

**BOARD OF WATER SUPPLY
KA 'OIHANA WAI
CITY AND COUNTY OF HONOLULU**

630 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96843
Phone: (808) 748-5000 • www.boardofwatersupply.com

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August 14, 2023

Ms. Mary Alice Evans, Director
Office of Planning and Sustainable Development
Environmental Review Program
235 South Beretania Street, Room 702
Honolulu, Hawaii 96813

Dear Ms. Evans:

Subject: Determination of Applicability of Final Environmental Impact Statement, Kalaeloa Seawater Desalination Facility, Olai Street, Oahu, Hawaii, Tax Map Key: 9-1-31: 28

The City and County of Honolulu, Board of Water Supply (BWS), is initiating the development and construction of the Kalaeloa seawater desalination facility ("project") to provide freshwater supply for the Campbell Industrial Park. The project supports the Ewa Development Plans directed growth policy with a drought-proof, high quality local water supply that is sustainable and resilient to climate change and reduces water transfers from Central Oahu.

A Final Environmental Impact Statement (FEIS) for the project was filed on November 8, 2008, under the prior 1996 version of Hawai'i Administrative Rules ("HAR") Ch. 11-200 ("1996 Rules"). BWS is the accepting authority per HAR § 11-200-4, "Identification of Accepting Authority."

Under the 1996 Rules, pursuant to HAR § 11-200-27, "Determination of Applicability", BWS has evaluated the proposed action with the accepted statement and finds there are no significant changes to the project's size, scope, intensity, use, location, and timing. Therefore, BWS determines that a supplemental statement is not required.

Moreover, the 1996 Rules, HAR § 11-200-26 "General Provisions" provides:

A statement that is accepted with respect to a particular action is usually qualified by the size, scope, location, intensity, use, and timing of the action, among other things. A statement that is accepted with respect to a particular action shall satisfy the requirements of this chapter and no other statement for that proposed action shall be required, to the extent that the action has not changed substantively in size, scope, intensity, use, location, or timing, among other things. If there is any change in any of these characteristics which may have a significant effect, the original statement that was changed shall no longer be valid because an essentially different action would be under consideration and a supplemental statement shall be prepared and reviewed as provided by this chapter. As long as there is no change in a proposed action resulting in individual or cumulative impacts not originally disclosed, the statement associated with that action shall be deemed to comply with this chapter.

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The project has not changed in size, scope, intensity, use or location and has not changed substantially in timing.

The estimated construction schedule in the 2008 FEIS was based on a water demand growth forecast tempered by water conservation efforts and the expansion of the Honouliuli recycled water system. FEIS section 1.7.5 stated that construction was "Tentatively scheduled around 2018" and water production was "Tentatively scheduled around 2020" clearly indicating the provisional nature of the proposed schedule. As noted in the FEIS, the "project timeline will be adjusted, as design issues are determined and permitting proceeds."

There have been no significant deviations in the project schedule given the project's complexity and the unique procurement method and amended financing strategy. The consultant contract for a Design, Build, Operate, Maintain (DBOM) procurement was budgeted in the BWS FY 2017 Capital Improvement Program Budget. The complexity of the DBOM procurement and the major long lead item permitting, combined with the inflationary pressures and supply chain delays resulting from the Covid-19 pandemic, caused unforeseeable delays and increases to the project's cost. Given the foregoing, the project schedule is deemed timely.

Although the project is not required to comply with HAR Title 11 Chapter 200.1, effective August 9, 2019 ("New Rules"), BWS notes that it reaches the same determination under the New Rules whereby the accepting authority shall be responsible for determining whether a supplemental EIS is required under HAR Section 11-200.1-30(b).

BWS has determined that the proposed action is consistent with the previously prepared Final EIS, and that a supplemental statement is not required. Therefore, the proposed action may proceed without further or additional HRS Chapter 343 environmental review.

In the interest of transparency, BWS requests the publication of this determination in *The Environmental Notice*.¹

If you have any questions, please contact Barry Usagawa, Program Administrator, or our Water Resources Division, at (808) 748-5900.

Very truly yours,



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



cc: ~~B.~~ Usagawa

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¹ BWS notes that, had the New Rules been applicable to the proposed action, BWS would have similarly requested publication of this written determination pursuant to HAR §11-200.1-11(b).