



United States Department of the Interior

NATIONAL PARK SERVICE
Kaloko-Honokohau National Historical Park
73-4786 Kanalani St., Suite 14
Kailua-Kona, HI 96740

IN REPLY REFER TO:
L7621

BEFORE THE LAND USE COMMISSION OF THE STATE OF HAWAII

In the Matter of the Petition of

SCD KALOKO MAKAI, LLC AND KALOKO PROPERTIES, CORP.

To reclassify approximately 224.430 acres of land currently in the Conservation District, and approximately 727.735 acres in the Agricultural District to the Urban District at, Kaloko, North Kona, Hawaii Island.

DOCKET NUMBER LUC A07-778

THE NATIONAL PARK SERVICE'S NOTICE OF INTENT TO INTERVENE;
VERIFICATION OF SERVICE

NATIONAL PARK SERVICE'S NOTICE OF INTENT TO INTERVENE

The National Park Service (NPS) submits to the State Land Use Commission (LUC) this notice of intent to intervene in Docket Number LUC A07-778, in which SCD Kaloko Makai, LLC seeks a reclassification of approximately 224.430 acres of land currently in Conservation District and approximately 727.735 acres in the Agricultural District to Urban District at Kaloko, North Kona, County of Hawaii for master-planned community with mixed uses totaling a petition area of 952.165 acres and a project area of 1,144 acres.

In conformance with HAR 15-15-52(b) the following information is provided:

NATURE AND EXTENT OF THE NATIONAL PARK SERVICE'S INTEREST

Kaloko-Honokohau National Historical Park (National Park) was authorized by Congress

in 1978 “to provide a center for the preservation, interpretation, and perpetuation of traditional native Hawaiian activities and culture, and to demonstrate historic land use patterns as well as to provide a needed resource for the education, enjoyment, and appreciation of such traditional native Hawaiian activities and culture by local residents and visitors...” (Public Law 95-625-SEC. 505(a)- November 10, 1978). The authorization was based on the study and recommendation of a congressionally authorized advisory commission made up of Native Hawaiians. That commission recommended that the area previously designated “Honokohau Settlement National Historical Landmark (1962) and adjacent waters be preserved for “the benefit of the Hawaiian people and the nation as part of the national park system.”

Water resources in Kaloko-Honokohau National Historical Park and the National Historic Landmark are nationally significant cultural and natural resources and are vital to the integrity of the Park’s mission to perpetuate Hawaiian culture. The Park contains two large (11 and 15- acre) ancient Hawaiian fishponds with associated wetlands, more than 140 known anchialine pools and 596 acres of marine waters. The anchialine pool ecosystem supports three known candidate endangered species. The Aimakapa Fishpond is significant foraging and nesting habitat for two endangered waterbirds, the Hawaiian stilt and the Hawaiian coot, and is an important habitat for migratory waterfowl. Kaloko Fishpond is in the process of being restored for traditional and productive aquaculture use for human consumption. Kaloko Fishpond is also used by the Hawaiian stilt for foraging and some attempted nesting. The marine waters are inhabited by resident juvenile green sea turtles (listed as “threatened”), and the endangered hawksbill sea turtle. The endangered Hawaiian monk seal is an occasional visitor to Park waters. Endangered Humpback whales are seasonally within Park waters.

A new development of this magnitude (approximately 1,142 acres with 5000 residential units and associated commercial development), adjacent to and upgradient of a National Park and National Historic Landmark, will have a significant effect on the environment as well as a significant cumulative-effect on the environment in combination with other adjacent large-scale developments. The proposed development will require an irrevocable commitment of natural resources by the withdrawal of groundwater to support the development's potable and non-potable water needs. Significant water withdrawals from the surrounding area aquifer for drinking water, irrigation, and other site purposes will have major direct, indirect, and cumulative impacts on the National Park's cultural and natural resources. Increased water withdrawals will likely change the flow and direction of groundwater in the area, and raise the salinity of the groundwater in the area thereby negatively impacting anchialine pool and Hawaiian fishpond systems, traditional and customary Native Hawaiian practices, and associated rare aquatic flora and fauna.

Treatment and disposal of wastewater and management of polluted surface-water runoff to ground water from the proposed project are a major concern. Untreated nonpoint source pollution inputs from wastewater disposal and storm and surface water runoff will impact Park resources. The National Park Service was an Intervenor in the TSA Docket A00-732 and the Lanikai Partners Docket A00-730. This proposed development, "Kaloko Makai" is larger than those two projects combined, and like them, is immediately across the Queen Ka'ahumanu Highway from the National Park. In the Conclusions of Law for the TSA Docket, the Land Use Commission recognized that "[N]ative Hawaiian rights and natural and cultural resources would be damaged or destroyed by the pollution of groundwater that reaches the National Park from surrounding areas..." (LUC Conclusion of Law 7, February 14, 2002). The Commission also

stated in the 2002 TSA Decision and Order that: “This Commission is acutely aware that continuous development is planned for this coastline. Although each developer might claim that only a “small amount” of pollution will result from their development and that the area’s ecosystem will show “little” effects, these developments and their impacts are cumulative and, absent strong mitigation measures, have the potential to devastate the fragile resources of the coastal and marine aquatic environments of the entire Kona coastal region.” The National Park Service intends to intervene in this docket to protect the nationally significant resources in Kaloko Honokohau National Historical Park and to continue to protect and perpetuate Native Hawaiian cultural heritage.



GERALDINE K. BELL
Superintendent

DATED: Kailua-Kona, Hawaii, January 23, 2008.