.2. Both reports are appended to the Draft EIS (See Appendix A and Appendix C).

5. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EIS Preparation Notice Comments for A&B Proposed Water Lease  
**Date:** Tuesday, March 7, 2017 8:20:40 AM

---

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
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-----Original Message-----

From: ohana@everyactioncustom.com [<mailto:ohana@everyactioncustom.com>]  
Sent: Monday, March 06, 2017 6:34 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

I am writing on behalf of Kipahulu Ohana, Inc. a nonprofit Hawaiian organization that operates Kapahu Living Farm, a traditional wetland taro farm, in partnership with Haleakala National Park since 1995.

As East Maui taro farmers, Kipahulu Ohana strongly believes that the Environmental Impact Statement concerning A&B's proposed 30 year Water Lease for East Maui streams in the Ko'olau moku should be done by a consultant chosen and paid by DLNR, rather than by A&B. This is the only way that a fair, complete and legitimate EIS can be created.

Regardless of who completes this EIS, it needs to provide a complete analysis of past, present, and potential future environmental impacts from stream diversions, including effects on Native Hawaiian cultural practices, aquatic stream life, and nearshore fisheries and ecosystems, exploring multiple alternatives to the proposed 30 year lease.

A&B has a long history of abusing its position, delaying in every possible way any accountability for the impacts and costs of its diversions, and appearing to be motivated solely by its own interest and profit. The long-overdue EIS to consider these true impacts and costs must be done in a way that is impartial or it will have no credibility as actually addressing the real issues and alternatives.

Mahalo for your consideration of our comments.

Sincerely,

Scott Crawford

Executive Director  
Kipahulu Ohana, Inc.

Sincerely,  
Scott Crawford  
PO Box 454 Hana, HI 96713-0454



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Scott Crawford  
Executive Director  
Kipahulu Ohana, Inc.  
PO Box 454  
Hana, HI 96713-0454

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Crawford:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 6, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the

BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.

3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).
5. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Mr. Sean Lester

February 23, 2017

Ha‘ikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. LESTER: Aloha. My name is Sean Lester. And I do have a little to read. I live in an area directly affected by the EMI's water system and the water request being made before this body of A & B, because this actually is by A & B. The accountability for water resources has been at the core of all water disputes and requests before this commission and the State of Hawaii since the formation of the State constitution. The requests before you today is no different in this regard. Several years ago, HC&S was receiving over 90 billion gallons of water while paying less than \$150,000 a year for the resource. They were, as A & B is now, requesting a 30-year lease. I applaud the wisdom of this commission, because a few years later, the direction of HC&S Corporation changed dramatically when it was liquidated.

Forward-looking local residents questioned this commission as to the validity of the 30-year lease request back then, and the commission kept the annual lease structure. Forward-looking citizens are once again questioning the validity of a 30-year lease here before you today. Any corporation can be merged or liquidated, even the corporation who is now before you asking for a 30-year lease. How prudent is it to give such a long-term lease to a corporation that may not be structured as the same company in a few years, much less 30 years. Maui gave tremendous support for many decades to HC&S as a large local employer and supporter of our local economy. Yet with the final decision in the A & B boardroom, these jobs in the HC&S Corporation itself were extinguished.

We, as citizens, need a place besides a boardroom where our future is decided. It is in places like this commission where we, the people, can ask for assurance that thoughtful and balanced approaches to land and the water use will be employed. As in this case, this is the legacy that can balance the corporate model with short-term profit and factor long-term local needs into the equation. Whether people liked it or not, HC&S did try to keep this land in agriculture. We could count on the acreage farm to be consistent, as was their water request. It was on this basis that this commission allowed HC&S to keep using these water contracts year after year.

So the question is: Do we acquiesce and give A & B a new long-term water subsidy to the tune of 41 billion gallons of water rights a year for hypothetical crops and unknown uses? You must ask: Is the water use efficiency of their hypothetical diversified agriculture, or what is it? Are they going to sell even more land designated as agriculture, as they did the 339 acres in Paia, to a mainland business, with no local review or thoughts as to the impact of the local water needs?

When A & B sells agricultural land, do they sell the rights to the water -- that they're asking you for now - with the land sale? Did they bank it as a commodity? What are their use plans that are shown in this water efficiency and their support of local food sufficiency needs?

So many unanswered questions. Why? Because, frankly, if you take the time to ask them, they don't know. The parent company of HC&S needs about 150 million gallons a day for diversified ag use. This request is based on, at best, a speculative projection with no basis in real fact. Actually, what they're asking for is simply a request to get water rights, justified by the fact that they're a large land owner, hoping you will trust them to have the foresight to know how to utilize the water correctly as they did when they were a 140-year-plus monocrop agribusiness. This logic no longer applies as it's an entirely new ballgame. The logical game plan is what you have here on the table before you.

As you probably are aware, the continually shifting landscape of A & B's map and its parcels, and which are listed as ag, were sold, is far too tenuous to substantiate a blanket long-term water lease. So many questions are obscured and hidden behind A & B's corporate structure.

I'll skip on.

A bit of an overview here. A & B is a huge local land owner owned by out-of-state entities. A & B's major shareholders own 81.65 percent of the stock. We're talking from the mainland and from Europe, according to the Morningstar investment website. I will place the list of these investors in my written testimony. But you hear the names of these people that we know as A & B, you see T. Rowe Price, Vanguard, Touchstone Capital. What stands out here is there's not a single Hawaii-based institution or fund listed as an A & B major stockholder. Not one here. This is an out-of-state corporation. Understand that. Please take the time to look at each of these major investors as I have. These companies have one purpose: To ensure the largest possible return on a diversified portfolio of investments.

So let's be real when we talk about this lease request. It isn't about keeping diversified agriculture. A & B does not have the same need we do for this resource to be wisely allocated. We also, we who live here, are looking at a multigenerational survival. A & B's major shareholders are looking at a quarterly report that steers decisions on how many shares to buy and sell. We must weigh this part of the equation when making decisions of this magnitude. This company has two potential avenues of land use here on Maui. One is to sell and build out as much of this land as possible to keep their stratospheric 180 rating -- and if you look that up on online, they're higher than Microsoft was when they were at their zenith. The land banked for many years in future real estate sales. This would include leases or sales to a few large agri businesses and a thin covering of local farmers, et cetera, to placate, as they have for well over a hundred years placated by handing out a few dollars here and a few dollars there. Those days are over, those days are over.

The second possibility is to work with a very different model. Become partners with the County of Maui and other private or nonprofit organizations to move to a truly long-term profitable, sustainable, agricultural model that will ultimately be profitable in more than just the normal short-term corporate structure. This would lead to the wise use of water resources and engage community support of a future with long-term, locally aligned values and goals.

Please understand that the areas where this water is taken from on the East Side, Nahiku, Keanae, Huelo, have paid the price over the years for HC&S's use of this resource. An entire way of life was disrupted and destroyed, remaining so to this day. So in my opinion, there is no right to this water by A & B as a corporation. They were paid by many generations of local Hawaiian and other communities for every dollar of profit they have received, at extraordinarily heavy and profound costs to these communities. There is nothing owed to this company regarding water rights. At the same time, everything is owed to these West-side communities. We must reinstate their water rights ahead of any ruling on A & B's request. This could be done immediately on request. To put things in perspective, in order to receive ag-rate water as a small farmer here on Maui, we have to show on an annual basis of the stable farm plan, implement this plan, and be inspected to ensure it's being applied directly every single year. We had a plan inspection done annually to show that it was indeed an agricultural property. A & B is primarily a real estate and transportation company when sugar was taken out of the equation. They're entering an entirely new area of land use. Why should they not be held at least to the same level of accountability as other ag here on Maui?

And if you look at Keanae or Nahiku, there simply isn't any water, as you have -- as the commission has held up the disbursement of even small amounts of water that was fought for so hard by locals before the State. We cannot afford the old-style dog-and-pony show that allows entities like A & B to demand such water rights or play the game where they're the only guy at the table with the \$10,000 chip. Those previous models simply can't be used anymore. Hopefully, experience will be the guide to a new paradigm of water and land use in Hawaii. Today it's even more pressing that we have a real ag water utilization plan, one that is truly proven with substantive penalties if not met and a real review on an annual basis for water use. This is one of the agencies that can assure Maui of water use and land utilization that's a cornerstone for these precious lands. And we can't have a FONSI here where it's like there's no impact.

Anyway, that's mine. Thank you, folks.



10238-02  
September 23, 2019

Mr. Sean Lester

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Lester:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. Section 1.3.4 of the Draft EIS discusses the Commission on Water Resources Management's (CWRM) Interim Instream Flow Standard (IIFS) Decision and Order (D&O) and the authority of the BLNR to issue a Water Lease for non-instream uses pursuant to Hawai‘i Revised Statutes § 171-58, that is subject to the IIFS set by CWRM.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including alternative lease duration.
4. Section 2.1.4 of the Draft EIS includes a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on water available of which diversion quantities from the D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area

10238-02  
Letter to Mr. Sean Lester  
Page 2  
September 23, 2019

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Sesame Shim

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. SHIM: And pretty much the current state of EMI is take all and use all, that is not a resource management. And it has been this way since the ditches were (inaudible). Resource management is so alien to A&B and there's so much water being wasted and unaccounted for, we are truly starting from square one. There's so much to account for to consider and it affects all the people of East Maui. We shouldn't be giving all the power to EMI to determine what happens to all this water. This is a public resource and A&B is a private entity.

There needs to be more transparency and involvement from the Native Hawaiian community, especially the community that lives there. The Native Hawaiian community were there maintaining a communal relationship with the water prior to these ditches. Their lives and future generations have and continue to be affected by the actions of a private entity to control the water. The water usage from A&B is the last priority to any water usage. If there is not enough after meeting all the kalo farmers needs, the environmental needs, the current community needs, they should get none. The lands currently used for sugarcane was never intended to use so much water. Cultivation farming should return to where it is naturally intended to be.

FACILITATOR SENELLY: Sesame, I must ask you, what do you want to see the EIS address about that? How do you want that, what you just say, how do you want --

MS. SHIM: To prioritize.



10238-02  
September 23, 2019

Ms. Sesame Shim  
149A Ehilani Street  
Makawao, HI 96768

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Shim:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui. The environmental impacts of the potential Water Lease will be assessed.

1. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
2. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream

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Letter to Ms. Sesame Shim

Page 2

September 23, 2019

Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>  
Attention: Mr. Earl Matsukawa

**SUBJECT: EISPN: PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU,  
KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS –  
SCOPING MEETING, FEBRUARY 22-23, 2017**

I am Deeply concerned for  
OVER-development - wrongful  
USE of water - NO INFRA STRUCTURE  
TO support Development -

(include additional sheets as necessary)

PLEASE PRINT: Name: Shari Rospond Phone: 808 214 6164  
Organization: MYSELF -  
Address: 160 Aloni Pl  
Makawao HI 96748  
Email: sharirospond@yahoo.com

Please submit comments by March 10, 2017 or email [woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

*\*Receipt of e-mailed comments will be confirmed via e-mail. If you do not receive a confirmation message, please contact our office (see contact information, above).*



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Shari Rospond  
160 Aloni Pl.  
Makawao, HI 96768

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Rospond:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated February 23, 2017, and March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the *"purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision

and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

4. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
5. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
6. For the purposes of this EIS, diversion quantities from the D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area.
7. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Ms. Adriane Raff Corwin

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. RAFF CORWIN: My name is Adriane Raff Corwin. I'm with Sierra Club Maui Group. We will also be submitting written comments, but I'll just provide a little bit of what we want to say here. I'd like to say I agree with Albert Perez's comments that spoke earlier.

One of the main things we want to bring up is that the community has been asking for this EIS for decades and we know that that's not your fault as the consulting company that this hasn't been done, but just that there's a lot in here to address. Because the EIS should have been done so long ago, we don't have a track record, an official record of the environmental impacts that have already happened and so we need an accounting of that as to the damage that has been done by the previous diversions over all these years and so we would like to have that history and that understanding in this document.

Another thing is that, as Albert mentioned, that there's a lot of things that are in the preparation notice that claims that there aren't environmental impacts, but I would like to just draw attention and lot of our comments will come from at the end of the preparation notice -- and I recommend everyone look at this -- the United States Department of Interior's Fish and Wildlife Service submitted comments on this preparation notice that has many, many, many excellent points as to things that this EIS needs to address, one of them being currently A&B is only taking 25 million gallons per day from the diversions when, in fact, they could take up four hundred something and in the past they took about 170 per day, 170 million gallons per day during sugarcane growth. So they're only taking 25 right now and we are seeing many of the streams come back and the wildlife in those streams. And we need to have an understanding of if we -- if they start taking more than just 25 and those streams start disappearing again, that's a major environmental impact because we've gotten some restoration and we -- so we need that addressed.

There's a lot of other great points and, again, I recommend everyone read this document that's at the end of the preparation notice including, yes, different --

FACILITATOR SENELLY: You mean the letters?

MS. RAFF CORWIN: Yes, the letters. So the letter from U.S. Department of the Interior, Fish and Wildlife Service.

Different lengths of the lease is another thing we'd love you to address. There's a lot in here, but, yeah, I would say, again, my major points, because I know everyone else needs to speak, is we need to have a

full understanding, a true full environmental impact statement with primary, secondary, tertiary, etc., impacts, cultural impacts, environmental impact, social impacts, and the current preparation notice as written is not addressing much. It is skirting over the majority of these issues and so we would like you to completely readdress this and look at what your preparation notice is missing on these factors.

FACILITATOR SENELLY: Okay. Just a couple of clarifications.

MS. RAFF CORWIN: Sure.

FACILITATOR SENELLY: The prep notice really cannot come to conclusions about significance.

MS. RAFF CORWIN: Oh, I don't mean -- I don't mean conclusions, but there's many things in the preparation notice that it looks like you're not even going to address because you claim there's no significance.

FACILITATOR SENELLY: Oh, that's why we're here.

MS. RAFF CORWIN: Right. So that's what we're saying, we want to make sure that doesn't happen.

FACILITATOR SENELLY: Yeah. And my only point is that the level or whatever of significance has not been determined because the studies have -- are not being -- have not been done. So I take -- I get your point, though, you want it -- you want it -- I think the gentleman here says you want it to be transparent and put a lot of stuff in.

MS. RAFF CORWIN: Well, for time reasons, I will leave it at that, but it's a lot more complicated than that.

**From:** [Adriane Raff-Corwin](#)  
**To:** [dlnr@hawaii.gov](mailto:dlnr@hawaii.gov); [dyasui@abprop.com](mailto:dyasui@abprop.com); [Earl Matsukawa](#); [ian.c.hirokawa@hawaii.gov](mailto:ian.c.hirokawa@hawaii.gov)  
**Subject:** Comments on EISPN for Proposed Lease for Nahiku, Keanae, Honomanu, and Huelo license areas  
**Date:** Friday, March 10, 2017 11:15:49 PM  
**Attachments:** [2017SCMGCommentsLetterforABEISPN-2.pdf](#)

---

Aloha,

Please find attached comments on the EISPN for the proposed Water Lease in East Maui from Sierra Club Maui Group. In addition to those contacts listed in the OEQC, I am also sending this to the DLNR because some of our comments are directed to that agency.

Mahalo,  
Adriane Raff Corwin

--

Adriane Raff Corwin  
Sierra Club Maui Group Coordinator  
(808) 419-5143  
[adriane.raff-corwin@sierraclub.org](mailto:adriane.raff-corwin@sierraclub.org)



# SIERRA CLUB OF HAWAI'I MAUI GROUP

March 9, 2017

**TO:** Earl Matsukawa, Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400, Honolulu, HI 96826

**CC:** Ian Hirokawa, Board of Land and Natural Resources; Daniel Yasui, Alexander & Baldwin; Department of Land and Natural Resources.

**RE: Comments on: EISPN for Proposed lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas**

Aloha kākou,

Thank you for the opportunity to provide comments on the the Environmental Impact Statement Preparation Notice (EISPN) for Alexander & Baldwin's proposed 30-year Water lease. We have many members who live in the license areas, including in areas that are not part of the Interim In-stream Flow Standard (IIFS) contested case petition, and we want to ensure that the DEIS takes into account their stream flow needs.

To begin with, many Maui stakeholders are apprehensive of the way this EIS process is unfolding because Alexander & Baldwin (A&B) is paying for and directing the work of the consultant. In making this comment, we are not insinuating anything against the Wilson Okamoto Corporation; our concern is with the process. **Before the DEIS goes any further, we ask that the DLNR take control of the process by directly hiring and paying for a consultant.** This will remedy the following:

- Our members are greatly concerned that having Alexander & Baldwin in charge of the process diminishes the chances a thorough DEIS will be written because A&B has a vested interest in a specific outcome. Because of the decades of legal battles between A&B and impacted community

PO Box 791180, Pā'ia, Hawai'i 96779 | 808-419-5143 | [adriane.raff-corwin@sierraclub.org](mailto:adriane.raff-corwin@sierraclub.org) | [mauisierraclub.org](http://mauisierraclub.org)

Emailed correspondence reduces paper waste. If you do print this letter, please recycle. Mahalo.

members, the community will not see an EIS commissioned by A&B as legitimate. By taking it out of the hands of A&B, the DLNR will alleviate these concerns and help instill trust in the governmental process.

- The FEIS, if approved by the BNL, will need to go through a public auction process, which A&B may not win. An EIS commissioned by A&B appears designed to tip the process in its favor, whereas an EIS that is commissioned by a neutral party is more likely to weigh the many potential alternatives to A&B's proposed 30-year lease and will enable more parties to make viable bids in a public auction.

**For these reasons, we ask that DLNR take direct control of this process as soon as possible and commission a new EISPN.**

With that said, we have reviewed the current EISPN document submitted by Wilson Okamoto Corporation and have the following comments:

- 1) **We endorse the comments provided by the U.S. Fish and Wildlife Service**, which include:
  - a) **Alternative Lease Durations:** The EIS should analyze the costs and benefits of many alternatives to the proposed 30-year lease, including shorter scenarios (5, 10, 15 years) and should take into account how the climate and rainfall patterns may change in these time periods, resulting in different impacts. We agree with the recommendation that a shorter lease, such as 5 years in length, is better because environmental changes may be more drastic in 10, 15, and 30 year intervals.
  - b) **Alternative Water Amounts to be Diverted:** As of October 2016, A&B reported that it was only diverting 25 mgd from East Maui streams yet is requesting up to 100 mgd in its lease. The EIS should analyze how different diversion volumes (such as 25, 50, 80, 100) would impact the birds, plants, and aquatic life whose direct habitats are affected. It is especially important to analyze how the diversion structures “may represent barriers to upstream or downstream faunal passage of native Hawaiian fishes and other migratory stream biota.”
  - c) **Maintenance of the Diversion System:** The EIS must analyze the amount of water lost through seepage and how these losses can be mitigated so the diversion system is more efficient and ensures a maximum amount of water remains in the streams.
  - d) **Actual Uses of the Diverted Water:** Because these waters are a natural resource and

therefore defined as a public trust, the EIS should analyze what is legally allowed for the leaseholder to do with the diverted water. As the USFWS notes, “public trust uses such as minimum instream flows for ecological integrity and traditional cultural practices must be fully addressed before off-stream allocations can be granted...[and] agricultural diversions are not considered a public trust use.”

- e) **Alternatives to Stream Water:** The EIS should analyze whether other water sources, such as existing pumped wells, provide enough water to meet A&B’s immediate water needs for agriculture and its obligations to the county to provide water to Upcountry Maui residents.
- 
- 2) **Regarding Section 1.4:** Section 1.4 states that, “Settlements along Hāna Highway from west to east, toward Hāna, include Huelo and Kailua makai of the Huelo License Area, Ke’anae and Wailua makai of the Ke’anae License Area and Nāhiku makai of the Nāhiku License Area.” This description should add the communities of Honopou, Hanawana Hoolawa to the Huelo Lease area. These communities have no public water systems and the DEIS needs to specifically discuss mitigation plans to restore sufficient flows to Puniawa, Ho’olawa, Mokupapa, Honokala, Waipio, East Waipio, Waipio iki, and Hanawana streams to provide domestic water to hundreds of families who live in these communities. Their streams are not part of the 2001 IIFS petition for the East Maui Lease areas, yet the continued diverted conditions of their streams impact their daily lives and their rights to have sufficient water for their domestic needs.
- 
- 3) **Regarding Section 2:** Section 2 states, “The Draft EIS, in addition to the No Action alternative, however, will identify alternative(s) that contemplate a lease that permits less than the IIFS-enabled diversions, and will evaluate environmental impacts, benefits, costs, and risks of such alternative(s).” One of the alternatives that the DEIS should consider is the restoration of stream flows to communities with no public water supply in the Huelo license area, who are not part of the East Maui IIFS contested case petition.
- 
- 4) **Regarding Section 3.5.4:** There are impacts in areas where no restoration is being proposed like Hanawana and Kailua areas, Waipio and Waipio Iki, Hoolawa, Honokala, Makapipi and Mokupapa.
- 
- 5) **Regarding Section 3.10.4:** Recreational use of many streams in the lease area, especially in local neighborhoods such as Hanawana, Hoolawa, Mokupapa, Honokala, Honopou and Huelo, is already significantly impacted under the former lease conditions. The proposed diversions will continue

those impacts and should be discussed.

6) **Regarding Section 3.11.3 Potable Water System:** Community water systems for Huelo, Honopou, Hoolawa, Waipio resident are in the lease area. What happens there affects many potable water users and that should be discussed in the DEIS.

7) **In addition, the DEIS should:**

- Analyze how the water diversions impact the whole ecosystem from mauka to makai, and how these impacts may affect the larger ecosystem of Maui and Hawai'i Nei;
- Provide a complete assessment of the damage already done to the ecosystem and cultural practices from the stream diversions and how these already existing negative impacts can be remedied;
- Analyze all possible secondary and tertiary impacts of the diversion system, such as those on Native Hawaiian cultural practices and traditional food gatherers;
- Provide an economic analysis of the financial value of the water to be sourced from this lease.

Mahalo again for this opportunity to provide comments on this EISPN.

Aloha,

Adriane Raff Corwin  
Coordinator, Sierra Club Maui Group



10238-01  
September 23, 2019

Ms. Adriane Raff Corwin, Coordinator  
Sierra Club Maui Group  
PO Box 791180  
Pā'ia, HI 96779

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū,  
and Huelo License Areas

Dear Ms. Raff Corwin:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas, for your letter dated March 9, 2017, and your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action which are being studied. In accordance with Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules (HAR) Section

11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.

3. The Draft EIS includes in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including a discussion of alternative lease terms and duration. Section 3.1.1 of the Draft EIS discusses water source alternatives.
4. For purposes of this Draft EIS, the list of streams assessed as part of the License Area is taken from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). The D&O as it applies to the streams in the License Area is explained in Section 1.3.4 of the Draft EIS.
5. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action and alternatives on indigenous freshwater species, and terrestrial flora and fauna, respectively. The Draft EIS discusses the impacts of the Proposed Action to freshwater species in Section 4.2.1 and impacts to terrestrial flora and fauna in Sections 4.4.1 and 4.4.2. Both reports are appended to the Draft EIS (See Appendix A and Appendix C).
7. Impacts of the Proposed Action on groundwater, including system losses over the Kahului and Pā'ia aquifers are discussed in Section 4.2.2 of the Draft EIS.
8. Section 1.3.4 of the Draft EIS discusses the CWR D&O and the authority of the BLNR to issue a Water Lease for non-instream uses pursuant to HRS § 171-58, that is subject to the IIFS set by CWRM.
9. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See

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Letter to Ms. Adriane Raff Corwin

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September 23, 2019

Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

10. Direct, secondary and Cumulative Impacts of the Proposed Action are discussed in Section 4.16 of the Draft EIS.
11. Munekiyo & Hiraga Inc. prepared an Economic and Fiscal Impact Study (Appendix H) and Plasch Econ Pacific Inc. prepared an Agricultural and Related Economic Impacts study (Appendix I) in support of the Draft EIS. These studies are discussed in the Draft EIS in Sections 4.7.3 and 4.7.4, respectively.

Your written and oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

LORRIN W. PANG, M.D., M.P.H..  
DISTRICT HEALTH OFFICER

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
MAUI DISTRICT HEALTH OFFICE  
54 HIGH STREET  
WAILUKU, HAWAII 96793-3378

EM

February 23, 2017

Mr. Ian Hirokawa  
Board of Land & Natural Resources  
1151 Punchbowl Street, Room 220  
Honolulu, Hawaii 96813

RECEIVED  
FEB 27 2017  
WILSON OKAMOTO CORPORATION

Dear Mr. Hirokawa:

**Subject: Water Lease for the Nahiku, Keanae, Honomanu and Huelo License Areas EISPN**  
**TMK: (2) 1-2-004:005, 007; (2) 1-1-002:002; (2) 1-1-001:44, 050; and (2) 2-9-014:001, 005, 011; 012, 017**

Thank you for the opportunity to review this project. We have no comments to offer. It is strongly recommended that the Standard Comments found at the Department's website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/> be reviewed and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please contact me at 808 984-8230 or email me at [patricia.kitkowski@doh.hawaii.gov](mailto:patricia.kitkowski@doh.hawaii.gov).

Sincerely,

Patti Kitkowski  
District Environmental Health Program Chief

- c EPO
- Daniel Y. Yasui, A&B Inc.
- Earl Matsukawa, Wilson Okamoto Corp.

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
MAUI DISTRICT HEALTH OFFICE  
54 HIGH STREET  
WAILUKU, HAWAII 96793-3378

LORRIN W. PANG, M.D., M.P.H.  
DISTRICT HEALTH OFFICER

March 22, 2017

Mr. Earl Matsukawa, AICP  
Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826

RECEIVED  
MAR 24 2017  
WILSON OKAMOTO CORPORATION

Dear Mr. Matsukawa:

**Subject: Environmental Impact Statement Preparation Notice for Proposed Water Lease for the Nahiku, Keanae, Honomanu and Huelo License Areas  
TMK: (2) 1-2-004:005, 007; (2) 1-1-002:002; (2) 1-1-001:44, 050; and  
(2) 2-9-014:001, 005, 011, 012, 017**

Thank you for the additional information provided to us. We have no comments to offer.

It is strongly recommended that the Standard Comments found at the Department's website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/> be reviewed and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please contact me at 808 984-8230 or email me at [patricia.kitkowski@doh.hawaii.gov](mailto:patricia.kitkowski@doh.hawaii.gov).

Sincerely,

Patti Kitkowski  
District Environmental Health Program Chief

c EPO  
Daniel Y. Yasui, A&B Inc.  
Ian Hirokawa, DLNR-Land Division



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Patti Kitkowski  
Maui District Environmental Health Program Chief  
Department of Health  
54 High Street  
Wailuku, HI 96793-3378

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Kitkowski:

Thank you for your agency's participation in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas. You provided an early consultation letter dated December 23, 2016, which was prior to the publication of the EISPN on February 8, 2017, and you also provided written comments dated February 23 and March 22, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix J (as to the early consultation comments) and Appendix M (as to your comments on the EISPN).

We acknowledge that the Department of Health, Maui District Health Office, in early consultation did not have comments but recommended that the applicant review the Standard Comments on the Department of Health's former Environmental Planning Office's (EPO) website. The EPO submitted early consultation comments, a copy of which is included in Appendix J to the Draft EIS.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant



**OFFICE OF  
ENVIRONMENTAL QUALITY CONTROL**

DEPARTMENT OF HEALTH | 235 South Beretania Street, Suite 702, Honolulu, HI 96813 | [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov)

DAVID Y. IGE  
GOVERNOR

SCOTT GLENN  
DIRECTOR

(808) 586-4185

March 3, 2017

Ms. Suzanne D. Case, Director  
Department of Land and Natural Resources, State of Hawaii  
1150 Punchbowl Street  
Honolulu, HI 96813

Dear Ms. Case:

**SUBJECT:** Environmental Impact Statement Preparation Notice Comment: Proposed Water Lease to Alexander and Baldwin, and East Maui Irrigation (EMI) Company (collectively, A&B), for the Nāhiku, Ke'ānae, Honomanū, and Huelo License Areas

Having reviewed the subject document, the Office of Environmental Quality Control submits the following comments for your consideration in the preparation of a draft EIS.

**CLIMATE CHANGE:** Section 3.1 of the EISPN notes that the Proposed Action is limited to the issuance of the Water Lease for the subject License Area, which would enable A&B to continue operation of the EMI Aqueduct System that has been in operation for over a century. The document notes that the proposed action will have no significant impacts on temperatures, winds, or rainfall levels in the region. The Office requests that the document expand discussions on climate change impacts (global warming, greenhouse gas increases, etc.) on the various elements of the environmental setting for the proposed action especially during the proposed lease-life. This would include potential direct, indirect and cumulative climate change impacts related to rainfall, ground water and surface water, flora, fauna, severe weather conditions, flooding, historic and archaeological resources, cultural resources, socio-economic impacts, and traffic impacts.

Thank you for the opportunity to comment. Please contact Mr. Leslie Segundo if there are any questions regarding this letter.

Sincerely,

*Tom Eisen*

for  
Scott Glenn, Director

c: Wilson Okamoto Corporation



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Scott Glenn  
Director, Office of Environmental Quality Control  
235 S. Beretania Street, Suite 702  
Honolulu, HI 96813

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Director Glenn:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 3, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS assesses climate change in Section 4.3.1 and the Assessment of Streams and the Ocean Water Chemistry report (See Appendix B).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

10238-02  
Letter to Mr. Scott Glenn  
Page 2  
September 23, 2019

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with the first name "Earl" being more prominent.

Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

02020PMHK.17

February 17, 2017

Mr. Earl Matsukawa  
Project Manager  
Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826

Dear Mr. Matsukawa:

**SUBJECT: Comments on the Environmental Impact Statement Preparation Notice for the Proposed Water Lease for the Nahiku, Keanae, Honomanu, and Huelo License Areas Makawao and Hana Districts, Island of Maui, Hawaii**  
**TMKs: (2) 1-2-004:005 and 007 (por.); (2) 1-1-002:002; (2) 1-1-001:044; (2) 1-1-001:050; and (2) 2-9-014:001, 005, 011, 012, 017**

The Department of Health (DOH), Clean Water Branch (CWB), has reviewed the subject document and has no comments at this time. The DOH-CWB provided comments on the Early Consultation for this project (Letter No. 12005PNN.16, dated December 5, 2016).

Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at: <http://health.hawaii.gov/epo/files/2013/05/Clean-Water-Branch-Std-Comments.pdf>.

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,

A handwritten signature in cursive script that reads "Alec Wong".

ALEC WONG, P.E., CHIEF  
Clean Water Branch

MHK:ctt

c: Mr. Daniel Yasui, A & B/East Maui Irrigation Company, Limited (EMI)  
[via e-mail [dyasui@abprop.com](mailto:dyasui@abprop.com) only]  
Mr. Ian Hirokawa, BLNR [via e-mail [ian.c.hirokawa@hawaii.gov](mailto:ian.c.hirokawa@hawaii.gov) only]  
DOH-EPO [via e-mail [Noella.Narimatsu@doh.hawaii.gov](mailto:Noella.Narimatsu@doh.hawaii.gov) only]



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Alec Wong  
Chief of Clean Water Branch  
PO Box 3378  
Honolulu, HI 96801-3378

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Wong:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas. You provided an early consultation comment letter dated December 5, 2016, prior to the publication of the EISPN on February 8, 2017, and also provided written comments on the EISPN dated February 17, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix J (as to the early consultation letter) and Appendix M (as to your EISPN comments).

Your early consultation comments have been incorporated in to the Draft EIS as relevant to the Proposed Action. As suggested by your early consultation comments, the Proposed Action will implement appropriate BMPs which is discussed in Chapter 4 of the Draft EIS. As discussed in Chapter 4 of the Draft EIS, the Proposed Action will comply with the relevant regulations related to Water Quality Standards, HAR Chapter 11-54, and Water Pollution Control, HAR Chapter 11-55.

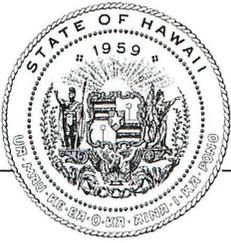
Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant



# 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-15508

March 2, 2017

EM

Mr. Earl Matsukawa, AICP  
Project Manager  
Wilson Okamoto Corporation  
1907 S. Beretania Street, Suite 400  
Honolulu, Hawaii 96826

RECEIVED  
MAR 06 2017  
WILSON OKAMOTO CORPORATION

Dear Mr. Matsukawa:

Subject: Environmental Impact Statement Preparation Notice (EISPN) Proposed Lease for the Nahiku, Keanae, Honomanu and Huelo License Areas  
Tax Map Keys: (2) 1-2-004:005, 007; (2) 1-1-002:002; (2) 1-1-001:44, 050; and, (2) 2-9-014:001, 005, 011, 012, 017

Thank you for the opportunity to provide comments on the EISPN on the proposed water lease for the license areas of Nahiku, Keanae, Honomanu, and Huelo on the Island of Maui. The EISPN review material was transmitted to our office via letter dated February 8, 2017.

It is our understanding that Alexander and Baldwin, Inc. (A&B) is preparing a Draft Environmental Impact Statement (DEIS) on the issuance of a long-term 30-year water lease involving these license areas from the Board of Land and Natural Resources. The water lease (proposed action) will require the lessee to use lands owned by the State of Hawaii to maintain and repair existing access roads and trails used as part of the East Maui Irrigation (EMI) Company aqueduct system.

The objectives of the proposed action are to preserve and maintain the EMI Aqueduct System, to meet the domestic water demands in Upcountry Maui, to provide water for agricultural purposes in Central Maui, and to serve community water demands in Nahiku, Maui

The Office of Planning (OP) has reviewed the transmitted material and has the following comments to offer:

1. The EISPN acknowledges a number of our comments made in a previous early consultation letter dated December 8, 2017 (Reference Number P-15388).
  - a) Section 4.1, page 4-1 states that the DEIS will need to demonstrate the proposed action's adherence to the goals and objectives of the Hawaii Coastal Zone Management program as listed in Hawaii Revised Statutes (HRS) § 205A-2.

Mr. Earl Matsukawa, AICP  
Project Manager  
Wilson Okamoto Corporation  
March 2, 2017  
Page 2

- b) Section 4.1, page 4-1 affirms that the DEIS will need to address the proposed action's consistency with the objectives, policies, priority guidelines of the Hawaii State Planning Act, HRS Chapter 226, and Part II State Functional Plans.

2. The following issues are related to plans, policies, and initiatives that fall under the jurisdiction of OP:

- a) Section 3.2.2, page 3-2 lists the environmental impacts related to soils that will be covered in the DEIS. It states that the proposed action is limited to the issuance of the Water Lease for the subject License Area, which would enable the lessee to continue operation of the EMI Aqueduct System. Anticipated impacts will be identified and discussed in the DEIS.

The DEIS should examine the proposed action's impact on the nearshore environment from loose soil, erosion, and ocean turbidity. This analysis should include mitigative strategies and proposed land controls to keep soil in place and prevent it from harming marine life, coral reefs, and impacting water quality within the nearshore ecosystem.

- b). Section 3.3.1, page 3-4 asserts that environmental impacts related to hydrology and surface water resources will also be covered in the DEIS. This section also states that the proposed action is limited to the issuance of the Water Lease for the subject License Area, and anticipated impacts will be identified and discussed in the DEIS.

The DEIS should consider the proposed action's impact on surface water resources in terms of water quality and polluted runoff reduction strategies. Stormwater runoff, and the pollution it carries, can have a devastating effect on inland hydrological resources, as well as down range coastal areas. The DEIS should provide analysis on planned mitigative designs and source controls measures to safeguard water resources.

- c) Section 4.2, page 4-2 of the EISPN that the project may be subject to a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act Permit from the U.S. Army Corps of Engineers. This federal permit may also require a Federal Consistency review.

The national Coastal Zone Management Act (CZMA) requires that federal actions be consistent with approved state coastal programs enforceable policies. A

Mr. Earl Matsukawa, AICP  
Project Manager  
Wilson Okamoto Corporation  
March 2, 2017  
Page 3

Federal action is defined by the CZMA to include federal permits or approvals.

OP is the lead state agency with the authority to conduct Federal Consistency reviews. If a federal permit is required, please contact our office on the policies and procedures involved in a Federal Consistency Review.

- d) The DEIS should address the impacts to agriculture from the proposed action. The license area appears to be within the State Conservation District and does not involve land within the State Land Use Agricultural District. However, the proposed action may impact domestic water use and agricultural production potential on Central Maui lands. The DEIS should include an examination on the impact of the water lease to agricultural land use on the Island of Maui.

We have no further comments at this time. If you have any questions regarding this comment letter, please contact Joshua Hekekoa of our office at (808) 587-2845.

Sincerely,



 Leo R. Asuncion  
Director



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Mary Alice Evans, Director  
Office of Planning, State of Hawai'i  
PO Box 2359  
Honolulu HI, 96804

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū  
and Huelo License Areas

Dear Ms. Evans:

Thank you for the Office of Planning's participation in the scoping process for the subject Environmental Impact (EIS) Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. Office of Planning provided early consultation comments dated December 8, 2016, which was prior to the publication of the EISPN on February 8, 2017. Office of Planning also provided written comments dated March 2, 2017, in response to the EISPN. We acknowledge your agency's comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix J (as to the early consultation comments) and M (as to the EISPN comments).

We have taken your agency's comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui, which are now owned by Mahi Pono and planned for diversified agriculture.
2. Pursuant to HAR § 11-200-17(h), the Draft EIS discusses the Proposed Action's consistency with various plans and policies in Chapter 5 of the Draft EIS, specifically the Hawai'i Coastal Zone Management Program in Section 5.1.5, the Hawai'i State Plan in

10238-01

Letter to Ms. Mary Alice Evans

Page 2

September 23, 2019

Section 5.1.1, and the State Functional Plans in Section 5.1.2. As you suggested, the analysis is provided in tabular form, followed by discussion paragraphs.

3. The Draft EIS discusses impacts to soils associated with the Proposed Action in Section 4.1.2 of the Draft EIS.
4. The Draft EIS discusses impacts to hydrology associated with the Proposed Action in Section 4.2 of the Draft EIS as well as the reports various technical reports prepared for the Draft EIS, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); and Terrestrial and Flora and Fauna Report (See Appendix C).
5. The Draft EIS includes in Section 4.7 an assessment of the impacts of the Proposed Action to socio-economic characteristics including the agricultural economy. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural and Related Economic Impacts Report (See Appendix I) and an Economic and Fiscal Impact Analysis Report (See Appendix H).

Your agency's written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Ms. Stacey Sills

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. SILLS: My name is Stacey Sills and I have been on Maui for 25 years. And there was -- the two issues that I think I'd like to address is the six-year drought for the Upcountry cattle farmers was noted as well as you notice California had a ten-year drought. The issue I think that you need to be looking at and that needs to be studied are the actual particles tested in the water, in the people. I think the people need to be tested as well because there is a thing and it is called geoengineering and it's being done over Maui. It's shut down the Lao Valley. I am the only person in the world who documented the bombing of Lao Valley and also the bombing of protest -- of the protesters on the Big Island Hawaii. They drop aerosol down bursts, they're filled with aluminum, barium, and strontium. I'm sure you're gonna pick up those particles in the environment. And I think that needs to be studied because they can create six-year droughts, ten-years droughts, and now they're creating a flood.

I just watched the same down bursts that are happening right now in Orville that happened in Lao Valley. They're doing the same thing. They're -- that dam's gonna blow. Trust me, I know it, because I'm watching them. They're exploding the same aerosols that they did here in Lao and this is an issue, it needs to be addressed, and you need to look at that factor in your environmental impact study. It's not a joke. I know it's top secret, we can't talk about it, but, you know what, I'm gonna talk about it, because it affects each and every one of you. It's global, it happens here, it happens all around the globe. I don't know --

How many people know about global engineering? Anyone.

Okay. That is very few. You're just ignorant. Please educate yourself. It affects you, you're breathing it. It happened today. It happens every single day. They're whiting out the planet. You'll never see a light blue sky again. Please check the particles, that's what I'd like you to do on your environmental impact statement, is protect the health of these Hawaiian people because they're being attacked.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Stacey Sills  
ssills@tiki.net

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Sills:

Thank you for participating in the scoping process for the subject Environmental Impact Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. The Draft EIS discusses impacts to hydrology associated with the Proposed Action in Section 4.2 of the Draft EIS as well as the reports various technical reports prepared for the Draft EIS, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); and Terrestrial and Flora and Fauna Report (See Appendix C).

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP  
Vice President, Director of Planning

10238-02  
Letter to Ms. Stacey Sills  
Page 2  
September 23, 2019

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Steve Slater

February 23, 2017

Ha‘ikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. SLATER: Hi. Steve Slater. I would like to have some -- well, first thing, I think 30 years is way too long the way science and biology is going. I mean, we're just breaking the surface of how important the microbial systems are to the soil, to our own human bodies, how much symbiotic both bacteria, virus, fungus. Just it's a whole new era. To lock us into a 30-year lease at this point, I don't think the EIS can be at all functional.

I think if we did an EIS in two years or five years, I think we'd be talking about completely different things on the watershed, like the connection of the microbial system from the ocean, like miniature salmon, microscopic salmon swimming upstream, carrying nutrients. I mean, we're in a whole 'nother era. I just find it's going to be very difficult to get an accurate EIS unless we bring in state-of-the-art science these days. And I don't think we're going to get that on Maui. I really think you'd have to bring in some cutting-edge biologists, look at the whole microbial system, what it means to endangered species. And we're at a time when we're not going to get a lot happening in a short period. So why can't A & B be satisfied with a one-year lease? They've been living with it for all this time, and now major changes are happening. I just can't -- you know, that leads me back into the Glyphosate/Roundup problem, like the gentleman was explaining. So much spraying. Not just on the edges; but because it's difficult for them to go, they spray right in the water.

Could we possibly get a study? You're not going to be able to go take water samples and find glyphosate, but couldn't we study some of the people who have used it as drinking water? Could they have free access to a urine test and maybe compared to these people have a higher rate of glyphosate? And remember, glyphosate also kills the microbial content. It's like it's got more repercussions than just if it gave something to human health. It's changing the whole biosphere of the area. So why didn't A & B ever -- they've never had to say how much they pumped. A & B has a record of being able to put poisons out, not inform the Health Department, not inform the County, keep secret lists. Could EIS look at what chemicals have been put in the stream? And also, A & B has been spraying -- HC&S has been spraying the cane with glyphosate to make it dry so they can burn it. That has gone into the ocean. Plus what they're spraying into the fields. So what they've put on the fields also compounds what's coming down the streams. Is that possible?

Also, you know, I own a property for the last 15 years where I can only live on catchment. Even though I have rights on my deed to two ditches, Lowrie Ditch, Haiku Ditch, and Waipio Stream, I can't exercise those rights. You can't talk to EMI about using rights on your deed. It's a whole legal battle. You're looking for trouble. I have to live on catchment. It's \$200 per thousand, I pay to have it water trucked in

Scoping Meeting Comments of Mr. Steve Slater

Page 2

February 23, 2017

Not \$3 dollars. And the last thing is what does this EIS cost? Because if some group or the County wants to reimburse for the EIS, is this EIS going to be so expensive that it's going to make that \$160,000 starting point double? Do we know what this EIS is going to cost?

**From:** [Steve Slater](#)  
**To:** [Wilson Okamoto Corporation](#)  
**Subject:** Testimony: EISPN: Proposed Lease  
**Date:** Sunday, March 5, 2017 10:36:43 PM  
**Attachments:** [30\\_year\\_lease EIS -- Wilson Okamoto Corporation.docx](#)

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Please reply back that you received this email and that my testimony is accepted.



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Steve Slater  
55 East Waipi'o Road  
Hā'ikū, HI 96708  
steve@vcasa.net

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū  
and Huelo License Areas

Dear Mr. Slater:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas, your written comments dated March 5, 2017, and your oral comments at the February 23, 2007 EIS Scoping Meeting. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. The Draft EIS will include in Chapter 4 an assessment of the impacts of the Proposed Action. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
3. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams

designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

4. The Draft EIS discusses impacts to hydrology associated with the Proposed Action in Section 4.2 of the Draft EIS as well as the reports various technical reports prepared for the Draft EIS, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); and Terrestrial and Flora and Fauna Report (See Appendix C).
5. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including discussion of alternative lease duration.

Your written and oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant



**WILSON OKAMOTO**  
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T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>  
Attention: Mr. Earl Matsukawa

**SUBJECT: EISP: PROPOSED LEASE (WATER LEASE) FOR THE NĀHIKU,  
KE'ANAE, HONOMANŪ, AND HUELO LICENSE AREAS -  
SCOPING MEETING, FEBRUARY 22-23, 2017**

Return the water to the original streams with no diversions. Then let the residents along the streams decide how much water they can spare to share.

(include additional sheets as necessary)

PLEASE PRINT: Name: Suzan Wilson Phone: 808 5730478

Organization: —

Address: 310 Waipalani Rd  
Haiku, HI 96708

Email: Suzan\_jones@hotmail.com

Please submit comments by March 10, 2017 or email [woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

\*Receipt of e-mailed comments will be confirmed via e-mail. If you do not receive a confirmation message, please contact our office (see contact information, above).



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Suzan Wilson  
310 Waipalani Road  
Haiku, HI 96708

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Wilson:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated February 23, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the *"purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui. The environmental impacts of the potential Water Lease will be assessed.
2. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
3. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. The Draft EIS will include in Section 2.1.4, a description of Mahi Pono’s Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on the water available of which diversion quantities from the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource

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Letter to Ms. Suzan Wilson

Page 2

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Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Ms. Tammy Luat-Huen

February 23, 2017

Haʻikū Park and Community Center

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. LUAT-HUEN: Thank you. My name is Tammy Luat-Huen. I am from Keanae. I live on the peninsula. And we try to farm taro in our yard, but we're the last taro farm to receive the water. So in your EIS, I would like the temperature of the water to be tested. You guys keep taking water out, the water is going very low; the sun is so hot, it makes the water hot. By the time it gets to me, all my taro was like horrible. We tried to save the -- you know, when we harvested, we tried different patches to see how it is. Oh, my god, it was terrible, and it was like spongy. So definitely I think that the EIS should include the temperature. And also, before I even started, I was supposed to tell you guys this. I tripping out that you guys are talking about our water and handing out permits to the highest bidder, like you're talking about stocks and bonds.

We're not talking about stocks and bonds. We're talking about life. We're talking about water for all of us to live, because I don't know about you, but I cannot drink money. So without water, we cannot survive. EMI has had control of East Maui's waters for way too long, also stewards of these lands.

In your EIS, I demand that EMI be ordered to restore these rivers and streams, especially the ones that they're not using. They leave all their cement, their metal, their crap. Take it out. Like if they were my tenants, I would be like, you know what, you're out, you're not going to get another lease from me. You let go our place, you're out. So I think we should demand that they restore our rivers and streams to how it was before they got it. And on that note, also in your EIS, it should say they took so much water -- when I was little, my grandpa used to work for EMI, so I know. He took me up there. There was plenty of water flow. I'm not that old. You know, I don't want to tell you guys, but I had one big birthday the other week. But I know how much water there was flowing.

When I drive home to Keanae, there's so much rivers that used to flow all the time. Now only trickles coming down. And I'm trying to remember the story about that water that used to come up the side of Waikoloa. And we always used to pull over, wash the baby bottle if something spilled, drink water. You know, we used to use that, and it's gone. I remember that. But anyway, where they took a lot of water, and now they let the rivers run bone dry. Not even like a little bit. We went all the way up to the top, dry bone. As wide as you can imagine, this river was dry. So now what's in there? Just so happens that invasive trees, bushes, vines, all kinds of weird stuff started growing in there. Now they go, oh, we are ordered to release the water, what does EMI do? Instead of they go clean the rivers and the beds because it's all grown with invasive stuff, open the water, water is flowing, no more place to go, where does it go? Every which way but loose. Not in the flow that it's supposed to be. So I honestly believe a lot of these landslides that we've been experiencing on the east side of Maui, all A & B's fault. They

should have -- they were so worried about their employees, their 400 employees. They could have had their employees stay on for one more year while they go clean up all our rivers and streams. It's their responsibility.

So for the EIS, I highly recommend that you guys have them -- not ask them -- demand that they go clean up our rivers and streams to where -- to the point where they got it. And I'm sorry about that, but it makes me so mad. Because now, you know, those landslides has caused us so much havoc. We have people that are putting their lives in danger just to go to the doctor, you know. We have roads that's completely shut down for seven hours; and then what happens if there's an emergency? This is the kind of stuff that EMI personally caused. And I know that for a fact. So that's one more thing that I wanted your thing to say.

And, you know, like if it was clean, the water would flow the way it always flowed centuries ago. But when the thing is all plugged up, where does it go? It's got to go to the outside; now it's going wider and wider, and it's bringing down everything. And we're not talking small rocks. We're talking rocks as big as trucks. And now we're going to be driving home, all unaware -- especially tonight; it's dark already -- now we're driving home, and let's go play Frogger and try and jump on this side, oh, no, let's go to this side, and then here comes the rocks, you know. So you guys didn't do us no favors by giving them the lease. They literally put our lives in danger, and I'm over it. So it's time for somebody else to -- I understand that everybody on this side needs water. I do understand that. But you're talking about our water as if it's a commodity, and it ain't.

Thank you.



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Ms. Tammy Luat-Huen

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Luat-Huen:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 23, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Section 1.3.4 of the Draft EIS discusses the Commission on Water Resources Management’s (CWRM) Interim Instream Flow Standard (IIFS) Decision and Order (D&O) and the authority of the BLNR to issue a Water Lease for non-instream uses pursuant to Hawai‘i Revised Statutes § 171-58, that is subject to the IIFS set by CWRM.
3. For the purposes of this Draft EIS, diversion quantities from the D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area.
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management’s (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, &

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Letter to Ms. Tammy Luat-Huen  
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September 23, 2019

Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**

Ms. Tiare Lawrence

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MS. LAWRENCE: Aloha. My name is Tiare Lawrence. I'm here from. I'm a lineal descendent of Keanae. My tutu wahine was from there. I enjoy the bountiful akule that come in when my friend Healoha gives me bags of akule, so I know that since the -- since the restoration of some of the streams, that akule have been coming in more frequently. And it's been mind blowing for a lot of the residents out there that they get to experience that. A lot of them thought they wouldn't be able to experience this bounty that's been happening over the past few months. I'll go into details. I'd definitely like the EIS to include interviews of kapuna makua and opio from East Maui, their moku. I'm pretty sure many people in this room are willing to participate in that. I would also like to request an additional meeting be held in Keanae and Hana. The kapuna go to work so they couldn't drive the two hours to be here. I believe that their voices are being left out and they should be given the opportunity to speak.

I would like the EIS to provide the benefits of short-term versus long-term leases. The EIS should detail the impacts of the diversion of each stream, not a generalized view of the entire watershed. The EIS should consider a range of alternatives. Besides the no diversions at all alternative it should reveal the impact of just diverting enough for existing county need and the alternative of leaving enough water in every single stream so that they each receive enough to support 90 percent of stream life.

The EIS should disclose those areas that are pumping from A&B lands. The EIS should include all past impacts such as kuleana land titles, quiet titles, and a clear explanation on how A&B acquired these lands with records. And present impacts to the streams (inaudible) they have more water than normal which helped increase habitat right now. If they are given the lease, the stream habitat will be killed, that is a fact. As well as the impacts of the various broken infrastructure and leaks along the system.

Also I would like the EIS to include a map of potential loi that can be restored. This will provide an opportunity for more kalo cultivation. Kalo farmers are unable to keep up with the current demand and the kalo industry is a multimillion dollar industry with so much more potential. I would also like the draft EIS to include the following: past and present impacts on aquatic life, native plant species, invasive plant species, recreational activities, aesthetic value such as waterfalls and scenic waterways, traditional and customary practices such as kalo cultivation and gathering of oopu, hiihiwi, and opae. I personally believe that no future subdivisions or gentleman estates should have access to surface water for development.

I also believe the EIS should explore policy, if passed at the county level, such as allowing gray water use that would allow less use from potable sources. At the very least before any lease is given they should be required to fix the ditch system and reservoirs adequately to stop wasting 41 million gallons a day.

Scoping Meeting Comments of Ms. Tiare Lawrence

Page 2

February 22, 2017

And I would also like East Maui to get a dedicated water management area. Mahalo.



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September 23, 2019

Ms. Tiare Lawrence

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Lawrence:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. Cultural Surveys Hawai‘i, Inc. prepared a report in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on cultural resources and practices. The impacts of the Proposed Action to cultural resources and practices are discussed in Section 4.6. The report is appended to the Draft EIS (See Appendix F).
3. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
4. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including discussion of alternative lease duration and volume.
5. The Draft EIS discusses impacts to hydrology associated with the Proposed Action in Section 4.2 of the Draft EIS as well as the reports various technical reports prepared for the Draft EIS, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); and Terrestrial and Flora and Fauna Report (See Appendix C).

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Letter to Ms. Tiare Lawrence

Page 2

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6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**  
**Scoping Meeting Comments of**  
Mr. Tom Blackburn-Rodriguez  
February 22, 2017  
Maui Electric Company Community Meeting Room  
Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. BLACKBURN-RODRIGUEZ: My name is Tom Blackburn-Rodriguez. I live in Kihei. My family has lived in Hawaii since 1870, that's the Blackburn side of the family, the Rodriguez family got here before the wall was built and we were refugees from the revolution in Mexico and it wasn't a pretty process to be a refugee.

I'm representing Go Maui, Incorporated. Go Maui is a nonpartisan, nonprofit organization with a focus on affordable workforce housing, water, and a healthy economy with good-paying jobs and benefits, among other issues. There are many issues to consider in the development of this EIS and it is a challenging task. There are five questions I would like to highlight for your consideration and which should be answered in the EIS.

Briefly, first: Will the EIS cover and assess what would happen to Central Maui if there were no agriculture there because there's not enough water.

Number two, second: Will the EIS cover what can happen to our hopes of energy and food sustainability on Maui if the Central Maui lands cannot be cultivated?

Third: What about Upcountry residents? The EIS -- farmers, ranches, etc. The EIS should address where they will get their water if there's no state lease.

Fourth: I have many friends who are in business Upcountry. Will the EIS address what will happen to them and the other businesses in Upcountry Maui if there's no more East Maui stream water?

Finally and perhaps most important: Will the EIS cover what development might occur if there's no agriculture in Central Maui? These and other questions you will hear and have heard tonight are important and the answers will have real consequences for our community which we all love.

And, finally, I would just like to endorse the concept of having a meeting in Hana. Although the Maui County Council has facilities where you can do remote meetings as well, I think it's very important for the people of Hana to be able to participate fully in a meeting of this nature and strongly endorse that. Thank you.

**Comments Regarding State Water Lease EIS  
Kahului, Maui, Hawaii  
February 22, 2017**

Aloha and good evening,

My name is Tom Blackburn-Rodriguez and I live in Kihei. My family has lived in Hawaii since 1870. I am representing Go Maui, Inc. Go Maui is a non-partisan non-profit organization with a focus on affordable workforce housing, water and a healthy economy with good-paying jobs and benefits, among other issues.

There are many issues to consider in the development of this EIS and it is a challenging task.

There are five questions I would like to highlight for your consideration and which should be answered in any EIS.

First, will the EIS cover and assess what would happen to Central Maui if there were no agriculture there, because there's not enough water?

Second, Will the EIS cover what can happen to our hopes of energy and food sustainability on Maui if the Central Maui lands can't be cultivated?

Third, what about the Up County residents? The EIS should address where they will get their water if there's no state lease.

Fourth, I have many friends who are in business Up Country. Will the EIS address what will happen to them and the other businesses in Upcountry Maui if there's no more East Maui stream water?

Finally, and perhaps most important, Will the EIS cover what development might occur if there's no agriculture in Central Maui?

These and other questions you will hear tonight are important and the answers will have real consequences for our community, which we all love.

Mahalo.



10238-02  
September 23, 2019

Mr. Tom Blackburn-Rodriguez  
Kīhei, HI

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Blackburn-Rodriguez:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas, your written comments dated February 22, 2017, and oral comments at the February 22, 2017 scoping meeting. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. The Draft EIS includes in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including a discussion of the No Action Alternative should the Water Lease not be issued.
3. The Social Impact Assessment (See Appendix G), Economic and Fiscal Impact Study (See Appendix H), and Agricultural and Related Economic Impacts report (See Appendix I) assess the social, economic, and agricultural impacts of the Proposed Action and alternatives.

Your written and oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP

10238-01

Letter to Mr. Tom Blackburn-Rodriguez

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September 23, 2019

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**Environmental Impact Statement Preparation Notice**  
**Proposed Water Lease for the Nāhiku, Keʻanae, Honomanū, and Huelo License Areas**

**Scoping Meeting Comments of**

Mr. Zack Williams

February 22, 2017

Maui Electric Company Community Meeting Room

Excerpt of Transcription by Ralph Rosenberg Court Reporters, Inc.

MR. WILLIAMS: Hi, everyone. Aloha. I'm Zach Williams. I'm from Lower Nahiku. I'm just here to say a couple of things really quick about the EMI and what I would like in the EIS. So starting from the beginning, A&B, their subsidiaries HC&S and East Maui Irrigation Company have been very deceitful in what they're saying their uses are. They said right now they've restored 100 percent of Makapipi Stream. I walked up, because we cannot drive and I'm a residence of Nahiku, I walked up to their diversion yesterday, their eastern boundary diversion because they have multiple diversion at different layers of each stream so they can take not water from one place, but multiple places in each stream and they have pumps as well, they can pump water out of the streams.

So on their eastern most diversion, they said they'd give us 100 percent stream flow, but I have a video showing they've opened a little door and it's about four or six inches deep where the water flows out the door and then their flume, which is right on the inside of their diversion, has as much water as they could be possibly taking still flowing into their diversion. And I have video evidence of this from yesterday. And that's what they call 100 percent stream flow, they get more than 50 percent of our water. Well, I'm a new kalo farmer, but I'm a lifelong resident of Lower Nahiku. I'm struggling to get my rhodes going, but that's just wind, Kona winds for the last two weeks. And for the first time since July we've lost mauka to makai connectivity. We've had that since July of this year. So yesterday I went up to the diversion, then I went down to the bridge at the bottom of the road and into the ocean to check the mauka to makai connectivity.

My neighbors, the (Hawaiian name), were getting opae and because the water stopped flowing at Wahine Mo, which is about -- a pond 300 yards up from the ocean, they had to go above there to even get opae in their ponds because it was all neko, because HC&S and EMI are not giving us our fair share and they're saying they're giving us 100 percent. So I want, I guess, the definitions of 100 percent water restored to actually be 100 percent. They're like falsifying this to everybody in Maui County and the State of Hawaii saying they're giving us our water and I still no more water.

And as far as Auntie saying, "Oh, we're worried about (inaudible) guys paying for the water," hey, don't worry us, we'll take care, so -- And one more thing too about the opae, the hihiwi, the pipiwai, the (Hawaiian word), the moi, all these things are all interdependent on that fresh water connectivity into the ocean. But we also need accountability, we need (audible) to come down and count the opae, count the hihiwi, count the pipiwai, the oopu. And we need this above and below the diversions on every single river and then we can decide who gets to take what. But until we have a precedent to preserve our animals and our people and everybody who lives in Maui (Hawaiian word), then I don't -- I don't see

February 22, 2017

-- I don't know where the future is going with EMI, but they need to come forward and be way more transparent.

And also their water lines are all bust, they call them broken water lines, they're just leaking water yesterday, buried under gingers. And the EMI guys are driving by in their trucks, there's no way they would hear that. I'm walking by, I heard the thing, I un- -- dug under gingers and ahui for like ten to fifteen feet with my cane knife to find a four-inch water line completely ruptured, just busting water they've diverted from Makapipi Stream straight into the bushes. Where's the accountability? How long has this been busted? I just found it yesterday, it was buried a foot underground. If I wasn't walking, I wouldn't have heard it.

And lastly, I talked to Uncle Frank James, who is a lineal descendent of (Hawaiian name) in East Maui. And I think Kuihewa, Maui Land and Pine, they used to have on Kuihewa, but they don't take surface water from Kuihewa, but they do take water, they pump it, because it's one of the largest aquifers we have in East Maui. And since 1990 when they put in that pump, Uncle Frank told me that the pond, what they call Blue Pond, is actually only running for two or three weeks after a big storm and then it dries up completely dry. His whole life that never happened, but since 1990 when they put in that pump, that's been happening. And what effect did that -- these pumps and these pumps stations have an effect on other ahupuaas? What about the next ahupuaa in Koolau? But we're all connected and there's been no scientific study or research to see how our aquifers are connected. When you take from one place, people are affected somewhere else. So they cannot just say, Oh, this and that. We need way more, way more scientific impact statements and, I don't know, research. Anyway, that's all I have to say.



10238-02  
September 23, 2019

Mr. Zack Williams

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Williams:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and your oral comments at the February 22, 2017 EIS Scoping Meeting. We acknowledge your comments and concerns, they have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
1. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

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Letter to Mr. Zack Williams

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September 23, 2019

Your oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a large initial "E" and "M".

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

**From:** [Wilson Okamoto Corporation](#)  
**To:** [Earl Matsukawa](#); [Keola Cheng](#); [Rebecca Candilasa](#)  
**Subject:** FW: EISPN for Proposed Lease for the Nahiku, Ke`anae, Honomanu, and Huelo License Areas of Public Land, Maui, Hawaii  
**Date:** Friday, March 10, 2017 3:47:31 PM  
**Attachments:** [image001.jpg](#)

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## Jeanine S.H.Y. Morioka

Secretary



1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

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**From:** Zen Powers [mailto:[zenkekoa@gmail.com](mailto:zenkekoa@gmail.com)]  
**Sent:** Friday, March 10, 2017 3:34 PM  
**To:** Wilson Okamoto Corporation  
**Subject:** Re: EISPN for Proposed Lease for the Nahiku, Ke`anae, Honomanu, and Huelo License Areas of Public Land, Maui, Hawaii

Wilson Okamoto Corporation  
10th, 2017  
1907 South Beretania Street, Suite 400  
Honolulu, Hawai`i 96826

March

Attention: Mr. Earl Matsukawa, Project Manager  
[woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

Re: EISPN for Proposed Lease for the Nahiku, Ke`anae, Honomanu, and Huelo License Areas of Public Land, Maui, Hawaii

Dear Mr. Okamoto,

Mahalo for the opportunity to provide comments on this Environmental Impact Statement Preparation Notice (EISPN) for the use of water from four license areas consisting of 33,000 acres of public lands and waters in East Maui.

As a landowner/ resident of Ho'olawa who has legal rights to use the waters of Ho'olawanui and Ho'olawali'ili'i streams I am personally affected by the A&B request to secure 30 year leases for 33,000 acres of public lands in the East maui Lease areas. My lands and water right apply to the Huelo lease area. Our community has no public water system and we are entirely dependent upon rainfall and the streams for our water supply.

Myself and my family and my neighbors have been impacted by the longterm diversions of our streams by A&B/EMI ditch system. Our streams are so diverted, by the four levels of EMI ditches that there is rarely any flow at all except during rainstorms. This deprives me and my family and my neighbors of sufficient water for domestic use forcing us have limited water available for our needs.

I request that the Draft EIS have a specific discussion of the impacts of A&B/EMI diversions on Ho'olawanui and neighboring streams that have never been included in the 2001 IIFS petition contested case. The discussion should include amounts historically diverted from each stream; amounts planned to be diverted from each stream; amounts planned to be restored to each stream to meet the legally protected rights of downstream communities and actions proposed to care for the watershed productivity of the Huelo lease lands where the diversions occur.

In the resent past the A&B/EMI diversions below the Hana highway took all of the water from Ho'olawa stream and this created an expanse of river bed with out running water. This not only destroyed the once abundant aquatic life and made it harder for our farming community to grow our food but also provided a prime breeding ground for mosquitos. I not only consider this to be poor stewardship of our natural resources but dangerous. If there was ever to be an epidemic of a mosquito born illness, having large areas of standing water could prove fatal to members of our community. It's for these reasons that I request a minimum water flow standard be set for these streams, that meets the environments need for continual flow and the domestic and agricultural needs of my community.

I request to be a consulted party during the entire EIS process for the proposed Lease request.

Zen Kekoa Powers

2441 Liliko'i rd  
Ha'iku HI, 96708



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
July XX, 2019

Mr. Zen Kekoa Powers  
Resident of Ho'olawa  
2442 Liliko'i Road  
Ha'iku, HI, 96708  
zenkekoa@gmail.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū  
and Huelo License Areas

Dear Mr. Powers:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui. The environmental impacts of the potential Water Lease will be assessed.
2. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
3. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).
4. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource

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Letter to Mr. Zen Kekoa

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Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Matsukawa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: alan81435@everyactioncustom.com on behalf of Alan Bradbury  
<alan81435@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 9:01 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

Friends,

We have seen an increase in water flow in several streams since the decline of Maui's sugar industry. Seeing the streams flow has greatly enhanced the ambiance of the region and ability to grow Taro for many local residents. Re-establishing minimum stream flows is a wonderful step forward for our watershed. Better to reduce unnecessary water waste than to take all the water from our streams. As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Alan Bradbury  
10600 Hana Hwy Haiku, HI 96708-5790



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10238-02  
September 23, 2019

Mr. Alan Bradbury  
10600 Hana Hwy  
Haiku, HI 96708-5790

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Bradbury:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: alex.beers@everyactioncustom.com on behalf of Alex Beers  
<alex.beers@everyactioncustom.com>  
Sent: Monday, March 06, 2017 5:10 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Alex Beers  
20 Kaikai St Wailuku, HI 96793-8322



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10238-02  
September 23, 2019

Mr. Alex Beers  
20 Kaikai Street  
Wailuku, HI 96793-8322

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Beers:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 6, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the *"purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
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impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: nokaoi1969@everyactioncustom.com on behalf of Andrew Isoda  
<nokaoi1969@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 6:08 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Andrew Isoda  
PO Box 13029 Lahaina, HI 96761-8029



10238-02  
September 23, 2019

Mr. Andrew Isoda  
PO Box 13029  
Lahaina, HI 96761-8029

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Isoda:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: dalentz0@everyactioncustom.com on behalf of Ann Lentz  
<dalentz0@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 7:05 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Ann Lentz



10238-02  
September 23, 2019

Ms. Ann Lentz  
dalentz0@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Lentz:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Monday, March 06, 2017 7:46 AM  
To: Earl Matsukawa; Rebecca Candilasa; Keola Cheng  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Follow Up Flag: Follow up  
Flag Status: Flagged

Categories: Red Category

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: [ariannafeinberg@everyactioncustom.com](mailto:ariannafeinberg@everyactioncustom.com) [mailto:[ariannafeinberg@everyactioncustom.com](mailto:ariannafeinberg@everyactioncustom.com)]  
Sent: Saturday, March 04, 2017 6:36 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent

of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Arianna Feinberg  
2731 Leolani Pl Makawao, HI 96768-8649



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Arianna Feinberg  
2731 Leolani Pl.  
Makawao, HI 96768-8649  
ariannafeinberg@gmail.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Feinberg:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 6, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Friday, March 10, 2017 8:38 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

-----Original Message-----

From: [begoniabarry@everyactioncustom.com](mailto:begoniabarry@everyactioncustom.com) [mailto:[begoniabarry@everyactioncustom.com](mailto:begoniabarry@everyactioncustom.com)]  
Sent: Thursday, March 09, 2017 9:52 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

Aloha everyone,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Where are the cultural practioners overseeing this process?

Asking A&B to procure their own EIS is like the fox guarding the hen house.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Barbara Barry  
1220 W Kuiaha Rd Haiku, HI 96708-5520



10238-02  
September 23, 2019

Ms. Barbara Barry  
1220 W. Kuiaha Road  
Haiku, HI 96708-5520

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Barry:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Friday, March 10, 2017 8:39 AM  
To: Earl Matsukawa; Rebecca Candilasa; Keola Cheng  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: bestb02@everyactioncustom.com [mailto:bestb02@everyactioncustom.com]  
Sent: Friday, March 10, 2017 6:55 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Barbara Best  
HI



10238-02  
September 23, 2019

Ms. Barbara Best  
bestb02@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Best:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the *"purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Bob@everyactioncustom.com on behalf of Bob Ferguson  
<Bob@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 6:17 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Bob Ferguson  
3291 Waileia Pl Kihei, HI 96753-9310



10238-02  
September 23, 2019

Mr. Bob Ferguson  
3291 Waileia Pl.  
Kihei, HI 96753-9310

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Ferguson:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: chiguyer@everyactioncustom.com on behalf of chi guyer  
<chiguyer@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 8:14 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
chi guyer  
821 Kenui Cir Lahaina, HI 96761-2351



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Chi Guyer  
821 Kenui Cir.  
Lahaina, HI 96761-2351

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Chi Guyer:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

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5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Tuesday, March 07, 2017 2:23 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

-----Original Message-----

From: theboiofthe808@everyactioncustom.com [mailto:theboiofthe808@everyactioncustom.com]  
Sent: Tuesday, March 07, 2017 2:21 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
David-John Fernandez



10238-02  
September 23, 2019

Mr. David-John Fernandez  
theboiofthe808@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Fernandez:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 7, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the *"purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
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impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Thursday, March 09, 2017 2:31 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: [info@everyactioncustom.com](mailto:info@everyactioncustom.com) [<mailto:info@everyactioncustom.com>]  
Sent: Thursday, March 09, 2017 1:43 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Debra Nix  
PO Box 808 Kihei, HI 96753-0808



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Debra Nix  
PO Box 808  
Kihei, HI 96753-0808

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Nix:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Wednesday, March 08, 2017 10:57 AM  
To: Earl Matsukawa; Rebecca Candilasa; Keola Cheng  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: [infofordenise@everyactioncustom.com](mailto:infofordenise@everyactioncustom.com) [mailto:[infofordenise@everyactioncustom.com](mailto:infofordenise@everyactioncustom.com)]  
Sent: Wednesday, March 08, 2017 10:36 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

Alexander & Baldwin has dominated the islands' government, policy, land, economy and people for almost 150 years. Now is the time to stand up to them in the name of fairness and logic.

It is not fair that A&B diverts water from streams so that local farmers are unable to water their crops and it is equally unfair to have A&B personally select and pay for an EIS. Knowing the power that A&B has wielded over elected and appointed government officials over the decades, it is only logical to wonder how their personally-hired consultants for an EIS could possibly remain impartial. There is no logic in letting the wolf guard the hen house. Now is the time to prove that an impartial EIS is possible; and that would be to have the DLNR pay for it.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Denise Boisvert  
225 Kaiulani Ave Apt 1604 Honolulu, HI 96815-3060



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Denise Boisvert  
225 Kaiulani Ave  
Apt 1604  
Honolulu, HI 96815-3060

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Boisvert:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 8, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Friday, March 10, 2017 3:29 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EISPN for Proposed Lease for License Areas of Public Land, Maui, Hawaii

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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From: Diana L. Dahl [mailto:[melofarm@hawaii.rr.com](mailto:melofarm@hawaii.rr.com)]  
Sent: Friday, March 10, 2017 3:27 PM  
To: Wilson Okamoto Corporation  
Subject: EISPN for Proposed Lease for License Areas of Public Land, Maui, Hawaii

Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, Hawai`i 96826

10 March 2017

Attention: Mr. Earl Matsukawa, Project Manager  
[woc@wilsonokamoto.com](mailto:woc@wilsonokamoto.com)

Re: EISPN for Proposed Lease for the Nahiku, Ke`anae, Honomanu, and Huelo License Areas of Public Land, Maui, Hawaii

Dear Mr. Okamoto,

Mahalo for the opportunity to provide comments on this Environmental Impact Statement Preparation Notice (EISPN) for the use of water from four license areas consisting of 33,000 acres of public lands and waters in East Maui.

As a landowner in the community on Loomis Road in Huelo who has legal rights to use the waters of Ho`olawa Stream I am personally affected by the A&B request to secure 30 year leases for 33,000 acres of public lands in the East Maui Lease areas. My lands and water right apply to the Huelo lease area. Our community has no public water system and we are entirely dependent

upon rainfall and the streams for our water supply.

Myself and my family and my neighbors have been impacted by the long-term diversions of our streams by A&B/EMI ditch system. Our streams are so diverted, by the four levels of EMI ditches that there is rarely any flow at all except during rainstorms. This deprives me and my family and neighbors—at least 15 neighbors not including our family of 5—of sufficient water for domestic use forcing us have limited water available for our needs.

I request that the Draft EIS have a specific discussion of the impacts of A&B/EMI diversions on Ho'olawa Stream and neighboring streams that have never been included in the 2001 IIFS petition contested case. The discussion should include amounts historically diverted from each stream; amounts planned to be diverted from each stream; amounts planned to be restored to each stream to meet the legally protected rights of downstream communities, and actions proposed to care for the watershed productivity of the Huelo lease lands where the diversions occur.

These last points are of great importance! We have seen throughout our time on Ho'olawa (45 yrs) a disappointing lessening of stream life. Even if there haven't been definitive studies of the minimal daily/annual stream flow to restore healthy stream life and provide for fair Ag and domestic use of the water, an estimated range needs to be determined to meet these legally protected rights of the downstream communities.

I am requesting to be a consulted party during the entire EIS process for the proposed Lease request.

Yours truly,

Diana L. Dahl  
2441 Lilikoi Road  
Haiku, HI 96708



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Diana Dahl  
2441 Lilikoi Road  
Haiku, HI 96708

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Dahl:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Tuesday, March 07, 2017 8:17 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: [der1way@everyactioncustom.com](mailto:der1way@everyactioncustom.com) [mailto:[der1way@everyactioncustom.com](mailto:der1way@everyactioncustom.com)]  
Sent: Monday, March 06, 2017 4:13 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Donald Erway  
77 -6455 Princess Keelikolani Dr Kailua Kona, HI 96740-2419



10238-02  
September 23, 2019

Mr. Donald Erway  
77-6455 Princess Keelikolani Drive  
Kailua Kona, HI 96740-2419

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Erway:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 7, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Friday, March 10, 2017 1:16 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: [dberry@everyactioncustom.com](mailto:dberry@everyactioncustom.com) [mailto:[dberry@everyactioncustom.com](mailto:dberry@everyactioncustom.com)]  
Sent: Friday, March 10, 2017 11:55 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Douglas Berry  
679 Kaapuni Pl Kihei, HI 96753-9222



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Douglas Berry  
679 Kaapuni Pl.  
Kihei, HI 96753-9222

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Berry:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: ediesmassage@everyactioncustom.com on behalf of Edie Van Hoose  
<ediesmassage@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 7:40 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Edie Van Hoose  
Lahaina, HI 96761



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Edie Van Hoose  
ediesmassage@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Van Hoose:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: eonboard@everyactioncustom.com on behalf of Eileen Naaman  
<eonboard@everyactioncustom.com>  
Sent: Friday, March 10, 2017 4:31 PM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

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In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Eileen Naaman  
18 Makanani Rd Makawao, HI 96768-7206



10238-02  
September 23, 2019

Ms. Eileen Naaman  
18 Makaanani Road  
Makawao, HI 96768-7206

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Naaman:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 13, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Yasui, Daniel at A&B <dymasui@abprop.com>  
Sent: Tuesday, March 07, 2017 1:06 PM  
To: Keola Cheng; Earl Matsukawa  
Cc: Ching, Meredith at A&B; Hew, Garret at HCS; Minakami, Dean at A&B;  
Yvonne Izu (yizu@moriharagroup.com); jlim@carlsmith.com  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

EISPN comment letter.

Daniel Y. Yasui  
Vice President  
A&B Properties, Inc.  
822 Bishop Street  
Honolulu, Hawaii 96813  
Tel: (808) 525-8449  
Fax: (808) 525-8447  
email: dymasui@abprop.com

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-----Original Message-----

From: erika.lechugadisalvo@everyactioncustom.com  
[mailto:erika.lechugadisalvo@everyactioncustom.com]  
Sent: Tuesday, March 07, 2017 12:36 PM  
To: Yasui, Daniel at A&B  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Daniel Yasui,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past,

present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Erika Lechuga Disalvo  
479 A Hoala Dr Kihei, HI 96753-9411



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Erika Disalvo  
479 A Hoala Dr.  
Kihei, HI 96753-9411

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Disalvo:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 7, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: evaart@everyactioncustom.com on behalf of eva roberts  
<evaart@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 8:57 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
eva roberts  
1260 Naalae Rd Kula, HI 96790-7743



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Eva Roberts  
1260 Naalae Road  
Kula, HI 96790-7743

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Roberts:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
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4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Tuesday, March 07, 2017 8:16 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: gkvierra@everyactioncustom.com [mailto:gkvierra@everyactioncustom.com]  
Sent: Monday, March 06, 2017 3:24 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water

diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
George Vierra  
110 Pualu Pl Lahaina, HI 96761-9155



10238-02  
September 23, 2019

Mr. George Vierra  
110 Pualu Pl.  
Lahaina, HI 96761-9155

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Vierra:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 7, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
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4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Friday, March 10, 2017 1:16 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: woodsgrace@everyactioncustom.com [mailto:woodsgrace@everyactioncustom.com]  
Sent: Friday, March 10, 2017 12:25 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Grace Woods  
Kula, HI 96790



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Grace Woods  
woodsgrace@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Woods:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the *"purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Earl Matsukawa  
Sent: Tuesday, March 07, 2017 8:48 AM  
To: Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Earl Matsukawa, AICP  
Vice President & Director

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: Haweookalani.Johnson@everyactioncustom.com  
[mailto:Haweookalani.Johnson@everyactioncustom.com]  
Sent: Tuesday, March 07, 2017 8:39 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

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No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on

aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Haweookalani Johnson  
676 Pohala St Wailuku, HI 96793-1368



10238-02  
September 23, 2019

Haweookalani Johnson  
676 Pohala Street  
Wailuku, HI 96793-1368

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Haweookalani Johnson:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 7, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Tuesday, March 07, 2017 2:23 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: [hbonmaui@everyactioncustom.com](mailto:hbonmaui@everyactioncustom.com) [<mailto:hbonmaui@everyactioncustom.com>]  
Sent: Tuesday, March 07, 2017 1:51 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Helen Barrow  
PO Box 822 Makawao, HI 96768-0822

From: hbonmaui@everyactioncustom.com on behalf of Helen Barrow  
<hbonmaui@everyactioncustom.com>  
Sent: Saturday, March 11, 2017 6:50 PM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Helen Barrow  
Makawao, HI 96768



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Helen Barrow  
PO Box 822  
Makawao, HI 96768-0822

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Barrow:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 7 and 11, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: jackrollens@everyactioncustom.com on behalf of Jack Rollens  
<jackrollens@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 5:11 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Jack Rollens  
77 Iliahi Way Lahaina, HI 96761-5764



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Jack Rollens  
77 Iliahi Way  
Lahaina, HI 96761-5764

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Rollens:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
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4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Tuesday, March 07, 2017 8:26 AM  
To: 'jpulelehua@gmail.com'  
Subject: RE: EIS Preparation Notice Comments for A&B Proposed Water Lease

Follow Up Flag: Follow up  
Flag Status: Flagged

Dear Ms. Ching,

This is to acknowledge that we have received your email comment on the subject EIS Preparation Notice. Your participation is appreciated.

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: jpulelehua@everyactioncustom.com [mailto:jpulelehua@everyactioncustom.com]  
Sent: Monday, March 06, 2017 5:12 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

Water is life. The water that flows in the streams from Huelo to N?hiku, belongs to the animals, the plants and the generations of people who live on that land.

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices.

The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

I remember when the streams were full in 1960s through the 1970s inspite of sugar cane production. Since 1980s, thirty years ago, East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Jacquelyn Ching  
HI



10238-02  
September 23, 2019

Ms. Jacquelyn Ching  
jpulelehua@gmail.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Ching:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 7, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
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impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: jjinparadise@everyactioncustom.com on behalf of Jacqui Skill  
<jjinparadise@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 6:07 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Jacqui Skill  
3875 Lower Honoapiilani Rd Lahaina, HI 96761-9300



10238-02  
September 23, 2019

Ms. Jacqui Skill  
3875 Lower Honoapiilani Road  
Lahaina, HI 96761-9300

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Skill:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: thebesttreesurgeon@everyactioncustom.com on behalf of James Franzen  
<thebesttreesurgeon@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 6:42 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

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In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
James Franzen  
1081 W Kuiaha Rd Haiku, HI 96708-5641



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. James Franzen  
1081 W. Kuiaha Road  
Haiku, HI 96708-5641

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Franzen:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Thursday, March 09, 2017 1:35 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

-----Original Message-----

From: [ajp@everyactioncustom.com](mailto:ajp@everyactioncustom.com) [mailto:[ajp@everyactioncustom.com](mailto:ajp@everyactioncustom.com)]  
Sent: Thursday, March 09, 2017 1:03 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

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In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
James Padgett  
189 Makaena Pl Makawao, HI 96768-8274



10238-02  
September 23, 2019

Mr. James Padgett  
189 Makaena Pl  
Makawao, HI 96768-8274

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Padgett:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: jean.power@everyactioncustom.com on behalf of Jean Power  
<jean.power@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 6:26 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

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In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Jean Power  
1615 N 47th St Seattle, WA 98103-6717



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Jean Power  
1615 N. 47<sup>th</sup> Street  
Seattle, WA 98103-6717

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Jean Power:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Monday, March 06, 2017 7:46 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: jennahia@everyactioncustom.com [mailto:jennahia@everyactioncustom.com]  
Sent: Saturday, March 04, 2017 8:29 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Jennifer Noelani Ahia  
1949 Kahekili Hwy Wailuku, HI 96793-9202



10238-02  
September 23, 2019

Ms. Jennifer Ahia  
1949 Kahekili Hwy  
Wailuku, HI 96793-9202

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū and Huelo License Areas

Dear Ms. Ahia:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: jessicamitchell51@everyactioncustom.com on behalf of Jessica Mitchell  
<jessicamitchell51@everyactioncustom.com>  
Sent: Sunday, March 05, 2017 8:48 PM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Jessica Mitchell  
Kapolei, HI 96707



10238-02  
September 23, 2019

Ms. Jessica Mitchell  
jessicamitchell51@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Mitchell:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 6, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: kilaraeb@everyactioncustom.com on behalf of Jill Blakeley  
<kilaraeb@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 6:40 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

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In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Jill Blakeley  
6028 W 53rd Ter Mission, KS 66202-1623



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Jill Blakeley  
6028 W. 53<sup>rd</sup> Ter.  
Mission, KS 66202-1623

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Blakeley:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Thursday, March 09, 2017 2:31 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

-----Original Message-----

From: joan@everyactioncustom.com [mailto:joan@everyactioncustom.com]  
Sent: Thursday, March 09, 2017 1:41 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Joan Heartfield Phd



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Dr. Joan Heartfield  
joan@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Dr. Heartfield:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: jkubby@everyactioncustom.com on behalf of Joel Kubby  
<jkubby@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 5:27 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

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In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Joel Kubby  
609 Sunlit Ln Santa Cruz, CA 95060-9634



10238-02  
September 23, 2019

Mr. Joel Kubby  
609 Sunlit Ln.  
Santa Cruz, CA 95060-9634

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Kubby:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Earl Matsukawa  
Sent: Thursday, March 09, 2017 8:47 AM  
To: Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Please verify

Earl Matsukawa, AICP  
Vice President & Director

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: [jdancer@everyactioncustom.com](mailto:jdancer@everyactioncustom.com) [mailto:[jdancer@everyactioncustom.com](mailto:jdancer@everyactioncustom.com)]  
Sent: Thursday, March 09, 2017 8:40 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

A full, complete and independent EIS is mandatory at this time. Period!

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past,

present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
John Naylor  
PO Box 1749 Makawao, HI 96768-1749



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. John Naylor  
PO Box 1749  
Makawao, HI 96768-1749

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Naylor:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Thursday, March 09, 2017 2:31 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
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W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: nix@everyactioncustom.com [mailto:nix@everyactioncustom.com]  
Sent: Thursday, March 09, 2017 1:42 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
John Nix  
PO Box 808 Kihei, HI 96753-0808



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. John Nix  
PO Box 808  
Kihei, HI 96753-0808

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Nix:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Friday, March 10, 2017 8:39 AM  
To: Earl Matsukawa; Rebecca Candilasa; Keola Cheng  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: colly@everyactioncustom.com [mailto:[colly@everyactioncustom.com](mailto:colly@everyactioncustom.com)]  
Sent: Friday, March 10, 2017 6:53 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

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alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
John Norman  
255 Hoohale Pl Kihei, HI 96753-9442



10238-02  
September 23, 2019

Mr. John Norman  
255 Hoohale Pl  
Kihei, HI 96753-9442

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Norman:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Tuesday, March 07, 2017 8:23 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: Wilson Okamoto Corporation  
Sent: Tuesday, March 07, 2017 8:22 AM  
To: 'wao-mauiierraclub.org@WeAreOne.cc'  
Subject: RE: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Dr. Kohn,

This is to acknowledge that we have received your email comment on the subject EIS Preparation Notice. Your participation is appreciated.

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: wao-mauiierraclub.org@everyactioncustom.com [mailto:wao-

mauiierraclub.org@everyactioncustom.com]

Sent: Monday, March 06, 2017 9:42 PM

To: Wilson Okamoto Corporation

Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

EIS should include the long term effects of the original water leases, and the cost of remediation of the damaged ecosystems involved. A&B and EMI should pay for it, but the investigation should be done by DLNR.

[www.WeAreOne.cc](http://www.WeAreOne.cc)

Mahalo for your time.

Sincerely,

Joseph Kohn MD

1268 W Hiahia Pl Wailuku, HI 96793-9762



10238-02  
September 23, 2019

Dr. Joseph Kohn  
1268 W. Hiahia Pl.  
Wailuku, HI 96793-9762

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Dr. Kohn:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 7, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: jmichaelsmaui@everyactioncustom.com on behalf of Judith Michaels  
<jmichaelsmaui@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 8:27 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Judith Michaels  
4850 Makena Alanui Apt B108 Kihei, HI 96753-5436



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Judith Michaels  
4850 Makena Alanui  
Apt B108  
Kihei, HI 96753-5436

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Michaels:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Wednesday, March 08, 2017 10:25 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: aipakamaile@everyactioncustom.com [mailto:[aipakamaile@everyactioncustom.com](mailto:aipakamaile@everyactioncustom.com)]  
Sent: Tuesday, March 07, 2017 4:47 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water

diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Kamaile Aipa



10238-02  
September 23, 2019

Kamaile Aipa  
aipakamaile@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Aipa:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 8, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the *"purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Earl Matsukawa  
Sent: Tuesday, March 07, 2017 8:48 AM  
To: Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Earl Matsukawa, AICP  
Vice President & Director

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

-----Original Message-----

From: kaantoni@everyactioncustom.com [mailto:kaantoni@everyactioncustom.com]  
Sent: Tuesday, March 07, 2017 8:34 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

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No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Kapulani Antonio  
2710 Iolani St Makawao, HI 96768-8751



10238-02  
September 23, 2019

Kapulani Antonio  
2710 Iolani Street  
Makawao, Hi 96768-8751

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Kapulani Antonio:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 7, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: katharyn.morgan@everyactioncustom.com on behalf of Katharyn Morgan  
<katharyn.morgan@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 6:36 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

Please ensure that the environmental impact assessment is as thorough as possible. This is a unique time in Maui's history and a unique opportunity to make it right...pono...for future generations. As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Katharyn Morgan  
453 Hoala Dr # A Kihei, HI 96753-9411



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Katharyn Morgan  
453 Hoala Drive  
# A  
Kihei, HI 96753-9411

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Morgan:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Friday, March 10, 2017 1:16 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: keith@everyactioncustom.com [mailto:keith@everyactioncustom.com]  
Sent: Friday, March 10, 2017 12:26 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor. This is a conflict-of-interest in the extreme.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Keith Ranney  
Kula, HI 96790



10238-02  
September 23, 2019

Mr. Keith Ranney  
keith@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Ranney:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Monday, March 06, 2017 7:46 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
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W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: [kellimaui@everyactioncustom.com](mailto:kellimaui@everyactioncustom.com) [<mailto:kellimaui@everyactioncustom.com>]  
Sent: Saturday, March 04, 2017 7:51 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Kelli Medeiros  
66 Kumulaau Ohia Loop Wailuku, HI 96793-2132



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Kelli Medeiros  
66 Kumulaau Ohia Loop  
Wailuku, HI 96793-2132

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Medeiros:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 6, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.

4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).
5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Wednesday, March 08, 2017 10:59 AM  
To: Earl Matsukawa; Rebecca Candilasa; Keola Cheng  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: [infofordenise@everyactioncustom.com](mailto:infofordenise@everyactioncustom.com) [mailto:[infofordenise@everyactioncustom.com](mailto:infofordenise@everyactioncustom.com)]  
Sent: Wednesday, March 08, 2017 10:57 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

Don't let future generations ask, 'What were they thinking?' The time to do the right thing for East Maui farmers is long overdue; the first step is not allowing A&B to pay for their own EIS. Expert witnesses who give "expert" testimony always follow the money. Having the DLNR pay for an EIS is the only way to get as much of an impartial opinion as possible.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,

Kim Jorgensen  
Honolulu, HI



10238-02  
September 23, 2019

Mr. Kim Jorgensen  
infordenise@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Jorgensen:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 8, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Friday, March 10, 2017 11:04 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: konniekfox@everyactioncustom.com [mailto:[konniekfox@everyactioncustom.com](mailto:konniekfox@everyactioncustom.com)]  
Sent: Friday, March 10, 2017 10:17 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Konnie Fox  
404 Kaiwahine St # B Kihei, HI 96753-7641



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Konnie Fox  
404 Kaiwahine Street  
#B  
Kihei, HI 96753-7641

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Fox:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: leslieannec42@everyactioncustom.com on behalf of L Cummings  
<leslieannec42@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 10:43 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

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No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
L Cummings  
Lahaina, HI 96761



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

L. Cummings  
leslieannec42@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear L. Cummings:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: laurentylr21@everyactioncustom.com on behalf of Lauren Tyler  
<laurentylr21@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 8:01 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

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In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Lauren Tyler  
PO Box 880103 Pukalani, HI 96788-0103



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Lauren Tyler  
PO Box 880103  
Pukalani, HI 96788-0103

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Tyler:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Thursday, March 09, 2017 1:34 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

-----Original Message-----

From: lauri@everyactioncustom.com [mailto:lauri@everyactioncustom.com]  
Sent: Thursday, March 09, 2017 11:43 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

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In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Lauri Fritsch  
811 S Kihei Rd Apt 4E Kihei, HI 96753-9086



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Lauri Fritsch  
811 S. Kihei Road  
Apt. 4E  
Kihei, HI 96753-9086

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Fritsch:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Friday, March 10, 2017 1:16 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

-----Original Message-----

From: clarajosephine.medeiros@everyactioncustom.com  
[mailto:clarajosephine.medeiros@everyactioncustom.com]  
Sent: Friday, March 10, 2017 12:41 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on

aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Leialoha Medeiros  
21 Waiaka Ln # 32-102 Wailuku, HI 96793-2092



10238-02  
September 23, 2019

Ms. Leialoha Medeiros  
21 Waiakea Ln #32-102  
Wailuku, HI 96793-2092

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Medeiros:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: lezleyjacintho@everyactioncustom.com on behalf of Lezley Jacintho  
<lezleyjacintho@everyactioncustom.com>  
Sent: Wednesday, March 08, 2017 3:51 PM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Lezley Jacintho  
HI



10238-02  
September 23, 2019

Ms. Lezley Jacintho  
lezleyjacintho@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Jacintho:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Monday, March 13, 2017 9:15 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: proposed E. Maui renewal for water use

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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From: Lina Gooley [mailto:[linagooley@hotmail.com](mailto:linagooley@hotmail.com)]  
Sent: Friday, March 10, 2017 5:27 PM  
To: Wilson Okamoto Corporation  
Subject: proposed E. Maui renewal for water use

I am concerned that your upcoming draft EIS contain the following information in order to insure that the permitting process is legal and accurately reflects the environmental effects of water diversion on this ecosystem:

- Full disclosure of every single diversion along the East Maui Irrigation system
  - Full disclosure of the amount of water proposed to be taken from each stream, license area and from the entire license area daily (on average and at minimum and maximum)
  - The impact of how the proposed diversions may affect federally listed plant/ bird/bat & insect species in lease areas
  - The impacts of diverting water from East Maui streams on outdoor recreational activities
  - The impacts on the maintenance of ecosystems
  - The impacts on traditional and customary Hawaiian practices (including kalo farming)
- A discussion of alternatives including: shorter lease periods, less volumes than proposed, termination of diversions from the Nahiku and/or Keanae areas

Mahalo' for your attention to this matter,  
Lina Gooley



10238-02  
September 23, 2019

Ms. Lina Gooley

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Gooley:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 13, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
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3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Tuesday, March 07, 2017 8:29 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: kealelani@everyactioncustom.com [mailto:kealelani@everyactioncustom.com]  
Sent: Tuesday, March 07, 2017 8:27 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,

Lory Ono

44 -022 Nohokai Pl Kaneohe, HI 96744-2543



10238-02  
September 23, 2019

Ms. Lory Ono  
44-022 Nohokai Pl.  
Kaneohe, HI 96744-2543

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Ono:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 7, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: gypsymalia@everyactioncustom.com on behalf of Malia Datr  
<gypsymalia@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 8:51 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

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In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Malia Datr  
471 Upper Kimo Dr Kula, HI 96790-8056



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Malia Datr  
471 Upper Kimo Drive  
Kula, HI 96790-8056

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Datr:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Friday, March 10, 2017 11:49 AM  
To: Earl Matsukawa; Rebecca Candilasa; Keola Cheng  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

-----Original Message-----

From: marc350maui@everyactioncustom.com [mailto:[marc350maui@everyactioncustom.com](mailto:marc350maui@everyactioncustom.com)]  
Sent: Friday, March 10, 2017 11:24 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Marc Drehsen  
PO Box 826 Kihei, HI 96753-0826



10238-02  
September 23, 2019

Mr. Marc Drehsen  
PO Box 826  
Kihei, HI 96753-0826

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Drehsen:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: nallstudios@everyactioncustom.com on behalf of Matthew Nall  
<nallstudios@everyactioncustom.com>  
Sent: Friday, March 10, 2017 7:48 PM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Matthew Nall  
154 Waipalani Rd Haiku, HI 96708-5211



10238-02  
September 23, 2019

Mr. Matthew Nall  
154 Waipalani Road  
Haiku, HI 96708-5211

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Nall:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 13, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: mattichrisensen@everyactioncustom.com on behalf of Matti Christensen  
<mattichrisensen@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 6:28 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Matti Christensen  
168 Ahekolo Pl Kihei, HI 96753-6204



10238-02  
September 23, 2019

Ms. Matti Christensen  
168 Ahekololo Pl.  
Kihei, HI 96753-6204

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Christensen:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: melanieandjamie@everyactioncustom.com on behalf of Melanie Padgett  
<melanieandjamie@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 11:32 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

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In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

I feel that it is a conflict of interest for A&B to hire it's own consultant to do the EIS. It needs to be done by DLNR so that public interests are served, not A&Bs

Sincerely,  
Melanie Padgett  
189 Makaena Pl Makawao, HI 96768-8274



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Melanie Padgett  
189 Makaena Pl.  
Makawao, HI 96768-8274

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Padgett:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: mauimelodie@everyactioncustom.com on behalf of Melodie Ulman  
<mauimelodie@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 6:04 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Melodie Ulman  
88 B Maha Rd Makawao, HI 96768-9416



10238-02  
September 23, 2019

Ms. Melodie Ulman  
88 B Maha Road  
Makawao, HI 96768-9416

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Ulman:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: michelleanderson@everyactioncustom.com on behalf of Michelle Anderson  
<michelleanderson@everyactioncustom.com>  
Sent: Monday, March 06, 2017 8:34 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Michelle Anderson



10238-02  
September 23, 2019

Ms. Michelle Anderson  
michelleanderson@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Anderson:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 6, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
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3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Thursday, March 09, 2017 1:35 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: [hawaiiurl55@everyactioncustom.com](mailto:hawaiiurl55@everyactioncustom.com) [mailto:[hawaiiurl55@everyactioncustom.com](mailto:hawaiiurl55@everyactioncustom.com)]  
Sent: Thursday, March 09, 2017 12:12 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Michelle Ramos



10238-02  
September 23, 2019

Ms. Michelle Ramos  
Hawaii155@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Ramos:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Monday, March 13, 2017 9:17 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: Draft EIS Scoping Comment

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

From: Nicholi Stoyanoff [mailto:[nicholi.stoyanoff@gmail.com](mailto:nicholi.stoyanoff@gmail.com)]  
Sent: Friday, March 10, 2017 5:07 PM  
To: Wilson Okamoto Corporation  
Subject: Re: Draft EIS Scoping Comment

Dear Sir,

**\*\*Please forgive the accidental sending of the first email\*\***

It is my understanding that an East Maui Watershed EIS is being formulated regarding the water lease from that flank of Haleakala. I just wanted to voice my concern that it will satisfy all standard NEPA processes, including the socioeconomic impacts to the native peoples of East Maui. Below is a list of those concerns that I hope will be addressed in this important lease decision.

- Full disclosure of every single diversion along the East Maui Irrigation system
- Full disclosure of the amount of water proposed to be taken from each stream, license area and from the entire license area daily (on average and at minimum and maximum)
- The impact of how the proposed diversions may affect federally listed plant/ bird/bat & insect species in lease areas
- The impacts of diverting water from East Maui streams on outdoor recreational activities
- The impacts on the maintenance of ecosystems
- The impacts on traditional and customary Hawaiian practices (including kalo farming)
- A discussion of alternatives including: shorter lease periods, less volumes than proposed, termination of diversions from the Nahiku and/or Keanae areas

The above list was copied from the concerns expressed from the Surfrider Foundation. The population of this island continues to grow and long term, large scale sugar and pineapple

production have come to an end. Perhaps it is time to reconsider putting most of the water back where it belongs, in their respective gravity fed drainages?

Thank you for your time,

Nicholi Stoyanoff  
36 Puakou Place  
Paia, HI 96779

On Fri, Mar 10, 2017 at 4:58 PM, Nicholi Stoyanoff <nicholi.stoyanoff@gmail.com> wrote:  
Dear Sir,

It is my understanding that an East Maui Watershed EIS is being formulated regarding the water lease from that flank of Haleakala. I just wanted to voice my concern that it will satisfy all standard NEPA processes, including the socioeconomic impacts to the native peoples of East Maui. Below is a list of those concerns that I hope will be addressed in this important lease decision.

- Full disclosure of every single diversion along the East Maui Irrigation system
- Full disclosure of the amount of water proposed to be taken from each stream, license area and from the entire license area daily (on average and at minimum and maximum)
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- The impacts of diverting water from East Maui streams on outdoor recreational activities
- The impacts on the maintenance of ecosystems
- The impacts on traditional and customary Hawaiian practices (including kalo farming)
- A discussion of alternatives including: shorter lease periods, less volumes than proposed, termination of diversions from the Nahiku and/or Keanae areas



10238-02  
September 23, 2019

Mr. Nicholi Stoyanoff  
36 Puakou Place  
Paia, HI 96779

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Stoyanoff:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 13, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
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4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: nikki1113is@everyactioncustom.com on behalf of Nicole Harrell  
<nikki1113is@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 8:19 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Nicole Harrell  
44045 Kalifornsky Beach Rd Ste B Soldotna, AK 99669-8239



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Nicole Harrell  
44045 Kalifornsky Beach Road  
Ste. B  
Soldotna, AK 99669-8239

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Harrell:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued *"right, privilege, and authority to enter and go upon"* the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for *the "purpose of developing, diverting, transporting, and using government owned waters"* through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Thursday, March 09, 2017 1:34 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

This message contains information that might be confidential and privileged. Unless you are the addressee or are authorized by the sender, you may not use, copy or disclose the information contained in this message. If you have received this message in error, please delete it and advise the sender.

-----Original Message-----

From: [mauipal@everyactioncustom.com](mailto:mauipal@everyactioncustom.com) [mailto:[mauipal@everyactioncustom.com](mailto:mauipal@everyactioncustom.com)]  
Sent: Thursday, March 09, 2017 11:35 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

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No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Patricia Lailey  
1057 Makawao Ave Makawao, HI 96768-9431



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Patricia Lailey  
1057 Makawao Ave.  
Makawao, HI 96768-9431

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Lailey:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Friday, March 10, 2017 11:03 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: [randall@everyactioncustom.com](mailto:randall@everyactioncustom.com) [<mailto:randall@everyactioncustom.com>]  
Sent: Friday, March 10, 2017 9:52 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

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alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Randall Rospond  
Makawao, HI



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Randall Rospond  
randall@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Rospond:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: rozfromoz@everyactioncustom.com on behalf of Rosalind McKevitt  
<rozfromoz@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 9:17 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

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Mahalo for your time.

Sincerely,  
Rosalind McKevitt  
776 Lanina Pl Apt B Kihei, HI 96753-6318



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Rosalind McKeivitt  
776 Lanina Pl. Apt. B.  
Kihei, HI 96753-6318

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. McKeivitt:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the

impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Tuesday, March 07, 2017 2:22 PM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: Roxy.Duarte@everyactioncustom.com [mailto:Roxy.Duarte@everyactioncustom.com]  
Sent: Tuesday, March 07, 2017 11:29 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water

diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Roxy Duarte  
167 Lauie Dr Kula, HI 96790-7201



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Roxy Duarte  
167 Lauie Drive  
Kula, HI 96790-7201

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Duarte:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 7, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP  
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: saljobst@everyactioncustom.com on behalf of Sallyjane Bodnar  
<saljobst@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 7:21 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Sallyjane Bodnar  
525 N Honokala Rd Haiku, HI 96708



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CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Sallyjane Bodnar  
525 N. Honokala Road  
Haiku, HI 96708

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Bodnar:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Yasui, Daniel at A&B <dyasui@abprop.com>  
Sent: Monday, March 06, 2017 8:16 AM  
To: Keola Cheng; Earl Matsukawa  
Cc: Ching, Meredith at A&B; Hew, Garret at HCS; Minakami, Dean at A&B;  
Yvonne Izu (yizu@moriharagroup.com); jlim@carlsmith.com  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

EISPN comment letter.

Daniel Y. Yasui  
Vice President  
A&B Properties, Inc.  
822 Bishop Street  
Honolulu, Hawaii 96813  
Tel: (808) 525-8449  
Fax: (808) 525-8447  
email: dyasui@abprop.com

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-----Original Message-----

From: shannonkona@everyactioncustom.com [mailto:shannonkona@everyactioncustom.com]  
Sent: Sunday, March 05, 2017 8:28 PM  
To: Yasui, Daniel at A&B  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Daniel Yasui,

As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on

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In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Shannon Rudolph  
243 PO Holualoa, HI 96725



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Shannon Rudolph  
P.O. Box #243  
Holualoa, HI 96725

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Rudolph:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 6, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Friday, March 10, 2017 11:03 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: sharirospnd@everyactioncustom.com [mailto:[sharirospnd@everyactioncustom.com](mailto:sharirospnd@everyactioncustom.com)]  
Sent: Friday, March 10, 2017 9:42 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

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To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

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alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Shari Rospond



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Shari Rospond  
160 Aloni Pl.  
Makawao, HI 96768  
shariospond@everyactioncustom.com

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Rospond:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.

4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).
5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: usana96763@everyactioncustom.com on behalf of Sherri Mora  
<usana96763@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 11:32 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Sherri Mora  
1144 Ilima Ave Lanai City, HI 96763



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Sherri Mora  
1144 Ilima Ave  
Lanai City, HI 96763

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Mora:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
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4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
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Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: suebyrne@everyactioncustom.com on behalf of Susan Byrne  
<suebyrne@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 8:00 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Susan Byrne  
2141 Awihi Pl Kihei, HI 96753-8763



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CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Susan Byrne  
2141 Awihi Pl.  
Kihei, HI 96753-8763

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Byrne:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Friday, March 10, 2017 11:03 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: sd3@everyactioncustom.com [mailto:sd3@everyactioncustom.com]  
Sent: Friday, March 10, 2017 9:52 AM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

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No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple

alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Susan Douglas  
84 A Iliwai Loop Kihei, HI 96753-7101



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Susan Douglas  
84 A Iliwai Loop  
Kihei, HI 96753-7101

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Douglas:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Yasui, Daniel at A&B <dymasui@abprop.com>  
Sent: Monday, March 06, 2017 8:17 AM  
To: Keola Cheng; Earl Matsukawa  
Cc: Ching, Meredith at A&B; Hew, Garret at HCS; Minakami, Dean at A&B;  
Yvonne Izu (yizu@moriharagroup.com); jlim@carlsmith.com  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

EISPN comment letter.

Daniel Y. Yasui  
Vice President  
A&B Properties, Inc.  
822 Bishop Street  
Honolulu, Hawaii 96813  
Tel: (808) 525-8449  
Fax: (808) 525-8447  
email: dymasui@abprop.com

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-----Original Message-----

From: sylvialitchfield@everyactioncustom.com [mailto:sylvialitchfield@everyactioncustom.com]  
Sent: Sunday, March 05, 2017 10:44 PM  
To: Yasui, Daniel at A&B  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Daniel Yasui,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

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aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
sylvia litchfield  
415 Dairy Rd Ste E414 Kahului, HI 96732-2348



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Sylvia Litchfield  
415 Dairy Road  
Ste E414  
Kahului, HI 96732-2348

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Litchfield:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 6, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.

4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).
5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Wilson Okamoto Corporation  
Sent: Monday, March 06, 2017 7:45 AM  
To: Earl Matsukawa; Keola Cheng; Rebecca Candilasa  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

Jeanine S.H.Y. Morioka  
Secretary

1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
T (808) 946-2277 F (808) 946-2253  
W <http://www.wilsonokamoto.com>

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-----Original Message-----

From: ihilanimasters@everyactioncustom.com [mailto:ihilanimasters@everyactioncustom.com]  
Sent: Saturday, March 04, 2017 6:34 PM  
To: Wilson Okamoto Corporation  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Wilson Okamoto Corporation,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water

diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Terese Wormser  
405 Haloa Rd Haiku, HI 96708-5964



10238-02  
September 23, 2019

Ms. Terese Wormser  
405 Haloa Road  
Haiku, HI 96708-5964

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Wormser:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 6, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: seanhills53@everyactioncustom.com on behalf of Timothy Hills  
<seanhills53@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 5:31 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Timothy Hills  
93 Makalani Pl Makawao, HI 96768-8909



10238-02  
September 23, 2019

Mr. Timothy Hills  
93 Makalani Pl.  
Makawao, HI 96768-8909

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Hills:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: tangel8282@everyactioncustom.com on behalf of tony angelini  
<tangel8282@everyactioncustom.com>  
Sent: Thursday, March 09, 2017 7:40 AM  
To: Earl Matsukawa  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Earl Matsukawa,

As you know, DLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

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In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
tony angelini  
PO Box 1041 Hana, HI 96713-1041



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Mr. Tony Angelini  
PO Box 1041  
Hana, HI 96713-1041

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Mr. Angelini:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 9, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

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We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant

From: Yasui, Daniel at A&B <dyasui@abprop.com>  
Sent: Tuesday, March 07, 2017 10:10 AM  
To: Keola Cheng; Earl Matsukawa  
Cc: Ching, Meredith at A&B; Hew, Garret at HCS; Minakami, Dean at A&B;  
Yvonne Izu (yizu@moriharagroup.com); jlim@carlsmith.com  
Subject: FW: EIS Preparation Notice Comments for A&B Proposed Water Lease

EISPN comment letter.

Daniel Y. Yasui  
Vice President  
A&B Properties, Inc.  
822 Bishop Street  
Honolulu, Hawaii 96813  
Tel: (808) 525-8449  
Fax: (808) 525-8447  
email: dyasui@abprop.com

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-----Original Message-----

From: sistaval@everyactioncustom.com [mailto:sistaval@everyactioncustom.com]  
Sent: Tuesday, March 07, 2017 10:08 AM  
To: Yasui, Daniel at A&B  
Subject: EIS Preparation Notice Comments for A&B Proposed Water Lease

Dear Daniel Yasui,

As you know, BLNR has tasked A&B with the job of commissioning a consultant to prepare an EIS for its proposed 30 year Water Lease for East Maui streams which, if granted, would give A&B the continued "right, privilege, and authority to enter and go upon" the N?hiku, Ke?anae, Honoman?, and Huelo License Areas.

Because A&B is in charge of procuring the EIS, I am worried that it will not include a thorough study of both the full environmental impacts and alternatives to a 30 year lease. It will also give A&B an unfair advantage if and when the lease goes up for public auction, as it is legally required to do so. By tasking A&B with commissioning and paying for the EIS, this government process has lost legitimacy because it appears slanted in A&B's favor.

To remedy this, I request that the DLNR instead pay for and direct the consultant for this EIS. Only if this is done will core parts of the EIS - the definition of the current environment and the identification of alternatives - be comprehensive and encompass all the possible outcomes for the management of these waters and areas. This will also help instill trust that the completed EIS will be impartial and independent of A&B's specific wants.

No matter who completes this EIS, I would like to see that it provides a complete analysis of past, present, and potential future environmental impacts from stream diversions, including both effects on

aquatic stream life and Native Hawaiian cultural practices. The EIS should also explore multiple alternatives to the proposed 30 year lease, including: shorter leasing periods, lesser amounts of water diverted than stated in the current EIS, and the viability of alternatively using pumped well water in place of some or all diverted stream water.

In conclusion, the East Maui community's struggle for water has long been ignored by A&B. It is important that this long-awaited EIS is done correctly, which means the process should be directed and paid for by DLNR and include a thorough analysis of all possible impacts from and alternatives to A&B's proposal. I ask that DLNR take direct control of this process as soon as possible.

Mahalo for your time.

Sincerely,  
Valerie Toro  
251 Kahiko St Paia, HI 96779-9728



**WILSON OKAMOTO**  
CORPORATION  
INNOVATORS • PLANNERS • ENGINEERS

10238-02  
September 23, 2019

Ms. Valerie Toro  
251 Kahiko Street  
Paia, HI, 96779-9728

Subject: Environmental Impact Statement Preparation Notice  
Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū  
and Huelo License Areas

Dear Ms. Toro:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas and for your written comments dated March 7, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai‘i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix M.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "*right, privilege, and authority to enter and go upon*" the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas for the "*purpose of developing, diverting, transporting, and using government owned waters*" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B’s former sugar cane fields in Central Maui.
2. As explained in Section 1.4 of the Draft EIS, in 2016 the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The

impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).

5. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
6. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C);, Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental and Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources  
A&B / EMI, Applicant





Proposed Lease (Water Lease) for the  
Nāhiku, Ke'anae, Honomanū, and Huelo  
License Areas

**Corrected Final Environmental  
Impact Statement**



**WILSON OKAMOTO**  
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