

US EPA ARCHIVE DOCUMENT

**APPENDIX D**

**2009 COMMENT & RESPONSE LETTERS FOR DRAFT  
ENVIRONMENTAL ASSESSMENT PREPARED FOR STATE OF  
HAWAII**

COMMENT NO. 01



MAIL TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT  
FORT SHAFTER, HAWAII 96858-5440

April 27, 2009

Regulatory Branch

File No. FOH-2009-151

Perry J. White  
Planning Solutions  
210 Ward Avenue, Ward Plaza Suite 330  
Honolulu, HI 96814-4012

Dear Mr. White:

This letter is in response to your request, dated April 21, 2009, for our review of the Draft Environmental Assessment (DEA) for the proposed **Kapulena Well and Reservoir**. The site is located within TMKs (3) 4-7-002:029 and (3) 4-7-002:035, Hamakua District, Island of Hawaii, Hawaii.

Section 10 of the Rivers and Harbors Act (RHA) of 1899 requires that a Department of Army (DA) permit be obtained for structures or work in or affecting navigable waters (e.g., the Pacific Ocean) of the United States (U.S.) (33 U.S.C. 403). Section 10 waters are those subject to the ebb and flow of the tide extending shoreward to the mean high water mark. Section 404 of the Clean Water Act (CWA) requires that a DA permit be obtained for the discharge of dredge and/or fill material into waters of the U.S., including jurisdictional wetlands. The Corps defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

The County of Hawaii's Department of Water Supply (DWS) proposes to drill and test the existing Kapulena well. Based on the test results DWS will convert the well into a production well and construct a 3,000,000 gallon capacity water storage tank. Based on the information furnished to our office, the nearest surface water source is the Kawakaili Stream, which is 370 feet to the east of the closest point on the project site. Therefore, it appears that the subject parcels consist entirely of uplands, and the proposed project will not involve any activities occurring within navigable waters of the U.S. or the discharge (placement) of dredged and/or fill material into jurisdictional waters of the U.S.; therefore, a Department of Army permit will not be required. This determination does not relieve you of any responsibility to obtain any other permits, licenses, or approvals that may be required under County, State, or Federal law for your proposed work.

Thank you for the opportunity to comment. If you have any questions, please contact Ms. Mervin Hamilton-Smith, of my Regulatory staff at 808-438-7701 (FAX: 808-438-4060) or by electronic mail at [Mervin.Hamilton-Smith@usace.army.mil](mailto:Mervin.Hamilton-Smith@usace.army.mil). Please include File No. FOH-2009-151 in any future correspondence regarding this project. Please be advised you can provide

comments on your experience with the Corps' Honolulu District Regulatory Branch by accessing our web-based customer survey form at <http://per7.usace.army.mil/survey.html>.

Sincerely,

George P. Young, P.E.  
Chief, Regulatory Branch



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

KAHAKAHEKA 2, 1000 KAPULANUI AVENUE, HONOLULU, HI 96813  
TELEPHONE (808) 947-3400 • FAX (808) 947-3407

August 10, 2009

Mr. George P. Young, P.E., Chief  
Regulatory Branch  
U. S. Army Corps of Engineers, Honolulu District  
Department of the Army  
Fort Shafter, HI 96855-5440

**DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND RESERVOIR  
HAAKUA DISTRICT, ISLAND OF HAWAII**

Thank you for your April 27, 2009 letter (your reference file No. POU-2009-151) concerning the proposed Kapulena Well and Reservoir Project. We appreciate the time you and your staff spent reviewing the *Draft Environmental Assessment (DEA)* and preparing your letter.

Thank you for confirming that the proposed project will not involve any activities occurring within navigable waters of the United States (U. S.) or the discharge of dredged and/or fill material into jurisdictional waters of the U. S. We appreciate your determination that, on the basis of the information provided, a Department of Army (DA) permit will not be required.

The *Final Environmental Assessment Finding of No Significant Impact* is enclosed for your records. Should you have any questions, please call Mr. Teomoe I. Nago at the Department of Water Supply (808) 967-3800, extension 250.

Sincerely yours,

Mulualei Payne, P.E.  
Manager

TIS:dk

Enc

cc: to one (Mr. Greg Etkanitski, Fort Naeve Water Resource Engineering)  
to one (Mr. Perry J. White, Planning Solutions, Inc.)

*Water brings progress.*

For more information on this project, please contact the project manager at (808) 967-3800, extension 250. If you have any questions, please call Mr. Teomoe I. Nago at the Department of Water Supply (808) 967-3800, extension 250.

William F. Kenoi  
Mayor



County of Hawai'i  
FIRE DEPARTMENT  
25 Kapuni Street, Suite 101, Honolulu, Hawaii 96813  
Phone: 808-531-6304 • Fax: 808-531-2637

COMMENT NO. 02

Darryl J. Oliveira  
Fire Chief

Glen P. I. Honda  
Deputy Fire Chief

April 30, 2009

Mr. Perry J. White  
Planning Solutions  
Ward Plaza, Suite 330  
210 Ward Avenue  
Honolulu, HI 96814-3012

Dear Mr. White,

**SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT  
KAPULENA WELL AND RESERVOIR**

The Hawaii Fire Department does not have any comments to offer at this time regarding the above-referenced draft Environmental Assessment.

Thank you for the opportunity to comment.

Sincerely,

DARRYL OLIVEIRA  
Fire Chief

RP:ik



U.S. Environmental Protection Agency • EPA-335 (Rev. 11/97)



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII  
450 KULUWAHA STREET, SUITE 201, HONOLULU, HAWAII 96813  
TELEPHONE: 808-531-6304 • FAX: 808-531-2637

August 10, 2009

**TO: Mr. Darryl J. Oliveira, Fire Chief  
County of Hawaii, Fire Department**

**FROM: Milton D. Pavas, Manager**

**SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND  
RESERVOIR  
HĀMĀKUA DISTRICT, ISLAND OF HAWAII**

Thank you for your April 30, 2009 letter concerning the proposed Kapulena Well & Reservoir Project. We appreciate the time you and your staff spent reviewing the *Draft Environmental Assessment (DEA)* and preparing your letter. We understand that your Department has no comments to offer on the project at this time.

The *Final Environmental Assessment Finding of No Significant Impact* is one used for your records. Should you have any questions, please call Mr. Terence L. Nago at the Department of Water Supply, (808) 531-8070, extension 250.

Sincerely yours,

Milton D. Pavas, P.E.  
Manager

TIN:djg

Enc.

copy - (w/o enc.) Mr. Greg Fukumitsu, Tom Nause Water Resource Engineering  
(w/o enc.) Mr. Perry J. White, Planning Solutions, Inc.

*"Water being purged"*

U.S. Environmental Protection Agency • U.S. Environmental Protection Agency • U.S. Environmental Protection Agency • U.S. Environmental Protection Agency  
U.S. Environmental Protection Agency • U.S. Environmental Protection Agency • U.S. Environmental Protection Agency • U.S. Environmental Protection Agency

COMMENT NO. 03

LINDA WOLF



STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
PO BOX 196820, HONOLULU, HI 96819

MAY - 4 2009

ERNEST Y. W. LAU  
Public Works Administrator  
BARBARA A. ANNIS  
Chief Financial Officer  
D. LEWIS

Mr. Perry White  
Planning Solutions  
Ward Plaza, Suite 330  
310 Ward Avenue  
Honolulu, HI 96814-4012

Dear Mr. White:

Subject: Draft Environmental Assessment  
Kapulena Well and Reservoir

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

If you have any questions regarding the above, please have your staff call Mr. David DePinto of the Planning Branch at 586-0492.

Sincerely,

ERNEST Y. W. LAU  
Public Works Administrator

DD:mc

c Mr. Katherine Kealoha, DOI OEQC  
Mr. Glenn Okada, DAGS-Hawaii



## DEPARTMENT OF WATER SUPPLY - COUNTY OF HAWAII

4000 ANAHEA STREET, SUITE 200, HONOLULU, HI 96819  
TELEPHONE: (808) 964-8070 FAX: (808) 964-8071

August 10, 2009

Mr. Ernest Y. W. Lau  
Public Works Administrator  
State of Hawaii  
Department of Accounting and General Services  
P.O. Box 119  
Honolulu, HI 96810

DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND RESERVOIR  
KAAHAKU DISTRICT, ISLAND OF HAWAII

Thank you for your May 4, 2009 letter (your reference [P]11768) concerning the proposed Kapulena Well & Reservoir Project. We appreciate the time you and your staff spent reviewing the *Draft Environmental Assessment (DEA)* and preparing your letter.

Thank you for confirming that the proposed project will not impact any of the Department of Accounting and General Services' projects or existing facilities, and have no comments to offer at this time.

The *Final Environmental Assessment Finding of No Significant Impact* is enclosed for your records. Should you have any questions, please call Mr. Terence L. Nago at the Department of Water Supply, (808) 964-8070, extension 256.

Sincerely yours,

Terence L. Nago, P.E.  
Manager

DN:llg

Erc

copy - (w/enc.) Mr. Greg Urkumiton, Town of Waipahoehoe Water Reuse Engineering,  
(w/enc.) Mr. Perry J. White, Planning Solutions, Inc.

*White being prepared...*

The Department of Water Supply is pleased to provide you with a copy of the *Final Environmental Assessment Finding of No Significant Impact* for the proposed Kapulena Well and Reservoir Project. If you have any questions, please call Mr. Terence L. Nago at the Department of Water Supply, (808) 964-8070, extension 256.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
1100 BEACH DRIVE  
HONOLULU, HAWAII 96813-2026

May 6, 2009

Mr. Perry J. White  
President  
Planning Solutions, Inc.  
210 Ward Avenue, Ward Plaza, Suite 730  
Honolulu, Hawaii 96814-4917

Dear Mr. White:

**SUBJECT: Draft Environmental Assessment for the  
Kapuleau Well and Reservoir  
Hanaleiua, Island of Hawaii, Hawaii**

The Department of Health, Clean Water Branch (CWB), has reviewed the subject document and offers these comments on your project. 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://www.hawaii.gov/health/environmental-env-planning/landuse/CWB-standardcomments.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 11-54-2), as determined by the classification of the receiving State waters.
  - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).

COMMENT NO. 04

05024901.09  
05/02/2009

05024901.09  
05/02/2009

05024901.09

Mr. Perry J. White  
May 6, 2009  
Page 2

05024901.09

2. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:
  - a. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the start of the construction activities.
  - b. Hydrotesting water.
  - c. Construction dewatering effluent.

You must submit a separate NOI form for each type of discharge at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl/index.html>.

3. For types of wastewater not listed in Item No. 2 above or wastewater discharging into Class 1 or Class AA waters, you may need an NPDES individual permit. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/env/permits/water/cleanwater/forms/indiv/index.html>.
4. You must also submit a copy of the NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHIPD), or demonstrate to the satisfaction of the CWB that SHIPD has or is in the process of evaluating your project. Please submit a copy of your request for review by SHIPD or SHIPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.

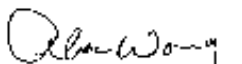
Mr. Perry J. White  
May 6, 2009  
Page 2

05074210-09

5. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 Water Quality Certification are required, must comply with the State's Water Quality Standards. Non-compliance 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 \$75,000 per day per violation.

If you have any questions, please visit our website at <http://www.dws.hawaii.gov/hawaii/environmental/water/clean-water/index.html>, or contact the Engineering Section, CWWB, at 586-4399.

Sincerely,

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

21 up



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII  
1501 KENNEDY STREET, SUITE 200, HONOLULU, HAWAII 96819  
TELEPHONE: (808) 961-8070 FAX: (808) 961-8071

August 10, 2009

Mr. Alec Wong, P.E., Chief  
Department of Health, Clean Water Branch  
P.O. Box 1338  
Honolulu, HI 96801-3338

**DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND RESERVOIR  
HĀMĀKUA DISTRICT, ISLAND OF HAWAII**

Thank you for your May 6, 2009 letter [your reference File No. 1-MDC-WR-0802-001-00] concerning the proposed Kapulena Well & Reservoir Project. We appreciate the time you and your staff spent reviewing the *Draft Environmental Assessment (DEA)* and preparing your letter.

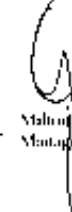
We have reviewed your Department's standard comments and will comply with all those that are applicable to the proposed project. Construction of the proposed well and reservoir would disturb less than an acre of land and, as a result, no NPDES permit coverage will be required, as indicated in Section 5.7.2.1 of the DEA. Best Management Practices will be followed to minimize and eliminate introduction of any pollutants into storm water runoff.

The project will not require a Department of the Army permit. Consequently, DWS is not applying for a Section 401 Water Quality Certification.

The contractor will be held responsible for ensuring that State Water Quality Standards are met at all times during construction.

The *Final Findings and Assessment Finding of No Significant Impact* is enclosed for your records. Should you have any questions, please call Mr. Terrence L. Naga at the Department of Water Supply, (808) 961-8070, extension 256.

Sincerely yours,



Malinda Pasco, P.E.  
Manager

HLS:llp

Ers

copy - two (enc.) Mr. Greg Fukumitsu, East Kona Water Resource Engineering,  
(two enc.) Mr. Perry J. White, Planning Solutions, Inc.

*Water being pumped*

The Department of Water Supply of the County of Hawaii is an Equal Opportunity Employer. Minorities and women are encouraged to apply. If you are a person with a disability and need a reasonable accommodation to apply for a job, please contact the Department of Water Supply at (808) 961-8070, extension 256.



William P. Kono  
Mayor



County of Hawaii  
POLICE DEPARTMENT  
411 Kapiolani Street • Honolulu, Hawaii 96813  
PHONE: (808) 535-3100 • FAX: (808) 535-3101

COMMENT NO. 05

Harry S. Kikujiri  
Police Chief

Paul K. Ferreira  
Deputy Police Chief

May 6, 2009

Mr. Perry J. White  
Planning Solutions  
Ward Plaza, Suite 330  
210 Ward Avenue  
Honolulu, HI 96814-4012

Dear Mr. White,


**Subject: Kapulena Well and Reservoir**

Staff, upon reviewing the provided documents and visiting the proposed site, does not anticipate any significant impact to traffic and/or public safety concerns.

Thank you for allowing us the opportunity to comment.

If you have any questions, please contact Captain Randy Apele, Commander of the Hamakua District, at (808) 775-7533.

Sincerely,

  
DEREK D. PACHECO  
ASSISTANT POLICE CHIEF  
AREA I OPERATIONS BUREAU

RAW

10/24/2009 10:54 AM Page 1 of 1



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII  
1400 KANANI'OLE STREET, SUITE 200, HONOLULU, HAWAII 96813  
TELEPHONE: (808) 535-3100 • FAX: (808) 535-3101

August 11, 2009

TO: Mr. Harry Kikujiri, Police Chief  
Attention: Mr. Derek D. Pacheco, Assistant Police Chief  
County of Hawaii's Police Department

FROM: Melissa D. Pavaia, Manager


SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT- KAPULENA WELL AND RESERVOIR  
HĀMAKUA DISTRICT, ISLAND OF HAWAII

Thank you for your May 6, 2009 letter concerning the proposed Kapulena Well & Reservoir Project. We appreciate the time you and your staff spent reviewing the *Draft Environmental Assessment (DEA)* and preparing your letter.

Thank you for confirming that the proposed project will not involve any significant law enforcement and/or public safety concerns at this time.

The *Final Environmental Assessment Finding of No Significant Impact* is enclosed for your records. Should you have any questions, please call Mr. Terrence J. Sage at the Department of Water Supply, (808) 961-8070, extension 250.

Sincerely yours,

  
Melissa D. Pavaia, P.L.  
Manager

TS:dlj

Enc.

cc: (to) Mr. Greg Finkemith, Tom Naeve Water Resource Engineering  
(to) Mr. Perry J. White, Planning Solutions, Inc.

*With loving respect,*

10/24/2009 10:54 AM Page 1 of 1

W. Lynn P. Kelen  
Mayor



**County of Hawai'i**

PLANNING DEPARTMENT  
4155 Kalia Road, Suite 200, Kalaheo, Hawaii 76901  
Tel: 808-685-6200 Fax: 808-685-6211

COMMENT NO. 06

BU LEEHEAD TADD  
1999

Margaret K. Maroney  
1999

May 8, 2009

Mr. Perry J. White  
Planning Solutions, Inc.  
270 Ward Avenue, Suite 330  
Honolulu, HI 96814

Dear Mr. White:

**SUBJECT:** Draft Environmental Assessment  
**Applicant:** County of Hawai'i Department of Water Supply  
**Project:** Kapulena Well and Reservoir  
**TMK:** 4-7-02:29 and 4-7-02:35, Hamakua District, Island of Hawai'i

Thank you for the opportunity to review a comment on this Draft Environmental Assessment. After careful review we have no further comments at this time.

Should you have questions, please feel welcome to contact Christian Kay of my staff at 961-8288, extension 259.

Sincerely,

BU LEEHEAD TADD  
Planning Director

CRK:cs

4/21/09 10:53 AM C:\Users\ltd\Documents\4-7-02:29 and 4-7-02:35\4-7-02:29 and 4-7-02:35\CRK:cs

*It is the policy of this office to provide this information*



**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII**

4155 KALIA ROAD, SUITE 200, KALAHEO, HAWAII 76901  
TEL: 808-685-6200 FAX: 808-685-6211

August 19, 2009

**TO:** Ms. BJ Lethead Todd, Planning Director  
Planning Department

**FROM:** Milton D. Bryan, Manager

**SUBJECT:** DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND RESERVOIR  
HAMAKUA DISTRICT, ISLAND OF HAWAII

Thank you for your May 8, 2009 letter concerning the proposed Kapulena Well & Reservoir Project. We appreciate the time you and your staff spent reviewing the *Draft Environmental Assessment (DEA)* and preparing your letter. We understand that your Department has no comments to offer on the project at this time.

The *Final Environmental Assessment Finding of No Significant Impact* is enclosed for your records. Should you have any questions, please call Mr. Lawrence L. Nopoi at the Department of Water Supply, (808) 961-8070, extension 250.

Sincerely yours,

Milton D. Bryan, P.E.  
Manager

FIN:dip

Enc.

copy - (3) one J. Mr. Greg Eukemitsu, Turbance Water Resource Engineering  
(3) one J. Mr. Perry J. White, Planning Solutions, Inc.

*Water being proposed*

The Department of Water Supply is an agency of the County of Hawaii. It is not a federal agency. The Department of Water Supply is not responsible for the actions of any other agency or individual. The Department of Water Supply is not responsible for the actions of any other agency or individual. The Department of Water Supply is not responsible for the actions of any other agency or individual.

U.S. ENVIRONMENTAL PROTECTION AGENCY



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

1535 KALANIANAʻOHALA DRIVE  
HONOLULU, HAWAII 96820

**COMMENT NO. 07**

U.S. ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF PUBLIC AFFAIRS

WASHINGTON, D.C. 20460

FOR INFORMATION  
CONTACT THE PUBLIC AFFAIRS OFFICE  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460  
TELEPHONE (202) 368-2200  
FACSIMILE (202) 368-2200  
WWW.EPA.GOV

May 13, 2009

Ferry J. White, Planning Solutions  
Ward Plaza, Suite 330  
210 Ward Avenue  
Honolulu, Hawaii 96814-4077

LOG NO: 2009-1477  
DOC NO: 0905MD20  
Archaeology

Dear Mr. White:

**SUBJECT: National Historic Preservation Review (NHPR) Section 106 Review  
Section 106 Historic Preservation Review Request for the DPW  
Kapuena Well and Reservoir Project  
Heahehe Ahupua'a, Hamakua District, Island of Hawaii  
TMR: (J) 4-7-002 (pur.) & 035 (pur.)**

Thank you for the opportunity to comment on the aforementioned undertaking, which we received on April 23, 2009. If the well test proves successful a waste storage tank system will be developed to replace the current water source which is treated-in water, following the forced abandonment (due to lack of water) of the Kukuhihale (Wai'ihili) spring in 2007.

We concur that no historic properties will be affected by this undertaking because:

- Intensive cultivation has altered the land
- Recreational development/urbanization has altered the land
- Previous grubbing/grading has altered the land
- An accepted archaeological inventory survey (AIS) found no historic properties
- SHPD previously reviewed this project and mitigation has been completed
- Other: SHPD previously reviewed a letter (Reckman and Clark January 16, 2009) finding no historic properties on these parcels, and SHPD concurred (Log No. 2009-0046, Doc No. 0901AD37).

In the event that historic resources, including human skeletal remains, cultural materials, lava tubes, and lava blisters/bubbles are identified during the construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the State Historic Preservation Division, Hawaii Island Section, needs to be contacted immediately at (808) 941-3655.

Mr. Ferry J. White  
Page 2 of 2

Please contact Morgan Davis at (808) 933 7650 if you have any questions or concerns regarding this letter.

ACJm,

Nancy McMahon, Deputy SHPD/State Archaeologist  
and Historic Preservation Manager  
State Historic Preservation Division



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

100 SOUTH KALANIAN'OLUHANA STREET, SUITE 200, HONOLULU, HAWAII 96813  
 TELEPHONE: (808) 535-2100 FAX: (808) 535-2101

August 18, 2009

Ms. Nancy McMahon  
 Deputy SHPD State Archaeologist and Historic  
 Preservation Manager  
 State of Hawaii  
 Department of Land and Natural Resources  
 State Histor. Preservation Division  
 P.O. Box 621  
 Honolulu, HI 96809

**DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND RESERVOIR  
 HAMAŌKA DISTRICT, ISLAND OF HAWAII**

Thank you for your May 11, 2009 letter (your reference Log No. 2009-1417, Dist. No. 0905MD00 Archaeology) concerning the proposed Kapulena Well & Reservoir Project. We appreciate the time you and your staff spent reviewing the *Draft Environmental Assessment (DEA)* and preparing your letter.

Thank you for confirming that the proposed project will not affect any historic properties. In the unlikely event that unobserved archaeological and/or cultural remains are encountered, the contractor will cease work immediately, protect the inadvertent discovery from additional disturbance and notify SHPD immediately.

The *Final Environmental Assessment Finding of No Significant Impact* is enclosed for your records. Should you have any questions, please call Mr. Terence L. Nigmat of the Department of Water Supply, (808) 961-2070, extension 256.

Sincerely yours,

Mithunji Puriya, P.E.  
 Manager

TLN:dkg

Enc.

copy: (w/enc.) Mr. Greg Fukumitsu, Town Source Water Resource Engineering,  
 (w/enc.) Mr. Perry J. White, Planning Solutions, Inc.

*...Water brings progress.*

The Department of Water Supply, 100 South Kalanian'oluhana Street, Suite 200, Honolulu, Hawaii 96813, has received water utility information from the Department of Water Supply, 100 South Kalanian'oluhana Street, Suite 200, Honolulu, Hawaii 96813, on August 18, 2009.

COMMENT NO. 08

John Deane  
Director



John Deane  
Director



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 2089  
HONOLULU, HAWAII 96820

May 28, 2009

Planning Solutions  
Waiola Plaza Suite 370  
210 Ward Avenue  
Honolulu, Hawaii 96814-4917

Attention: Mr. Perry J. White

Ladies and Gentlemen,

Subject: Draft Environmental Assessment for Kapulea Well and Reservoir

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

Other than the comments from Division of Aquatic Resources, Land Division-Hawaii District, Engineering Division, Division of Forestry & Wildlife, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

*Charles B. Hartel*  
Charles B. Hartel  
Administrator

Cc: GLO  
Hawaii County DWS

John Deane  
Director



John Deane  
Director



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 2089  
HONOLULU, HAWAII 96820

April 23, 2009

MEMORANDUM

- TO: DLNR Agencies:
- Div. of Aquatic Resources
  - Div. of Hunting & Ocean Recreation
  - Engineering Division
  - Div. of Forestry & Wildlife
  - Div. of State Parks
  - Commission on Water Resource Management
  - Office of Conservation & Coastal Lands
  - Land Division - Hawaii District

FROM: *Morris M. Aita*  
SUBJECT: Draft Environmental Assessment for Kapulea Well and Reservoir  
LOCATION: Hanalei, Hawaii  
APPLICANT: Planning Solutions, Inc. on behalf of Department of Water Supply

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by May 15, 2009.

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 my office at 587-0433. Thank you.

Attachments

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

Signed: *Charles B. Hartel*  
Date: 5/15/09

RECEIVED  
MAY 15 2 2009

DEPARTMENT OF LAND AND NATURAL RESOURCES  
ENGINEERING DIVISION

L.M. MurchAka  
Rt. E, DKA Kapulema Well & Reservoir  
Hawaii, HI

COMMENTS

- (X) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone X. The National Flood Insurance Program does not have any regulations for developments within Zone X.
1. Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone
1. Please note that the Special Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is
1. Please note that the project must comply with the rates and regulations of the National Flood Insurance Program (NFIP) presented in Title 41 of the Code of Federal Regulations (45 CFR), unless development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyak, Head of the Department of Land and Natural Resources, Engineering Division at (808) 587-6267.

Please be advised that 44 CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinance, please contact the applicable County NFIP Coordinators below:

- (1) Mr. Robert Summers at (808) 766-3697 or Mr. Marcus Saito at (808) 766-3694 of the County of Honolulu, Department of Planning and Permitting
- (2) Mr. Kelly Rogers at (808) 683-5323 (Editor) or Mr. Kuan Hofer at (808) 322-3539 of the County of Hawaii, Department of Public Works
- (3) Mr. Francis Cerone at (808) 275-7271 of the County of Maui, Department of Planning
- (4) Mr. Marco Antonio at (808) 241-3573 of the County of Kauai, Department of Public Works
1. The applicant should include water demands and infrastructure required to meet project needs. Please note that projects on the State lands requiring water service from the Honolulu Islandwide Water Supply System will be required to pay a reserve development charge, and address Water Facilities Charges for transmission and daily storage.
1. The applicant should provide the water demands and calculations to the Engineering Division and can be included in the State Water Projects Plan Update.

1. Additional Comments

1. Other

Should you have any questions, please call Ms. Suzie S. Agtayo of the Planning Branch at 587-6255.

Signed: *Eric J. Heranz*  
ERIC J. HERANZ, CHIEF ENGINEER

Date: 5/15/09

ENGINEER  
STATE OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
75 Aupun Street, Room 204  
Honolulu, Hawaii 96820

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
75 AUPUN STREET, ROOM 204  
HONOLULU, HAWAII 96820  
PHONE: (808) 587-6200  
FAX: (808) 587-6201  
WWW.DLN.RIS.HAWAII.GOV

May 5, 2009

TO: Morris M. Aka  
FROM: Robert T. Nishimoto, Program Manager - Aquatic Resources and Environmental Protection Branch  
RE: Draft EA, Kapulema Well and Reservoir

BRIEF DESCRIPTION:

The applicant, DWS, proposes to construct a new exploratory well in the Hanalei District of Hawaii Island. The exploratory well will be converted into a production facility if the test results are suitable for drinking water.

COMMENTS:

The Division of Aquatic Resources (DAR) has objections to this request since the proposed project may have impacts on aquatic resource values in the area. DAR would like to understand how withdrawals from this lens not alter stream flow in adjacent Kawakia and Malamahe streams. (See section 3.7.1). Please explain.

50 City of Honolulu  
8015  
03/15/09



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

1555 BERKELEY STREET  
HONOLULU, HAWAII 96813

April 23, 2009

AGRICULTURE 2-10

Director	
Deputy Director	
Assistant Director	
Chief of Staff	
Secretary	
Administrative Services	
Engineering	
Planning & Information Systems	
Public Affairs	
Records Management	
Training	
Finance	
Legal	
Construction	
Facilities	
Inventory Control	
Information Systems	
Director's Office	

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 - Hawaii District



FROM: *Thomas M. Allen*  
SUBJECT: Draft Environmental Assessment for Kapakapa Well and Reservoir  
LOCATION: Hanaleiua, Hawaii  
APPLICANT: Planning Solutions, Inc. on behalf of Department of Water Supply

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by May 15, 2009.

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 my office at 587-0433. Thank you.

Attachments

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

Signed: *Thomas M. Allen*  
Date: *5/18/09*



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

1555 BERKELEY STREET  
HONOLULU, HAWAII 96813

April 23, 2009

*878/A-7-02129+35*  
STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

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 - Hawaii District

FROM: *Thomas M. Allen*  
SUBJECT: Draft Environmental Assessment for Kapakapa Well and Reservoir  
LOCATION: Hanaleiua, Hawaii  
APPLICANT: Planning Solutions, Inc. on behalf of Department of Water Supply

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by May 15, 2009.

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 my office at 587-0433. Thank you.

Attachments

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

Signed: *Kathleen*  
Date: *5/18/09*

RECEIVED  
 SIGN  
 APR 23 11 AM '09  
 213 499 2712  
 213 499 2712



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 2090  
HONOLULU, HAWAII 96820

April 23, 2009

MEMORANDUM

- TO: **DLNR Agencies:**
- Div. of Aquatic Resources
  - Div. of Beaches & Ocean Recreation
  - Engineering Division
  - Div. of Forestry & Wildlife
  - Div. of State Parks
  - Commission on Water Resource Management
  - Office of Conservation & Coastal Lands
  - Land Division - Hawaii District

RECEIVED  
DIVISION  
MAY 29 10 58 AM '09

FROM: *Justin M. Aia*  
 SUBJECT: Draft Environmental Assessment for Kapulena Well and Reservoir  
 LOCATION: Hanalei, Hawaii  
 APPLICANT: Planning Solutions, Inc. on behalf of Department of Water Supply

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by May 15, 2009.

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 my office at 587-0433. Thank you.

Attachments

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

Signed: \_\_\_\_\_  
 Date: \_\_\_\_\_  
**PAUL J. CONRY, ADMINISTRATOR**  
 DIVISION OF FORESTRY AND WILDLIFE  
 MAY 27 2009



DEPARTMENT OF WATER SUPPLY - COUNTY OF HAWAII

1455 KALANIKULANI DRIVE, SUITE 100, HONOLULU, HAWAII 96813  
TELEPHONE: (808) 478-2200 FAX: (808) 478-2202

August 10, 2009

Mr. Justin M. Aia, Administrator  
 Land Division  
 Department of Land and Natural Resources  
 State of Hawaii  
 P.O. Box 621  
 Honolulu, HI 96809

**DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND RESERVOIR  
HAALEKUA DISTRICT, ISLAND OF HAWAII**

Thank you for your May 18, 2009 letter concerning the proposed Kapulena Well & Reservoir Project. We appreciate the time you and your staff spent reviewing the *Draft Environmental Assessment (DEA)* and preparing your letter. The Department of Land and Natural Resources consists of attached memoranda from the Land Division, Hawaii District, the Division of Forestry & Wildlife (DOFAW), the Engineering Division, and the Division of Aquatic Resources.

We understand that the Department of Land and Natural Resources and the Land Division - Hawaii District do not have any comments to offer on the project at this time. In addition, the Division of Forestry & Wildlife indicates they have "no objections" to the proposed project. We would like to thank the Engineering Division for confirming that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone X and that the National Flood Insurance Program does not have any regulations for developments within Zone X.

The remainder of this letter focuses on the comment from the Division of Aquatic Resources. To simplify your examination, we have reproduced the comment in *italics* below.

Comment:

*The Division of Aquatic Resources (DAR) has objections to this request since the proposed project may have impacts on aquatic resource values in the area. DAR would like to understand how withdrawals from this low and often stream flow or adjacent Kaniakala and Mahanalo streams affect water quality. Please explain.*

Response: The following statement has been inserted into Section 2.7.2 of the Final Environmental Assessment: "Groundwater tapped by the well will stand at approximately 10 feet above sea level. The two stream channels in question, Kaniakala to the west and Mahanalo to the east, are at far higher elevations than this all the way to their discharges, as water falls at the shoreline. Therefore, it is physically impossible for water from the aquifer tapped by the well to discharge into the far higher elevation streams."

*Water Supply project*

This document contains confidential information and is intended only for the individual named. If you have received this document by mistake, please notify the sender immediately by telephone or email. This document is not to be distributed outside the agency.



Mr. Morris M. Aita, Administrator  
Page 3  
August 10, 2009

The *Final Environmental Assessment Finding of No Significant Impact* is enclosed for your records. Should you have any questions, please call Mr. Lawrence J. Naps at the Department of Water Supply, (808) 967-3070, extension 250.

Sincerely yours,



Melvin D. Pivato, PE  
Manager

HN:djg

Enc

copy - to: enc.1 Mr. Greg Finkumish, Fair Notice Water copy -Resource Engineering  
to: enc.1 Mr. Terry J. White, Planning Solutions, Inc

ENVIRONMENTAL  
CHALLENGES

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
4001 ALI  
HONOLULU HAWAII 96821-2048

May 17, 2001

Mr. Craig White  
Planning Consultant  
211 West Avenue, Suite 130  
Honolulu, HI 96814-4212

Dear Mr. White:

RE: 1991 ENVIRONMENTAL ACTION PLAN, KAUNOA WATERShed  
KAWAIAHOI WATERShed PROJECT 19145-0000

I would like to acknowledge receipt of the 1991 Environmental  
Action Plan for Kawaiahoi Watershed Management Study  
April 2000. The State Drinking Water Branch (SDWB) has  
completed its preliminary review and has the following comments:

1. Page 14, Section 1.1: Please revise the last sentence,  
"The State Department of Health Safe Drinking Water Branch  
has noted replacement of this water system as it serves  
the primary for water system with up to 100,000 gallons  
per day (GPD) of water. The replacement of this water system is  
ranked number one in Hawaii for drinking water in the  
Recreation Fund by list of Projects for State Fiscal  
Year 2000."

2. Appendix A, Section 1.1.1:

- a. Please add to this section that The Drinking Water  
State Recreation Fund (DRWF) program was established  
to help low water budget communities improve their  
water systems to insure the most important public  
supplying the drinking water. Included in these projects  
to review or address compliance with the Safe  
Drinking Water Act (SDWA).

COMMENT NO. 09

CHIEF, PLANNING  
DIVISION OF HEALTHKAWAIAHOI  
PROJECT

Mr. Craig White  
May 17, 2001  
Page 2

- b. Please revise the sentence, "The SDWB has not declined  
to help prevent contamination" to "The State Drinking  
Water Act was established to help prevent  
contamination."

3. Please provide population projection within the project  
area.

If there are any questions, please call Aileen Gray at 586-0853.

Sincerely,

STUART YAMADA, I.E., CHIEF  
Safe Drinking Water Branch  
Environmental Management Division

AC:cb

cc: Kawaiahoi, Email: WSD (John Smith)



**COMMENT NO. 10**

PHONE (808) 594-1891



STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
711 KAPIOLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96812

FAX (808) 594-1895

HRIK004203

Very Warm  
May 26, 2009  
Page 7

pre consultation for this DLAA, however, we wonder what other Native Hawaiians or groups were consulted with. Further, we note that a field inspection was conducted in early 2009; however, we note that this inspection was by non-archaeological practitioners of others such as substrate geologists. The Compliance for Assessing Cultural Impacts established by the Hawaii State Office of Environmental Quality Control. We read on page 3-10 of the DE-4 Part 4, "There is no indication of any kind that the project involves resources necessary to or currently being used by other Native Hawaiian cultural practitioners exercising traditional and customary access and use rights for any purposes or by individuals of any other cultural affiliation for any traditional/cultural purposes." We ask what this conclusion is based on.

OHA is the "principal public agency in this state responsible for the performance, development, and coordination of programs and activities relating to native Hawaiian and Hawaiian." (Hawaii Revised Statutes (HRS) § 10-5-30). It is our duty to "[a]ssess] the policies and practices of others, agencies impacting on native Hawaiians and Hawaiians, and on the [c]ultural identity of native Hawaiians and Hawaiians." (HRS § 10-5-4). Without biological or cultural assessments or surveys, one of the tools that this agency uses to perform its constitutional and statutory obligations is taken from us. While it may be that your conclusions are correct, we hope that such data and information not presented to an environmental review so that we can at least have the chance to agree.

OHA also asks that if the project does go forward, that the project area be planted with the same type of vegetation that was removed to restore the site as closely as possible to the original condition. OHA would like to suggest that the project area be landscaped with drought tolerant native or indigenous species that are endemic to the area. Any invasive species should also be removed. Doing so would serve to further the traditional Hawaiian concept of "mālama" and create a more Hawaiian sense of place.

OHA also asks that, in accordance with section 46 of the Hawaii Revised Statutes and Chapter 13-80, Hawaii Administrative Rules, if the project goes forward, and if any significant cultural deposits or human skeletal remains are encountered, work shall stop in the immediate vicinity and the State Historic Preservation Division shall be contacted.

Thank you for the opportunity to comment. If you have further questions, please contact Grant Amundt by phone at (808) 594-0265 or e-mail at grant.amundt@state.hawaii.gov.

Owainaka Naniwa (on behalf of)

Cydelle Naniwa  
Administrator

C OHA/CRS/103

May 26, 2009

Proy White  
Planning Solutions, Inc.  
177 Ward Avenue, Suite 350  
Honolulu, HI 96814

**RE: Request for comments on proposed Kupulepu Well and Reservoir, Draft Environmental Assessment (DEAA) Hanaleiua District, Hawaii (TRKs 4-7-02:29 and 4-7-02:35)**

Aloha Eury White,

The Office of Hawaiian Affairs (OHA) is in receipt of the above mentioned letter dated April 21, 2009. OHA is reviewing the proposal and offers the following comments:

OHA notes that this area is in need of water service and that currently all water is being pulled in. Further, the drawdown area is expected to be less than an acre. We do see that the withdrawal of water from the island's basin will not substantially affect the stream flow in the adjacent streams. However, we do think this proposed withdrawal will have an effect on recharging the aquifer.

While we do acknowledge the possibility of minimal adverse impacts being generated from this proposal, OHA is not comfortable gauging or predicting impacts and a withdrawal from the requirements of law. OHA points out that the DEAA frankly states that no formal survey was done and yet concludes that, "No rare or endangered species are known or expected to be present."

Without such basic things as biological surveys, reviewers are unable to assess this proposal for potential impacts and offer meaningful mitigating comments. A sophisticated applicant such as the Department of Water Supply readily understands that the public hearing process cannot be made to depend on the applicant's word for it. This is especially true when the applicant and the approving agency are one and the same, as is the case here. OHA points out that such omissions have been reason to declare environmental reviews deficient, causing needless delays and expense. It is not our intention to cast such judgments upon applicants and we hope that this be corrected in the next draft.

Further, on April 26, 2009, the Governor approved House Bill No. 2895 (H.B. Law Act) which amended Chapter 345 Hawaii Revised Statutes to require a cultural impact assessment to be included in the preparation of an environmental assessment. OHA notes that the applicant did consult with OHA on the



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII  
 OFFICE OF THE DEPUTY COUNTY ENGINEER  
 1001 KAPULANUI AVENUE, SUITE 200  
 HONOLULU, HAWAII 96813

August 14, 2009

Mr. Clyde W. Naitano, Administrator  
 State of Hawaii  
 Office of Hawaiian Affairs  
 711 Kapulehale Boulevard, Suite 500  
 Honolulu, HI 96813

**DRAFT ENVIRONMENTAL ASSESSMENT: KAPILENA WELL AND RESERVOIR  
 HIAMÁKUA DISTRICT, ISLAND OF HAWAII**

Thank you for your May 26, 2009 letter concerning the proposed Kapileña Well & Reservoir Project. We appreciate the time you and your staff spent reviewing the Draft Environmental Assessment (DEA) and providing written comments. Our responses to your comments (which are reproduced for clarity) are provided below.

**Comment 1:**

*OHA notes that this area is in need of water service and that currently all water is being trucked in. Further, the disturbed area is expected to be less than an acre. We do see that the withdrawal of water from the stream's head form will not substantially alter the stream flow in the downstream streams, however, we do ask if the proposed withdrawal will have an effect on recharging the aquifer.*

**Response:** Recharge of the aquifer occurs at the ground surface of the upgradient watershed. Recharge is that portion of rainfall (at fog drip at high elevations) that percolates downward rather than becoming surface runoff or evaporative loss back to the atmosphere. Development and use of the well will have no impact on this process. Section 3.1.2.1 of the Draft EA discusses the effect that the addition of approximately 6,000 square feet of impermeable surface would have on runoff. It concludes that because of the design of the project's storm drainage system (which includes a seepage pit) and the permeable nature of the area's soil and underlying rock, runoff from the site would increase recharge decrease only when rainfall is very intense. Thus, when all factors are considered, the proposed action would not decrease long-term recharge.

**Comment 2:**

*While we do acknowledge the possibility of potential adverse impacts being generated from this proposed, OHA is not comfortable guessing at probable impacts and also departing from the requirements of law. OHA points out that the DEA frankly states that no formal studies were done and yet concludes that "No rare or endangered species are known or expected to be present."*

Without such basic things as biological surveys, reviewers are unable to assess the proposal for potential impacts and offer meaningful mitigating comments. A sophisticated applicant such as the Department of Water Supply surely understands that the public scoping process cannot be made to depend on the applicant's word for it. This is especially true when the applicant and the approving agency are one and the same, as is the case here. OHA points out that such comments have been common to the late environmental review delinquent category, neither delay and expense. It is not our intention to give such comments upon applicants and we urge that this be corrected in the next draft.

*Water being proposed*

*Water being proposed*

Mr. Clyde W. Naitano, Administrator  
 Page 2  
 August 14, 2009

**Response:** Rain Biological Consulting, Inc., has conducted a biological survey of the project site. The survey report, which is included as Appendix C in the Final EA, concludes that modification of the current habitat on the Kapulehale site is not expected to result in significant impacts to any botanical, faunal or ornithological species currently listed or proposed for listing under either the Federal, or State of Hawaii Endangered species laws. It also finds that the development of the site would not have a significant deleterious impact on native floral resources found within the Hiāmākua District. DWS will take appropriate preservation measures to avoid the potential disturbance of nesting Hawaiian Noddy terns by inhibiting the recommendation made in the biological survey report.

**Comment 3:**

*Further, on April 26, 2009, the Governor approved House Bill No. 2495 (H.B. No. 2495), amended Chapter 315 Hawaii Revised Statutes to require a cultural impact assessment to be included in the preparation of an environmental assessment. OHA sees that the applicant did consult with OHA on the pre-consultation for this DEA, however, we wonder what other Native Hawaiians or groups were consulted with. Further, we note that a field inspection was conducted in early 2009, however, we ask if this inspection was focused on archaeological resources or others such as subsistence. (See the Guidelines for Assessing Cultural Impacts established by the Hawaii State Office of Environmental Quality Control) We read on page 4-10 of the DEA that "there is no indication of any kind that the project area has resources necessary to it currently being used by either Native Hawaiian cultural practitioners exercising traditional and customary access and use rights for any purposes or by individuals of any other cultural affiliation for any traditional cultural purposes." We ask what this conclusion is based on.*

OHA is the "principal public agency in this State responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians." (Hawaii Revised Statutes (HRS) § 10-3.) It is our duty to "[a]ssess (1) the policies and practices of other agencies imposing on native Hawaiians and Hawaiians, and conduct (2) advisory efforts for native Hawaiians and Hawaiians." (HRS § 10-14.) Without biological or cultural assessments or surveys, one of the tools that this agency uses to perform our constitutional and statutory obligations is taken from us. While it may be that your conclusions are correct, we urge that such data and information must be created at an environmental review so that we can at least have the chance to agree.

**Response:** Appendix B of the Final Environmental Assessment includes a copy of the cultural impact assessment report that Reckman Consulting, LLC prepared for the project. Based on the results of the report and the lack of any evidence that the proposed project site is used for traditional cultural purposes, along with the absence of unique archaeological resources at the sites, the project is not anticipated to have adverse effects on historic resources or cultural uses. Neither will it impact or limit the ability of native Hawaiian practitioners to access cultural resources in adjacent areas.

**Comment 4:**

*OHA also asks that if the project does go forward, then the project area be planned with the same type of vegetation that was removed to restore the site as closely as possible to the original condition. OHA would like to suggest that the project area be landscaped with drought tolerant native or indigenous species that are common to the area. Any invasive species should also be removed. Doing so would serve to further the traditional Hawaiian concept of mālama 'āina and create a more Hawaiian sense of place.*

**Response:** If the exploratory well produces favorable results, and DWS moves ahead with the project, virtually all of the existing non-native vegetation will be removed from the project site during the first phase of construction. Most of the cleared area would then be maintained periodically to prevent vegetation re-growth. While this will not remove all invasive species that are now present, it will minimize the potential for the

Mr. Clyde W. Nunnery, Administrator  
Page 3  
August 13, 1989

proposed action to promote the further spread of invasive species. The DWS will consider your recommendation concerning the use of drought tolerant native or indigenous species in any landscaping undertakes for the project.

Should the results of tests of the proposed exploratory well prove unfavorable, the Department of Water will reevaluate the site. Consideration would be given to the use of native or indigenous species for this purpose, but the fact that the site is surrounded by excessive non-native vegetation may make this impractical.

Comment 4:

*DHA also asks that, in accordance with Section 66-26-5 Hawaii Revised Statutes and Chapter 13-409 Hawaii Administrative Rules, if the project moves forward and if any significant cultural deposits or human skeletal remains are encountered, work shall cease in the immediate vicinity and the State Historic Preservation Division shall be contacted.*

*Response:* The DWS will require the contractor to cease work immediately, to protect the inadvertent discovery from additional disturbance, and to notify NHPD immediately in the event that undocumented archaeological and/or cultural remains are encountered.

The *Final Environmental Assessment Finding of No Significant Impact* is enclosed for your records. Should you have any questions, please call Mr. Terrance J. Sago at the Department of Water Supply, (808) 961-8070, extension 250.

Sincerely yours,



William D. Pava, PE  
Manager

HIS dlr

Enc

copy 1w to and 1 Mr. Greg Dickman, Inc. Tom Nance Water Resource Engineering  
1w to and 1 Mr. Perry J. White, Pinnacle Solutions, Inc.

COMMENT NO. 11

UNOFFICIAL  
COPY FOR COMMENT



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
5082A-039  
1602 ALI'IPANUI, SUITE 100  
HONOLULU, HAWAII 96813

June 3, 2009

ENVIRONMENTAL  
PROTECTION

ENVIRONMENTAL  
PROTECTION

Mr. Henry J. White  
Planning Solutions  
1441 Kaula, 2nd Floor, Suite 201  
Honolulu, Hawaii 96814-1012

Dear Mr. White:

RE: DRAFT ENVIRONMENTAL ASSESSMENT  
KAPELENA WELL AND RESERVOIR

As per a receipt of the above referenced draft environmental assessment received under Environmental Protection Act of April 2, 2009, and after the following is noted:

1. THE ENVIRONMENT

From Section 4 of paragraph 1. Quality and "The Safe Drinking Water Branch has called replacement of the water source at the number one priority for water system development in the State (2008)."

If you have any questions, please contact Mr. Stuart Yamada at the Safe Drinking Water Branch, Environmental Protection Act of 2009.

Sincerely,

*Stuart Yamada*

Mr. STUART YAMADA, P.E., Chief  
Safe Drinking Water Branch  
Environmental Management Division

ENR:df



DEPARTMENT OF WATER SUPPLY - COUNTY OF HAWAII

1441 KAUHA STREET, 2ND FLOOR, HONOLULU, HAWAII 96813  
PHONE: (808) 586-1378 FAX: (808) 586-1379

August 10, 2009

Mr. Stuart Yamada, P.E., Chief  
State of Hawaii  
Department of Health  
Safe Drinking Water Branch  
Environmental Management Division  
P.O. Box 4078  
Honolulu, HI 96814-1378

DRAFT ENVIRONMENTAL ASSESSMENT: KAPELENA WELL AND RESERVOIR  
HĀMĀKUA DISTRICT, ISLAND OF HAWAII

Thank you for your June 3, 2009 letter concerning the proposed Kapelekena Well & Reservoir Project. We appreciate the time you and your staff spent reviewing the Draft Environmental Assessment (DEA) and providing written comments. Our responses to your comments (which are reproduced for clarity) are provided below.

Comment 1

1.1 INTRODUCTION

*SDWB Comment 1* paragraph "Quality and "The Safe Drinking Water Branch has called replacement of the water source at its number one priority for water system developments in the State (2008)."

Response: The above statement is derived from the "Drinking Water Treatment Revolving Loan Fund Intended Use Plan for the State of Hawaii Fiscal Year (SFY) 2009, the Federal Fiscal Year (FFY) 2008 Appropriation and the American Recovery and Reinvestment Act of 2009 Appropriation." The Safe Drinking Water Branch of the State of Hawaii Department of Health submitted this report to the U.S. Environmental Protection Agency, Region IX on May 6, 2009. The Final Environmental Assessment (FEA) now contains this reference in the bibliography.

The *Final Environmental Assessment Finding of No Significant Impact* is enclosed for your records. Should you have any questions, please call Mr. Leanne L. Napa at the Department of Water Supply, (808) 567-8070, extension 250.

Sincerely yours,

Michael D. Bayas, P.E.  
Manager

ENR:df

ENR

copy: (to one) Mr. Greg Enamitan, Tom Nance Water Resource Engineering  
(to one) Mr. Peary J. White, Planning Solutions, Inc

*Water being prepared*

The Department of Water Supply is not responsible for the accuracy of the information contained in this document. The Department of Water Supply is not responsible for the accuracy of the information contained in this document.