

From: [Stephen Holmes](#)
To: [DBEDT LUC](#)
Cc: [GMAIL-Ptummons](#); [Cory \(Martha\) Harden](#); [Chuck Flaherty](#)
Subject: [EXTERNAL] Kaloko Heights
Date: Friday, April 14, 2023 4:00:04 PM



Dear Commissioners:

At the last meeting, Y-O Ltd. requested an extension of time regarding Phase 2.

It has been 40 years since an EIS was done and it is clear that no development will be proceeding as they are asking for another 10 year extension. A great deal has happened in all those years and if they find financing, a new EIS certainly seems in order.

The current housing sends flows to the County Kealahou WWTP with no consideration to impacts on coastal water quality. The plant currently discharges illegally into a sump where groundwater conveys flows to the marine waters of Kaloko-Honokohau NHP. These waters are federally listed as impaired. The County needs to upgrade to R-1 and do water recycling to avoid an ongoing violation of the Clean Water Act. These could take some time to put in the necessary infrastructure and the County has ongoing legal and regulatory exposure. Adding even more flows would make things even worse. The alternative is for Kaloko Heights to install a package plant and do water recycling itself. This would reduce demand for new water helping preserve sustainable yield.

EPA Region 9 is likely to take an enforcement action to resolve the ongoing violation, but in the meantime, coastal pollution threatens Public Trust resources that the Commission must protect. Again, a new EIS would be in order.

Another concern has been raised by the National Park Service in its Petition for Water Management Designation before the Commission on Water Resource Management. Withdrawals from high elevation DWS wells threaten the biocultural resources of the park including habitat for endangered species. These park resources are under stress from rising sea level and need fresh groundwater flows. CWRM did not support the request over an arbitrary 90% sustainable yield threshold which has not been reached, but Public Trust resources are at risk and the Commission needs to evaluate the impact of further expansion. A recent Hawaii Supreme Court decision regarding Hu Honua connected climate change and a recent declaration of a Hawaii Climate Emergency together as a Public Trust Doctrine issue.

Another issue is the impact of further water withdrawals on the County DWS system which is constantly failing under stress. As wells go down, this makes the problem worse. Saltwater coning occurs caused by overpumping and impacts EPA secondary drinking water standards.

The Commission itself raised significant cultural issues that seem unresolved at your last meeting on this project. Hawaii's Constitution provides specific protections that must be met.

I urge the Land Use Commission to consider these concerns.

Steve Holmes
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