



Waikapu Country Town DEIS
Albert Perez to: msummers, luc
Cc: coachpea20, reidmaui

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Maui Tomorrow WCT DEIS 3-2016.pdf

Aloha,

Attached please find comments from the Maui Tomorrow Foundation re. the subject project.

Mahalo,

Albert Perez
Executive Director
Maui Tomorrow Foundation, Inc.
808-244-7570

TO: Applicant: Mr. Michael Atherton (209) 601-4187
Waikapu Properties, LLC,
1670 Honoapi'ilani Highway Wailuku, HI 96793,
Consultant: Mr. Michael Summers (808) 269-6220
Planning Consultants Hawaii, LLC,
2331 W. Main Street Wailuku, HI 96793,
Approving Agency: Mr. Daniel Orodener (808) 587-3822
State of Hawai'i, Land Use Commission,
Department of Business, Economic Development and Tourism,
P.O. Box 2359, Honolulu, HI 96804-2359

March 30, 2016

From: Maui Tomorrow Foundation
RE: Waikapū Country Town Draft-EIS

Mahalo for the opportunity to review this Draft EIS. In general the EIS discusses a variety of the project's impacts openly and offers constructive mitigations. The fact that the project is offering to set aside an 800 acre ag preserve and commit to providing local opportunities for food and other production is a unique feature in developments of this size in central Maui.

There are, however, several areas in the Draft EIS that lack sufficient or accurate information/maps or other data to adequately cover the likely impacts of the action. We ask that this information be provided in the Final EIS.

Population figures that form the basis of many calculations are not clear. Appendix A includes Table III-4 which indicates expected population from single family units as: 2321 plus 102 part time residents. This is based upon an occupancy rate of 2.6 persons for fulltime residents and 3.2 persons for part time. According to US Census data for 2010-2014 for the Wailuku area the average occupancy for each household is 2.94 person/unit. This would give a full time population of 4,213, rather than 3,362 and a defacto population of 4,361. The DEIS does not justify why the census number was not used.

Section I comments: "Unresolved Issues"

A Wastewater Treatment

Discussed on p.I-38 as an "unresolved issue." It is clear from the County DEM comments that eventually a new wastewater facility will need to be constructed onsite or off. A map is not provided in the DEIS report to show the possible location of the treatment facility. A verbal description of possible location is given as North-East corner of the property. This should be illustrated on a map and any possible impacts to the park/school-site planned in that location should be discussed. The DEIS should also the relative costs to local residents of a private treatment facility versus a public one. Likewise, any possible offsite locations should also be discussed.

Wai'ale By-pass Road Improvements

DEIS should discuss impacts on project design if this essential upgrade is not funded during the proposed first phase of the project.

Final Water Quality Testing

Since water quality testing results for the project's wells were not available in the EISPN or the DEIS, this effectively means that the public has had no chance to review or comment upon the information in the tests until the Final EIS, when public comment is no longer taken. This circumvents the Ch. 343 process of timely access by the public and agencies to project information.

Section II comments:

p. II-3 " HC&S continues to lease approximately 938 acres for sugarcane cultivation from the Project Applicant." This should be updated in FEIS.

p. II-21-26 discusses the phasing of the various aspects of the project. There is no discussion of the phasing of decisions re: the proposed ag preserve; ag park or large ag lots. Will all these be established in phase 1 or phase 2? Maps like Fig 2 and various plan design maps do not clearly indicate where the potential ag park, ag preserve or ag lots will be located. The Department of Agriculture made the same comment. The DEIS should also identify the accepting agency or organization of the conservation easement, the timing of when the easement will be established and discuss how the conservation easement is to be implemented and managed.

The DEIS includes up to 146 ohana units in infrastructure planning data, which is very much appreciated. The FEIS, however, should note if there would be additional impacts if double that number of ohanas, and resulting 10% or more increase in the project population, were to be part of the finished project design. Would there be sufficient water, sewage capacity, road capacity, park space etc. to accommodate additional households, vehicles and infrastructure demands?

Chapter III Comments

p.III-16 states that "A range of housing types will be provided within easy walking distance of the Village Center" and gives a listing of types of housing. The EIS should specifically indicate whether any rental housing will be built in the project's first phase.

COMMENT: Mr. Atherton referred to a possible 201-H project as part of the development, and it is referenced in the DEIS as having up to 300 additional units. The EIS needs to indicate where that would be located and what additional infrastructure support it would involve since the 201-H process can waive Community Plan Amendment, Change in Zoning Application and other usual requirements to expedite the construction of affordable homes.

P.III-28 Discusses the use of a Complete Streets concept in project design. This is very desirable and we applaud the Applicant for adopting this strategy.

COMMENT: The DEIS, however, does not discuss how there would be hiking access to Waikapu stream from the upper (mauka) parts of the project. What happens to existing jeep road along stream? The DEIS has no discussion of community or cultural access to upper part of Waikapu stream, yet the stream was identified as the most important cultural feature on the land in the summary of the CIA.

COMMENT: The maps do not make it clear exactly what roads will service future agricultural lands.

P. III-31 The DEIS describes the Village Green as “the site of the existing Mill House Restaurant and MTP lagoon.”

COMMENT: The DEIS does not discuss if the proposed 1.5 acre “Village Green” size offers enough space for both WCT residents and potential visitor activities, although both are likely to be major users. What is the use capacity of a space that size? If more accurate residential population figures are used, is the Village Green size adequate?

P. III- 47 Table 17 (costs and phasing-) refers to a private Wastewater Facility being needed.

COMMENT: As mentioned above, location of this future facility should be shown on maps in the DEIS.

p. III-48 Shows substantial infrastructure costs: \$79 mil for phase 1.

COMMENT: The DEIS should discuss what would happen if funding is not available for those significant costs or if there are alternative methods of phasing the project if the infrastructure is not developed.

Fig 29 is labeled “Drainage Improvements” but appears to show sewage lines. This should be clarified. p. 139. EXHIBIT 8 in the Engineering Report of the DEIS shows the proposed drainage system.

Section IV Comments:

Flora & Fauna

Mitigation measures to avoid harm to the endangered Blackburn Sphinx moth on the site are discussed in Section IV.A.4 of the DEIS and Appendix L (“EISPN Agency Comment and Response Letters”), In Section VII-p. 4 the DEIS concludes that “Implementing the USFWS mitigation measures will not constrain development of the property.”

COMMENT: The USFWS letter in Appendix L makes it clear that “implementation of these measures does not ensure that impacts to listed species can be avoided and further consultation with the Service with compliance on the ESA may be required.” The DEIS should indicate if the project is able to set aside any habitat area for the moth, if that is eventually required, and how that habitat area would affect project design.

Section V Comments

Historical and Archaeological Resources

VII-5-6 The AIS indicates the presence of mostly plantation era historic sites on the property. It appears that this may be because the area Archaeological Services Hawai’i, LLC conducted an archaeological inventory survey (AIS) of the subject parcels to be developed (TMK’s 3-6-002:003; 3-6-004:003, 006; and 3- 6-005:007).

COMMENT: the AIS does not mention TMK parcel 3-6-002:001 which is referred to in other sections of DEIS. This parcel is shown in Fig 10 Community Plan Map but one parcel, TMK 3-6-002:003 is not shown on that map. Is this an error? Both parcels appear to be part of the project area.

Fig 32 Survey area map and the accompanying narrative indicate that only a 612 ac portion of the 1579 acre parcel was subject to the AIS survey. The SHPD process requires projects to discuss traditional properties on the affected area as well as adjoining lands. It does not appear that the lands along the mauka portions of Waikapu stream and the other 967 acres of the property were surveyed for historic properties, except where they may contain portions of the plantation ditch systems.

The AIS summary in the DEIS states: "During the investigation, no evidence of traditional Hawai'ian activities, with the possible exception of Site 7882 (remnant retaining wall or terrace) was recorded. These negative results are primarily due to the compounded disturbances from sugarcane cultivation, historic habitation and modern land use; and possibly the inherent bias of random sampling during the inventory survey testing."

COMMENT: The absence of traditional Hawai'ian activities in the project site, could be due to the fact that only a portion of the "project site" was surveyed, and such limited surveys do not meet the specifications called for in State Historic laws.

HAR 13-276-2 defines project area as "the area the proposed project may potentially affect, either directly or indirectly. It includes not only the area where the project will take place, but also the proposed project's area of potential effect."

HAR 13-276-3 defines the scope of an AIS:
Archaeological inventory survey, generally.

"An archeological inventory survey shall:

- (1) Determine if archaeological historic properties are present in the project area and, if so, identify all such historic properties.
- (2) Gather sufficient information to evaluate each historic property's significance in accordance with the significance criteria listed in section 13-275-6(b).

The project area for Historic review for WCT is the entire 1579 acres. The AIS cannot conclude that there is "No Impact" to historic or archaeological sites if the entire acreage was not surveyed. The DEIS cannot make that same conclusion either.

Cultural practitioners were widely consulted on the Cultural Impact Assessment but do not appear to have been part of the AIS process, as also required by HAR 13-276-7:

"the report shall contain information on the consultation process with individuals knowledgeable about the project area's history, if discussions with the SHPD, background research or public input indicate a need to consult with knowledgeable individuals."

The two processes should be better integrated. It would be unusual to have such a large area with virtually no pre-contact features, even given its history of plantation cultivation. Monitoring is not a substitute for adequate archeological survey work.

Section VII comments:

VII-7 -8 Applicant is said to be "committed".

COMMENT: Those actual commitments should be discussed in the FEIS.

VII-11 Describes 800 acres of land left as permanent ag designation as an ag park and 277 acres of the project site left as ag designation, but subdivided into 5 ag lots with possible farm dwellings.

COMMENT: It does not appear that these potentially residential lots are included in the potable water calculations. There are no figures given in the PER for non-potable water use other than an estimate that non-potable residential use is estimated as 1/3 of the usual Maui County use standards. Will the non-potable use of the 277 acres of ag lots compete with the 800 acre ag preserve operations for non-potable water, or is there plenty of water for all? These 277 acres are not like the average size “ag lot” of 2,5 or 10 acres. NOTE: as noted below, the acreages of ag land given in section VII are also not consistent with those given in the Preliminary Engineering Report in Appendix H.

COMMENT: The project’s five wells are described in this section, but there is no mention of one well serving as a monitor well, as has been previously stated by the landowner in meetings with community groups. Will there be a monitor well? The FEIS should make this clear since so little information regarding water viability and quality is provided.

p. VII-12 The WCT will also be providing approximately 32.5 acres of public park land within the project, of which at least 16.5 acres will be dedicated to the County.

COMMENT: 6.5% of project land is park. If the population numbers are actually higher than predicted, because an unverified household size was used for the calculations and potential ohana units were estimated for just 148 of the 1050 single family lots, would more park area be needed?

The DEIS states that “The State of Hawai’i will also receive a 12-acre elementary school site.”
COMMENT: Does the State need to purchase this site? The FEIS should make this clear, as it could affect the viability of a new school being built for the community.

VII-14 .The DEIS states the project “ ...will require that between twenty and twenty-five percent of the Project’s housing be sold to low, low-moderate and gap groups in accordance with sales price and resale restrictions enumerated in Chapter 2.96, MCC.”

COMMENT: How many units each of single family and multifamily are anticipated to be constructed to meet the County’s workforce housing requirements?

Appendix H Preliminary Engineering Report (PER) and Drainage Reports

1.0 Introduction

p.1 of the PER has a project description not consistent with the rest of the DEIS report. It states: “WCT will be a master-planned community with a mixture of single- and multi-family residential, commercial, and civic uses. The Maui Island Plan’s Directed Growth Plan designated approximately 503 acres of WCT’s 1,562 acres into urban small town and rural growth boundaries. The remaining 1,059 acres will remain in the State’s Agricultural District.

Approximately 800 acres of the Project’s agricultural lands will be preserved in perpetuity for agricultural use through a conservation easement, and the remaining 274 acres will be kept in large agricultural lots.

COMMENT: The PER refers to different amounts of ag land than other parts of the DEIS 800 acres + 274 acres = 1,074 acres, not 1,059 acres of ag land. The discrepancy should be addressed.

Drainage: Existing and Post-Construction Conditions

The DEIS states: “Currently there are seven (7) diversion berms along the upper most portion of the mauka site, which intercepts surface runoff and diverts it into Waikapu Stream (See Exhibit 7). The diversion berms are part of the agricultural preserve that will not be developed and will remain in place as function as it is presently doing. Based on a 50-year, 1-hour storm, the existing diversion berms intercepts approximately 140,509 cubic feet of storm runoff and diverts it into Waikapu Stream. These diversion berms prevent runoff from sheet flowing into the proposed development areas.”

p.16 of the PER further states: “After the development of the proposed project, **there will be no change in the volume of runoff diverted to Waikapu Stream from the upper agricultural preservation area.** The existing diversion berms will continue to divert runoff from the areas mauka of the project site into Waikapu Stream.”

COMMENT: Given that the CIA identifies Waikapu Stream as the area’s most important cultural feature and the major concern of cultural practitioners is sedimentation impacts to the stream, the DEIS should discuss any measures that could be taken to improve the water quality of the discharge from the bermed areas and remove the sediment. Comments in Vol III of the DEIS from Alec Wong of DOH Clean Water Branch asked the applicant to: “Identify opportunities to retrofit or bioengineer existing storm water infrastructure” to improve water quality. Redesign of the mauka bermed areas of the WCT project to detain and filter sediment from the existing discharge would appear to be in accord with this comment.

The DEIS states: “Based on the above drainage design criteria, the Phase I development mauka of Honoapiilani Highway will be required to mitigate an increase in runoff of 45 cfs and provide a minimum storage volume of 148,916 cubic feet and mitigate 266 cfs and provide a minimum storage volume of 771,963 cubic feet makai of Honoapiilani Highway.”

COMMENT: Does this include mitigation for runoff from the makai side of Phase 1 as well?

The DEIS states in the PER: “In accordance with the County’s *“Rules for the Design of Storm Water Treatment Best Management Practices”*, the design of the stormwater system will include water quality treatment to reduce the discharge of pollutants to the maximum extent practicable. Some examples of stormwater best management practices (BMP) are:

Grassed Swales will be implemented within the landscaped areas where practical. Grass and groundcover provides natural filtration and allows for percolation into the underlying soils.”

COMMENT: Chapter 18.20 of MCC which implements new post-construction water quality standards now required under Chapter 16.26.3306 Maui County Code “Rules for the Design of Stormwater Treatment Best Management Practices “ sets specific goals to be met by the project for reduction of water quality impacts. The DEIS does not specifically address how these standards will be met, only stating that the project’s systems will “reduce the discharge of pollutants to the maximum extent practicable.” The FEIS should include a discussion of the

capacity of detention basins to hold specific volumes of stormwater over a given period of time to allow the sediment loads to settle and be retained in the basin.

Ch 18.20 is much more specific. It requires projects to meet these standards:

1. After construction has been completed and the site is permanently stabilized reduce the average annual total suspended solid (TSS) loadings by 80%. For the purposes of this measure an 80% TSS reduction is to be determined on an average annual basis for the 2 year /24 hour storm.

2 Reduce the post development loadings of TSS so that the average annual TSS loadings are no greater than predevelopment loadings.

COMMENT: Creation of swales along contours actually allow them to capture more stormwater and more effectively recharge the underlying aquifer. This strategy should be discussed as part of the project's "Sustainable Practices."

The DEIS states: "A maintenance plan will be developed for the stormwater BMPs. The plan will include the requirements for removal of the accumulated debris and sediment, maintaining vegetation, and performing inspections to insure that the BMPs are functioning properly."

COMMENT: It is good to see the need for ongoing maintenance addressed in an EIS, as it is rarely discussed. The FEIS should discuss who will fund the ongoing maintenance activities during each phase of the development.

The DEIS states: "The drainage design criteria will be to minimize any alterations to the drainage pattern of the existing onsite surface runoff. No additional runoff will be allowed to sheet flow toward Kealia Pond."

COMMENT: The DEIS should have a specific discussion of direct compliance with County regulations regarding the quality of the water retained on the site. As with the existing runoff into Waikapu stream, existing onsite surface runoff towards Kealia Pond presents an opportunity to re-engineer and turn to biological solutions that improve water quality, even though only newly created runoff is REQUIRED to be mitigated by the project.

Wastewater:

The DEIS states in the PER: According to the Wastewater Reclamation Division, County of Maui, as of July 31, 2014, the KWRF has a capacity of 7.9 million gallons per day (mgd). The average flow into the KWRF is 4.7 mgd and the allocated capacity is 6.33 mgd. **The remaining wastewater capacity at the KWRF is approximately 1.57 mgd.**

COMMENT: Who is the allocated capacity promised to? Will it actually be utilized as planned?

p. 20 of the PER states: "The policy of the DEM is that **wastewater capacity cannot be reserved until the project is ready to receive building permits.** If capacity at the KWRF is available at the time building permits are ready to be issued for the project, **the project proposes to temporarily connect to the County's sewer system and complete the required upgrades to connect up to 650 units in the Phase I development.**"

COMMENT: Appendix A Table III-4 gives a total of 690 units, not 650 in Phase I of the WCT project. Table III-4 also accounts only for the 1433 primary units and not the 146 ohana units

anticipated at full buildout which would include the 46 units anticipated in Phase I. Does this mean that part of Phase I (40 units plus 46 ohana's) would not have sewer capacity until a new treatment facility is built? How would that possibility be structured in the project? Would it affect any of the affordable housing units?

The DEIS states: "The Waikapu Country Town development will need to construct a stand-alone private wastewater treatment facility or partner with other projects in the Waikapu area, such as A&B's Waiale project or the County of Maui to construct a regional wastewater treatment facility. The planning and design of a stand-alone or combined wastewater treatment facility will be coordinated with the availability of capacity within the County system. If required, a private wastewater treatment facility will be designed, constructed and in operation upon completion of the first home.

In addition to any capacity that may be available in the County's sewer system, the developers are looking into several private wastewater treatment facility alternatives. The first is a conventional wastewater treatment facility. This alternative generally involves liquids treatment consisting of preliminary treatment, flow equalization, primary sedimentation treatment, secondary biological treatment, secondary sedimentation treatment, disinfection, and disposal. The treatment of solids includes stabilization, dewatering, and disposal.

The second wastewater treatment alternative is to utilize a Food Chain Reactor (FCR) configuration, consisting of biological treatment in successive reactor zones utilizing fixed biomass on a combination of natural plant roots and engineered biofiber media, along with a limited amount of suspended biomass. This alternative generally involves pretreatment, secondary biological treatment through a FCR zone, process aeration, chemical phosphorus removal/coagulation, flocculation, disinfection and disposal."

COMMENT: The EIS is the place to examine the impacts, advantages, costs and benefits of the two wastewater treatment technologies mentioned, and any anticipated mitigations needed, but they are not analyzed, only mentioned. The DEIS is incomplete without some analysis of strategies for wastewater disposal. The County of Maui appears clear in that any preliminary hookups for the project in the County's Kahului facility would be on a temporary basis while a new onsite or regional facility is being built. The EIS must explore the topic in greater depth, since very expensive offsite upgrades would be required to hook into the county system.

The DEIS states: "The Waikapu Country Town development could construct a stand-alone private wastewater treatment plant near **the northeast corner of the project site after the maximum units is serviced by the County's wastewater system**. However, the treatment plant will be needed in about 2017 and the developers will continue to work with the County and other projects within the Waikapu area on a collaborative wastewater treatment facility. At the time the wastewater treatment plant is constructed, any units which temporarily connected to the County's wastewater system will be connected to the new wastewater treatment plant."

COMMENT: How can a project inform the Land Use Commission that it plans to begin construction in 2017 or 2018 while it has no finalized plans for wastewater treatment as of 2016? There are no DEIS maps indicating the potential Wastewater Treatment site in the project area. The NE corner is near a school and park. The FEIS should analyze the various alternative treatment plant locations available on the 1579 acre project site with regard to their advantages and impacts.

WATER

Comment: A water quality analysis is required in the project's engineering report to identify all contaminants. The DOH Clean Drinking water branch commented on this requirement. The engineering report needs to satisfy requirements of HAR11-20-29.

Public water sources must also undergo a source water assessment, but the DEIS does not address this.

p. 23 of the DEIS, PER states: "According to the Commission on Water Resource Management, the sustainable yield of the Waikapu aquifer is 3.0 million gallons per day. The three potable water wells have been approved by the State of Hawaii, Commission on Water Resource Management for a **total pumping capacity of 2,300 gallons per minute (gpm).**"

COMMENT: The EIS should explain to the reader that 2,300 gpm capacity of the well pumps is actually, 3.3 mgd, or somewhat greater than the total capacity of the Waikapu aquifer. The two non-potable wells appear to account for 1100 gpm of that capacity, but it is not made clear if these wells have chloride levels that would render them unusable for potable purposes or what the expected non-potable demand of the agricultural activities on the project's 1074 acres of ag land will be.

The EIS states: "Based on the water usage, the projected water projected average daily water demand for **Phase I is 311,033 gallons per day (gpd)**. In accordance with the DWSWSS, the maximum daily water demand is calculated as being 1.5 times the average daily demand, or 466,550 gpd. The projected average daily water **demand for Phase II is 334,475 gpd** and the maximum daily water demand 501,713 gpd. Irrigation of parks and open spaces will be provided by the non-potable water system."

COMMENT: The DEIS water use chart does account for the 146 ohanas in its usage figures, but there should be a discussion of a larger demand if additional ohana units were to be constructed over time on the 970 Single Family units plus 80 Rural dwellings. The water demands of the possible 300 units of the 201-H project also appear to be left out of the discussion. Also, as noted before, the water chart does not include any information on estimated non-potable ag water use or potable water use on the 227 acres of "Ag lots." The Hawaii State Department of Agriculture also requested more information on Ag water use on the 5 ag lots on the 227 acres; this should be provided.

Appendix M "Boundary Amendment Petition" was left blank in the electronic version of the DEIS. This should be corrected.

General spelling/typo errors

p. III-35 **TYPO:** Waikapū Properties LLC is also raising a **heard** of Texas Longhorn Cattle on the higher elevation agricultural lands.

ALSO III-36 Grazing of WCT Long-horn Cattle (4). A **heard** of approximately 200 Longhorn cattle are currently grazing the WCT's mauka agricultural lands. It is envisioned that a larger **heard** of cattle may be established on WCT lands not used for other diversified agricultural uses.

same page: **MISSING WORD:** Renewable Energy (6). Establishing **one or more** small solar farms may be considered if these farms are technically and economically viable and do not interfere with agricultural operations.

FIG 24 map of ag master plan should have acreages of parcels

p.III-38 TYPO: EU.1.d

Incorporate adequate **transmit** stops throughout the development

p. 292 (pdf) VII-8 typo missing word:

The Applicant will strictly adhere **to the _____ set** forth by the State Commission on Water Resources Management (CWRM) to ensure that the pumpage from the on-site wells remains well within the sustainable yield for the aquifer.

Mahalo for this opportunity to comment. We support the general intent of the project design and are looking forward to the additional information being supplied in the FEIS.

Albert Perez,
Executive Director
Maui Tomorrow Foundation, Inc.