APPENDIX D

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

COMMENT NO. 01

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

REPLY TO
ATTENTION OF:

April 27, 2009

Regulatory Branch

File No. POH-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 Hawai'i, Hawai'i.

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 Hawai'i 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 Kawaikalia 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. Meris Bautista-Smith, of my Regulatory staff at 808-438-7701 (FAX: 808-438-4060) or by electronic mail at Meris.Bautista-Smith@poh.usace.army.mil. Please include File No. POH-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://per2.nwp.usace.army.mil/survey.html.

Sincerely,

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

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I
[illegible]

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 96858-5440

DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND RESERVOIR HAMAKUA DISTRICT, ISLAND OF HAWAI'I

Thank you for your April 27, 2009 letter [your reference File No. POH-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. Terrance I. Nago at the Department of Water Supply, (808) 961-8070, extension 250.

Sincerely yours,

Milton D. Pavao, P.E.
Manager

TIN dfg

Enc

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

...Water brings prosperity...

[illegible]

COMMENT NO. 02

William P. Kenoi
Mayor

Darryl J. Oliveira
Fire Chief

Glen P. I. Honda
Deputy Fire Chief

County of Hawai'i

FIRE DEPARTMENT

25 Aupuni Street • Suite 103 • Hilo, Hawai'i 96720
(808) 961-8394 • Fax (808) 961-2657

April 30, 2009

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

Dear Mr. White,

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT
KAPULENA WELL AND RESERVOIR

The Hawai'i 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 J. OLIVEIRA
Fire Chief

RP:lk

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I

August 10, 2009

TO: Mr. Darryl J. Oliveira, Fire Chief
County of Hawai'i, Fire Department

FROM: Milton D. Pavao, Manager

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND RESERVOIR
HĀMĀKUA DISTRICT, ISLAND OF HAWAI'I

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 subject 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. Nagao at the Department of Water Supply, (808) 961-8070, extension 250.

Sincerely yours,

(Milton D. Pavao, P.E.
Manager

TIN:dlg

Enc.

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

Water being precious

COMMENT NO. 03

LINDA L. WOLF

RUSS K. SAITO

BARBARA A. ANNIS

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

MAY - 4 2009

Mr. Perry White
Planning Solutions
Ward Plaza, Suite 330
210 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 DePonte of the Planning Branch at 586-0492.

Sincerely,

ERNEST Y. W. LAU
Public Works Administrator

DD:mo
c Ms. Katherine Kealoha, DOH OEQC
Mr. Glenn Okada, DAGS-Hawaii

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

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 HAMÁKUA DISTRICT, ISLAND OF HAWAII

Thank you for your May 4, 2009 letter [your reference (P)1136.9] 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 *Land Environmental Assessment Finding of No Significant Impact* is enclosed for your records. Should you have any questions, please call Mr. Terrance L. Nago at the Department of Water Supply, (808) 961-8070, extension 250.

Sincerely yours,

Milton D. Pavao, P.E.
Manager

TN:allg

Enc

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

Water bump project...

COMMENT NO. 04

STATE OF HAWAII
DEPARTMENT OF HEALTH

05024PJF.09

May 6, 2009

Mr. Perry J. White
President
Planning Solutions, Inc
213 Ward Avenue, Ward Plaza, Suite 730
Honolulu, Hawaii 96814-4013

Dear Mr. White:

SUBJECT: **Draft Environmental Assessment for the Kapulena Well and Reservoir Honokua, 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 programs. We recommend that you also read our standard comments on our website at
http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standard-comment.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 11-54-5), as determined by the classification of the receiving State waters.

   c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).

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 results 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 to 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/environmental/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 (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. Please submit a copy of your request for review by SHPD or SHPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.

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. Noncompliance 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 $25,000 per day per violation.

If you have any questions, please visit our website at http://www.hawaii.gov/health/environmental/water/cleanwater/index.html, or contact the Engineering Section, CWB, at 586-4309.

Sincerely,

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

ZT:ejp

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

August 10, 2009

Mr. Alec Wong, P.E., Chief
Department of Health, Clean Water Branch
P.O. Box 3378
Honolulu, HI 96801-3378

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

Thank you for your May 6, 2009 letter [your reference File No. EMD/CWB 0502-PJW 09] 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 3.7.2.1 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 Environmental Assessment-Finding of No Significant Impact* is enclosed for your records. Should you have any questions, please call Mr. Terrance T. Nagao at the Department of Water Supply, (808) 961-8070, extension 250.

Sincerely yours,

Malcolm D. Pirato, P.E.
Manager

HS:ulg

Enc.

copy (w/o encl.) Mr. Greg Infantino, Tom Nance Water Resource Engineering
(w/o encl.) Mr. Perry J. White, Planning Solutions, Inc.

Water keeps people in...

The Department of Water Supply is an equal opportunity employer and provider. In compliance with the Americans with Disabilities Act, if you need auxiliary aids and services or other accommodations due to a disability, contact the Department of Water Supply at 961-8070 or visit our website at www.hawaiicounty.gov/dws/index.htm

COMMENT NO. 05

William P. Kenoi
Mayor

Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawaii

POLICE DEPARTMENT

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

RA/ti

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I

August 8, 2009

TO: Mr. Harry Kubojiri, Police Chief
Attention: Mr. Derek D. Pacheco, Assistant Police Chief
County of Hawai'i, Police Department

FROM: Milton D. Pavao, Manager

SUBJECT: **DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND RESERVOIR HĀMAKUA DISTRICT, ISLAND OF HAWAI'I**

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 I. Nago at the Department of Water Supply, (808) 961-8070, extension 250.

Sincerely yours,

Milton D. Pavao, P.E.
Manager

TIN:dfg

Enc.

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

...Water brings prosperity

COMMENT NO. 06

Wilfred P. Kenoi
Mayor

BJ Leithead Todd
Director

Margaret K. Masanoya
Deputy

County of Hawai'i

PLANNING DEPARTMENT

[illegible]

May 8, 2009

Mr. Perry J. White
Planning Solutions, Inc.
210 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,

BJ LEITHEAD TODD
Planning Director

CRK:cs
[illegible]

[illegible]

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I

[illegible]

August 10, 2009

TO: Ms. BJ Leithead Todd, Planning Director
Planning Department

FROM: Milton D. Pavan, Manager

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND RESERVOIR HAMAKUA DISTRICT, ISLAND OF HAWAI'I

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. Terrance I. Nago at the Department of Water Supply, (808) 961-8070, extension 250.

Sincerely yours,

Milton D. Pavan, P.E.
Manager

TIN:dlg

Enc.

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

Water being prospects

[illegible]

COMMENT NO. 07

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

May 13, 2009

Perry J. White, Planning Solutions
Ward Plaza, Suite 330
210 Ward Avenue
Honolulu, Hawaii 96814-4022

LOG NO: 2009.1677
DOC NO: 0905MD20
Archaeology

Dear Mr. White

SUBJECT: National Historic Preservation Review (NHPA) Section 106 Review
Section 106 Historic Preservation Review Request for the DPW
Kapulena Well and Reservoir Project
Honoko'i Ahupua'a, Hamakua District, Island of Hawaii
TMK: (3) 4-7-002:029 (por.) & 035 (por.)

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 water storage tank system will be developed to replace the current water source which is trucked-in water, following the forced abandonment (due to lack of water) of the Kukuiaeole (Wai'ulili) spring in 2007.

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

- ☒ Intensive cultivation has altered the land
- ☐ Residential 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 (Rechtman and Clark January 15, 2009) finding no historic properties on these parcels, and SHPD concurred (Log No. 2009.0046, Doc No. 0901MD37).*

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) 933-7650.

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

Aloha,

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

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I

[illegible]

August 10, 2009

Ms. Nancy McMahon
Deputy SHPO/State Archaeologist and Historic
Preservation Manager
State of Hawai'i
Department of Land and Natural Resources
State Historic Preservation Division
P.O. Box 621
Honolulu, HI 96809

DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND RESERVOIR
HAMAKUA DISTRICT, ISLAND OF HAWAI'I

Thank you for your May 13, 2009 letter (your reference Log No. 2009.1417, Doc No. 0905MD20 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 cultural, unrecorded 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. Terrance T. Nagoshi for Department of Water Supply, (808) 961-8050, extension 256.

Sincerely yours,

Milton D. Pavao, P.E.
Manager

TN:dfg

Enc.

copy: (w/o enc.) Mr. Greg Fukumitsu, Tom Nance Water Resource Engineering
(w/o enc.) Mr. Perry L. White, Planning Solutions, Inc.

...Water being precious...

[illegible]

COMMENT NO. 08

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

May 28, 2009

Planning Solutions
Ward Plaza Suite 330
210 Ward Avenue
Honolulu, Hawaii 96814-4017

Attention: Mr. Perry J. White

Ladies and Gentlemen:

Subject: Draft Environmental Assessment for Kapuleana 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 or made available a copy of your report pertaining to the subject matter to DLNR Divisions 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,

Morris M. Atta
Administrator

Cc: OHQC
Hawaii County DWS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

April 23, 2009

MEMORANDUM:

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

FROM: Morris M. Atta
SUBJECT: Draft Environmental Assessment for Kapuleana 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 our office at 587-0433. Thank you.

Attachments

( ) We have no objections.
( ) We have no comments.
(X) Comments are attached.

Signed:
Date: 5/15/09

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LM Morris Atta
RE: EA Kapulena Well & Reservoir
Hawaii 432

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.**

( ) Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone

( ) Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is

( ) Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau Heard, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR 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 ordinances, please contact the applicable County NFIP Coordinators below:

( ) Mr. Robert Sumitomo at (808) 768-8097 in Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting
( ) Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kaian Fuller at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works
( ) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning
( ) Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works

( ) The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Honolulu Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.

( ) The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

( ) Additional Comments

( ) Other

Should you have any questions, please call Ms. Susie S. Agtaan of the Planning Branch at 587-0258.

Signed: Eric T. Hirano
ERIC T. HIRANO, CHIEF ENGINEER

Date: 5/15/09

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
75 Aupuni Street, Room 204
Hilo, Hawaii 96720

May 5, 2009

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

BRIEF DESCRIPTION:

The applicant, DWS, proposes to construct a new exploratory well in the Hamakua 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 Kawaikalia and Malanahae streams. (See section 3.7.1). Please explain.

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

April 23, 2009

MEMORANDUM

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

FROM: Morris M. Atta
SUBJECT: Draft Environmental Assessment for Kapalena Well and Reservoir
LOCATION: Hanalua, 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.
(X) Comments are attached.

Signed:
Date: 5 May 2009

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

April 23, 2009

MEMORANDUM

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

FROM: Morris M. Atta
SUBJECT: Draft Environmental Assessment for Kapalena Well and Reservoir
LOCATION: Hanalua, 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: 5/8/09

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

April 23, 2009

MEMORANDUM

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

FROM: Morris M. Atta
SUBJECT: Draft Environmental Assessment for Kapulena Well and Reservoir
LOCATION: Hamakua, 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
APR 27 2009

RECEIVED
2009 APR 29 A 9:07

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

August 10, 2009

Mr. Morris M. Atta, Administrator
Land Division
Department of Land and Natural Resources
State of Hawai'i
P.O. Box 621
Honolulu, HI 96809

DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND RESERVOIR HĀMĀKUA DISTRICT, ISLAND OF HAWAI'I

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 comments consisted of attached memoranda from the Land Division Hawai'i 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 – Hawai'i 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 the low-yield aquifer may affect stream flow in relevant Kawainui and Mahanalua streams. Give us your CWRM. Please explain.

Response: The following statement has been inserted into Section 3.7.2 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, Kawainui to the west and Mahanalua to the east, are at far higher elevations than this all the way to their discharges as waterfalls 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 keeper program

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

Sincerely yours,

Milton D. Pavan, P.E.
Manager

TN:dfg

Enc

copy - (w/o enc.) Mr. Greg Erikumirsu, Team Nance Water copy -Resource Engineering
(w/o enc.) Mr. Perry J. White, Planning Solutions, Inc

COMMENT NO. 09

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF HEALTH
[illegible]
HONOLULU, HAWAII 96801-3378

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

[illegible]

May 17, 2009

Mr. Perry White
Planning Solutions
[illegible] Ward Avenue, Suite 332
Honolulu, HI 96814-4912

Dear Mr. White:

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT, KALUANA WELL & RESERVOIR IMPROVE PROJECT [illegible]

We would like to acknowledge receipt of the Draft Environmental Assessment for Kaluana Well & Reservoir Improvement dated April 2009. The Safe Drinking Water Branch (SDWB) has completed its preliminary review and has the following comments:

1. Page [illegible], Section [illegible]: Please revise the last sentence, "The State Department of Health Safe Drinking Water Branch has rated replacement of this water source as its number one priority for water system development in the state (SDWB 2009)." to "The replacement of Fair Water source is ranked number one in Hawaii for Drinking Water State Revolving Fund Priority List of Projects for State Fiscal Year 2009."

2. Page [illegible], Section [illegible]:

   a. Please add to this section that the Drinking Water State Revolving Fund (DWSRF) program was established to offer [illegible] Market interest rate loans to public water systems to finance the cost of constructing or improving their drinking water infrastructure projects to achieve or maintain compliance with the Safe Drinking Water Act (SDWA).

Mr. Perry White
May 17, 2009
Page 2

   b. Please revise the sentence, "The DWSRF was established to help prevent contamination..." to "The Safe Drinking Water Act was established to help prevent contamination."

3. Please provide population projections within the project area.

If there are any questions, please call Alain Carey at 586-4258.

Sincerely,

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

AC:cb

cc: Kawika Uyehara, Hawaii DWS (via e-mail)

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I
[illegible]

August 10, 2009

Mr. Stuart Yamada, P.E., Chief
State of Hawai'i
Department of Health
Safe Drinking Water Branch
Environmental Management Division
P.O. Box 3378
Honolulu, HI 96801-3378

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

Thank you for your May 19, 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 providing written comments. Our responses to your comments (which are reproduced for clarity) are provided below.

Comment 1:

Page 1-1, Section 1.1: Please revise the last sentence, "...the State Department of Health Safe Drinking Water Branch has rated replacement of this water source as its number one priority for water system developments in the state (SDWB 2009)," to "...the replacement of this water source is ranked number one on Hawai'i's Drinking Water State Revolving Fund Priority List of Projects for State Fiscal Year 2009."

Response: We have revised Section 1.1 of the Final Environmental Assessment (FEA) in accordance with your request.

Comment 2:

Page 4-2, Section 4.14:

a. *Please add to this section that the Drinking Water State Revolving Fund (DWSRF) program was established to offer below-market interest rate loans to public water systems to finance the cost of constructing or improving their drinking water infrastructure projects to achieve or maintain compliance, with the Safe Drinking Water Act (SDWA).*

b. *Please revise the sentence, "The DWSRF was established to help prevent contamination..." to "The Safe Drinking Water Act was established to help prevent contamination."*

Response: We have revised the paragraph in Section 4.14 dealing with this in accordance with your request. The discussion in the FEA reads as follows:

...Water brings projects...

[illegible]

This project might be funded by Federal funds through the State of Hawai'i's Drinking Water State Revolving Fund (DWSRF) program. The DWSRF program was established to offer below-market interest rate loans to public water systems to finance the cost of constructing or improving their drinking water infrastructure projects to achieve or maintain compliance, with the Safe Drinking Water Act (SDWA). The U.S. Congress established the DWSRF program as a new section 1452 of the SDWA, 42 U.S.C. 300j-12, by the SDWA Amendments of 1996, Public Law 104-182. The SWTH was established to help prevent contamination through source water protection and enhanced water system management. It also emphasizes the needs of small water systems, such as Kukuihaele. The proposed project is consistent with the overall program intent to prevent potential contamination and the program emphasis on small water systems. This document includes all of the environmental information required for compliance with the DWSRF program.

Comment 2:

Please provide population projections within the project area.

Response: The following addition has been made to the FEA in Section 3.12.1.

According to the County of Hawai'i General Plan (2005), it is estimated that the resident population in the Hāmākua Judicial District has been growing at an average rate of 1.1 percent since 2005 and is projected to do so every five years up through 2020 (see Table 1).

Table 1 Projected Resident Population of the Hāmākua District

2000 Census	2005	2010	2015	2020	% Annual Change				
					2000-2005	2005-2010	2010-2015	2015-2020	2005-2020
6,708	6,186	6,567	6,932	7,328	-0.3%	1.2%	1.1%	1.1%	1.1%
Source: General Plan (County of Hawai'i 2005)									

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

Sincerely yours,

Milton D. Pavao, P.E.
Manager

HN:dfg

Enc.

copy: (w/o enc.) Mr. Greg Fukumitsu, Tom Nance Water Resource Engineering
(w/o enc.) Mr. Percy J. White, Planning Solutions, Inc.

COMMENT NO. 10

PHONE (808) 594-1888 FAX (808) 594-1865

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPIOLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

HRD'04293

May 26, 2004

Perry White
Planning Solutions, Inc.
2770 Ward Avenue, Suite 330
Honolulu, HI 96814

RE: Request for comments on proposed Kapolei Well and Reservoir, Draft Environmental Assessment (DEA), Hanakaoo District, Hawai'i (TMKs: 4-7-02:29 and 4-7-02:35

Aloha e Perry White,

The Office of Hawaiian Affairs (OHA) received a copy of the above mentioned letter dated April 21, 2004. OHA is concerned the project and offers the following comments.

OHA notes that this area is in need of water service and that currently land clearing is being conducted on. Further, the disturbed area is expected to be less than an acre. We do see that the withdrawal of water from the island's basal aquifer will not substantially alter the stream flow in the adjacent streams, however, we do ask if 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 convinced the proposed project's impacts are independent from the requirements of law. OHA points out that the DEA frankly states that no faunal 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 clearly understands that the public scoping process cannot be used to deposit on the applicant's behalf. 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 used to declare environmental reviews deficient, causing needless delays and expense. It is not a contrary to what such applicants want or applicants and we urge that this be corrected in the next draft.

Further, on April 26, 2004, the Governor approved House Bill No. 3895 HD1 Act 91 which amended Chapter 343 Hawai'i Revised Statutes to require a cultural impact assessment to be included in the preparation of an environmental assessment. OHA sees that it has explored the consult with OHA on the

pre-consultation for this DEA. However, we wonder what other Native Hawaiian organizations or groups were consulted with. Further, we note that a field inspection was conducted in early 2004. However, we wonder if this inspection was by archaeologists or biologists or others such as botanists. Also the Guidelines for Assessing Cultural Impacts established by the Hawai'i State Office of Environmental Quality Control. We read on page 3-10 of the DEA that, "There is no indication of any kind that the project area has resources necessary to any currently being used by either Native Hawaiian cultural practitioners exercising traditional 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." (Hawai'i Revised Statutes (HRS) § 10-3-3). It is our duty to "[assess] the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conduct advocacy efforts for native Hawaiians and Hawaiians." (HRS § 10-3-4). 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 our conclusions are correct, we hope that such data and information is 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 native species of vegetation that was in ancient times to restore the site as closely as possible to its 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 Native Hawaiian concept of malama 'aina and create a more Hawaiian sense of place.

OHA also asks that in accordance with Section 6E-43.6, Hawai'i Revised Statutes and Chapter 13-300, Hawai'i Administrative Rules, if the project moves forward, and if any significant or burial 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 Arnold by phone at (808) 594-0126 or e-mail him at grantarn@oha.org.

'O wau iho no me ka 'oia'i'o,

Clyde W. Nāmu'o
Administrator

c: OHA ORS File

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I

August 14, 2009

Mr. Clyde W. Nāmu'o, Administrator
State of Hawai'i
Office of Hawaiian Affairs
711 Kapi'olani Boulevard, Suite 500
Honolulu, HI 96813

DRAFT ENVIRONMENTAL ASSESSMENT: KAPULENA WELL AND RESERVOIR HĀMĀKUA DISTRICT, ISLAND OF HAWAI'I

Thank you for your May 26, 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 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 also see that the withdrawal of water from the island's basal lens will not substantially alter the stream flow in the adjacent streams, however, we ask if this 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 (or 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 3.2.2.1 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 minimal cultural impacts being generated from this proposed, OHA is not comfortable providing at probable impacts and also departing from the requirements of law. OHA points out that the DEA frankly states that no found sites were there and yet concludes that "No rare or endangered species are known or expected to be present."

Without an in-depth biological survey, we are unable to assess the proposed for potential impacts and offer meaningful mitigation comments. A supplemental application such as the Department of Water Supply seems understands that the public scoping process cannot be made to stand on the applicant's word for it. This is especially true where the applicant and the approving agency are one and the same, as in the case here. OHA points out that such concessions have been written to the have environmental reviews deliberately excessive delays and expense. It is not our intention to place such burdens upon applicants and we urge that this be corrected in the EA at hand.

While having per-year is

Mr. Clyde W. Nāmu'o, Administrator
Page 2
August 14, 2009

Response: Rana 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 Kapulena site is not expected to result in significant impacts to any botanical, avian or mammalian species currently listed or proposed for listing under either the Federal, or State of Hawai'i 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 Hāmākua District. DWS will take appropriate preservative measures to avoid the potential disturbance of nesting Hawaiian hoary bats by implementing the recommendation made in the biological survey report.

Comment 3:
Further, on April 26, 2009, the Governor approved House Bill No. 1095 HD1 Leg. Act Senate Amended Chapter 343 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 archeological 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 1-10 of the DEA that "There is no indication of any kind that the project area has resources or services to be currently being used by either Native Hawaiian cultural practitioners (excising 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 the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conduct [t]he necessary efforts for native Hawaiians and Hawaiians." (HRS § 10-3). To do Without archeological 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 claims and information must be vetted 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 Rechtman 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 site, 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 planted with the same type of vegetation that was removed to restore the site as closely as possible to the original condition. OHA would also 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 malama '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

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 it undertakes for the project.

Should the results of tests of the proposed exploratory well prove unfavorable, the Department of Water will revegetate 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 invasive non-native vegetation may make this impractical.

Comment 4:
OHA also asks that, in accordance with Section 6E-4(c), Hawaii Revised Statutes and Chapter 13-300, Hawaii Administrative Rules, if the project moves 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.

Response: The DWS will require the contractor to cease work immediately, to protect the inadvertent discovery from additional disturbance, and to notify SHPD 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 T. Nago at the Department of Water Supply, (808) 961-8070, extension 250.

Sincerely yours,

Milton D. Rivas, P.E.
Manager

TTN:dfg

Enc

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

COMMENT NO. 11

LINDA LINGLE
GOVERNOR OF HAWAII

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

In reply refer to:
[illegible]

June [illegible], 2009

Mr. Peary J. White
Planning Solutions
[illegible] Ward Avenue, Suite [illegible]
Honolulu, Hawaii 96814-4072

Dear Mr. White:

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT
KAPULENA WELL AND RESERVOIR

We have no comments on the above referenced draft environmental assessment received under cover of your letter dated April 2, 2009, and offer the following comments:

1. [illegible] EMPHASIS/PRIORITY

Page Number [illegible] paragraphs: Clarify that "the Safe Drinking Water Branch has stated replacement of the water source as its number one priority for water system developments in the State (SDWB)."

If you have any questions, please contact Mr. [illegible] of the Safe Drinking Water Branch, Environmental Management Division, at [illegible].

Sincerely,

[illegible]

for: STUART YAMADA, P.E., CHIEF
Safe Drinking Water Branch
Environmental Management Division

[illegible]

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII
[illegible]

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 3378
Honolulu, HI 96801-3378

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

Thank you for your June 3, 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 providing written comments. Our responses to your comments (which are reproduced for clarity) are provided below.

Comment 1

1.1 INTRODUCTION

SDWB Comment 3rd paragraph: Qualify this "the Safe Drinking Water Branch has stated replacement of the water source as its number one priority for water system developments in the State (SDWB)."

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. Terrance T. Nagao at the Department of Water Supply, (808) 961-8070, extension 250.

Sincerely yours,

Milton D. Pavao, P.E.
Manager

TTN:dfg

Enc.

copy: (w/o enc.) Mr. Greg Fukumitsu, Tom Nance Water Resource Engineering
(w/o enc.) Mr. Peary J. White, Planning Solutions, Inc.

Water being precious.

[illegible]