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ALAN M. ARAKAWA  
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OFFICE OF THE MAYOR  
County of Maui

September 7, 2004

Rodney Haraga, Director of Transportation  
State Of Hawaii  
Department of Transportation, Harbors Division  
79 South Nimitz Highway  
Honolulu, Hawaii 96813

RECEIVED  
SEP 13 2004

EKNA SERVICES, INC.

SUBJECT: OFFICIAL COMMENTS ON DRAFT ENVIRONMENTAL ASSESSMENT  
FOR KAHULUI COMMERCIAL HARBOR IMPROVEMENTS

Thank you for the opportunity to review and comment on the Draft Environmental Assessment for proposed Kahului Commercial Harbor Improvements. As Executive Assistant for Environmental Concerns to Mayor Alan Arakawa, I have the following comments:

COMPLIANCE WITH ENVIRONMENTAL REVIEW

I believe the environmental review process for issuing the Draft EA, and particularly for preconsultation, was insufficient. According to state law, the agency preparing a Draft EA or EIS must consult with community groups and individuals early in the process:

*"§11-200-09 (a) (1) Seek, at the earliest practicable time, the advice and input of the county agency responsible for implementing the county's general plan for each county in which the proposed action is to occur, and consult with other agencies having jurisdiction or expertise as well as those citizen groups and individuals which the proposing agency reasonably believes to be affected;"*

Section 8.0 of the Draft EA lists the agencies and organizations contacted in pre-consultation. The list of private agencies contacted is primarily those with economic interests, while those agencies with environmental interests were overlooked. Maui Tomorrow, Sierra Club-Maui Group, Kahea, and Hui Alanui O Makena are respected organizations which work to implement responsible planning strategies, environmental and cultural protection, and to teach and promote sustainable growth policies. Certainly they should have been pre-consulted, or at a minimum, been mailed a copy of the DEA.

Likewise, these County agencies were overlooked: Mayor's Office (especially relevant with the Mayor's Cruise Ship Task Force having met twice a month since January, 2004); Maui County Department of Transportation (also involved in discussions regarding the super ferry); Maui Fire Department; Maui Police Department; and the Cultural Resources Commission.

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None of the following State, Federal, and local agencies was contacted regarding alien pest species introduction, prevention and rapid response: State of Hawaii Department of Agriculture and Department of Health; United States Department of Agriculture, Department of Homeland Security, Environmental Protection Agency (Clean Water Act regulator for cruise ships), Coast Guard, and Department of the Interior (Haleakala National Park); Maui Invasive Species Committee MISC); East Maui Watershed Partnership; West Maui Mountain Watershed Partnership. Increased harbor traffic, including cruise ships and the super ferry, represent real threats to Hawaii's native ecosystems and endangered species, as well as to agricultural viability, through increased probabilities of introduction of alien pest species or diseases.

There is no indication that a public pre-consultation meeting was held, no list of public libraries where the Draft EA was distributed, no detailed design plans, and no disclosure of amount of government funds involved. Finally, there is no explanation of why projects identified in the DOT 2025 Kahului Harbor Master plan are not related to projects proposed in this Draft EA, and should not, therefore, be recognized as segmentation of the environmental review process.

It is recommended that these numerous omissions be corrected in preparing a Draft Environmental Impact Statement, as it is likely that the proposed improvements will result in significant impacts, as will be discussed in the "Conclusions" section.

#### OVERVIEW: TRAFFIC; ALIEN SPECIES, ENVIRONMENTAL CONCERNS

The most glaring omission to this DEA is any inclusion of an independently prepared traffic analysis, such as a Traffic Impact Analysis Report. The projected impacts to Maui's roadway transportation system would be greatly impacted by daily visits by the super ferry and cruise ship three days each week.

Hawaii Superferry, Inc. is proposing to bring 345-foot vessels that can carry 900 passengers and up to 280 vehicles. There is virtually no discussion in the DEA of parking facility or security needs, or of the logistics of bringing this additional traffic into the heart of congested Kahului. The Wailuku-Kahului Community plan, signed into law in 2002, states, (Transportation, Objectives and Policies, page 35);

*"8. The Department of Transportation should be strongly encouraged to mitigate its traffic impacts prior to or in conjunction with the Harbor expansion, including, but not limited to the following:*

- a. *improve the intersections between Ka`ahumanu Avenue and Wharf Street and Hobron Street*
- b. *provide alternative and bypass routes for vehicular traffic, possibly including a Direct route to Kahului Airport*

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- c. provide safe (possibly underpass) routes for pedestrian traffic
- d. acquire pockets of land for more efficient facility location within Kahului Harbor, and
- e. work with the community to plan a second commercial harbor."

There is no indication that any of these points are addressed in the Draft EA.

The DEA also fails to sufficiently address the increased probability of introduced alien pest species of animals, aquatic species, plants, insects, as well as plant and human pathogens. There is no discussion of increasing current mitigation efforts, which already are recognized as being insufficient. The super ferry puts Hawaii's environment and agricultural economy at great risk, with easy transport of insects (e.g. Nettle caterpillar, glassy-winged sharpshooter, red imported fire ants); plant diseases (banana bunchy top virus, papaya ringspot virus); aquatic nuisance species (*gracilaria salicornia* algae, and various species from hull fouling); and introduction of plants or seeds from the state Noxious Weed List.

Cruise ships heighten the possibility of introduction of human borne diseases, with 500,000 additional visitors expected each year via Norwegian Cruise Lines' projection of three ships by 2007. There is limited discussion of how the Harbor expansion plans would accommodate the 853-foot length of the cruise ships, or the 2000+ passengers three times each week, with another 700-800 crew members.

Additionally, interisland transport of passenger vehicles seems likely to instigate a variety of illegal activities, such as drug transporting, vehicle theft, and shipping of stolen goods. Yet, there appears to be no master plan for increasing security measures to match the huge influx of harbor activities.

The cruise ship industry has signed a Memorandum of Understanding (MOU) with the State of Hawaii (page 35). However, this MOU does not have the force and effect of law, and as such, fails to represent *bona fide* environmental protection from the large discharges associated with the industry.

The super ferry is expected to travel at speeds up to 35 knots. Yet, mitigation for possible collisions with the endangered Humpback Whale are not discussed, nor are other noise pollution issues for this sensitive winter resident of our ocean waters.

### CONCLUSION

The Draft Environmental Assessment for the Kahului Commercial Harbor Expansion fails to meet basic criteria pursuant to HRS Chapter 343. Further, there is insufficient data and evidence to support the conclusion that the document should constitute a Finding of No Significant Impact (FONSI). To the contrary, there are likely to be greatly

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significant impacts, including, but not limited to the following:

Significance Criteria

*(2) Curtails the range of beneficial uses of the environment.*

Harbor expansion as proposed would reduce the ability of recreational pursuits by canoe clubs and individuals who train in the harbor (page 43).

*(3) Conflicts with the state's long-term environmental policies or goals...*

Large consumption of water and energy resources would be necessary to fuel cruise ships and the super ferry. ~~Maui aquifer is a designated water management area, as it is~~ being pumped beyond its sustainable yield. Large influx of traffic and tourists to the Kahului area do not appear to meet the "enhancement of quality of life" goal.

*(5) Substantially affects public health.*

There are strong possibilities of human borne diseases spreading more easily.

*(6) Involves secondary impacts....*

The ground transportation network would certainly be greatly impacted.

*(8) Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment to larger actions.*

There is no adequate explanation to support the statement that the "proposed action is not related to the future long-term actions represented in the 2025 Kahului Commercial Harbor Master Plan." One of the main reasons for environmental review is to adequately address such cumulative impacts, and not to separate component parts of a related long-range plan.

*(9) Substantially affects a rare, threatened, or endangered species, or its habitat.*

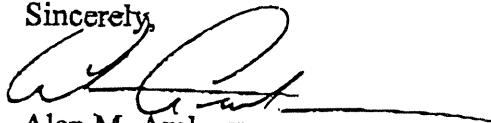
Failure to adequately address this criteria held the Kahului Airport expansion plan in litigation for years. Hawaii leads the nation in number of threatened and endangered endemic species. There must be a good faith effort made to mitigate introduction of new alien pest species into the State and particularly on Maui. Greatly increased harbor activities multiply the risks to our precious, unique native ecosystems, even those miles away from the harbor. Agency comments from the aforementioned groups are vital.

Any job worth doing is worth doing well, and this is no exception. Fast track efforts are often destined to be inferior, as we all are familiar with the adage that, "Haste makes

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waste." It is my hope that there will be diligent efforts to protect Maui's environment and quality of life through dedicated preparation of Draft EIS. Without such efforts, Maui's community is not adequately protected from the wide-ranging impacts likely to result from the proposed actions for Kahului Commercial Harbor Expansion.

Sincerely,



Alan M. Arakawa  
Mayor, County of Maui

cc: Kivette Caigoy, Dept. of Planning  
Genevieve Salmonson, OEQC  
Teya Penniman, MISC

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HARBORS DIVISION



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IN REPLY REFER TO:

HAR-EP  
7816.06

November 14, 2005

Mayor Alan M. Arakawa  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Dear Mayor Arakawa:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – Job H. C. 3334

Thank you for your comments on the subject document dated September 7, 2004. We offer the following responses.

1. Regarding your comment about compliance with the environmental review process, particularly concerning the pre-consultation process. We respectfully disagree with your opinion about the adequacy of the pre-consultation process. The *Kahului Commercial Harbor 2025 Master Plan Environmental Assessment* (EA) Section 8.0 lists the agencies, organizations and individuals contacted in the pre-consultation process. Pursuant to the Office of Environment Quality Control's (OEQC) applicable guidelines, the following Maui County agencies were contacted during the pre-consultation period.
  - a. Department of Parks and Recreation,
  - b. Department of Public Works and Waste Management,
  - c. Department of Water Supply,
  - d. Office of Economic Development, and
  - e. Department of Planning.

This list includes the agency responsible for implementing the County's General Plan and other groups that we reasonably believe would be affected by the actions of the EA. The only agency that provided a response was the Department of Public Works and Waste Management. We were not informed by any of the Maui County agencies that other Maui County agencies should be included or contacted for consultation. In addition, many of the Maui agencies took part in the master planning process and were aware of the master plan and proposed improvements. The list of participants in the master

planning process will be added into the Final EA.

2. Regarding your comment about no public meetings during the pre-consultation process was held. There is no requirement for public meetings for an EA under HRS 343. The pre-consultation process that was followed meets the requirements of Hawaii Revised Statutes (HRS) Chapter 343.
3. Regarding your comment that there was no list of public libraries where the Draft EA was distributed. The Draft EA was distributed after it was published and, therefore, the list was not included in the Draft EA. However, the distribution to the libraries was pursuant to the applicable guidelines of the OEQC.
4. Regarding your comment that there are no detailed design plans and no disclosure of amount of government funds involved. The document is an environmental assessment of the *Kahului Commercial Harbor 2025 Master Plan*. Because this is a planning document, planning level drawings were used. In addition, the Harbors Division cannot spend State funds to produce detailed design plans until the environmental assessment is completed. The estimated amount of government funds involved for the proposed improvements will be included in the Final EA, and are as follows:
  - a. Pier 1 Comfort Station, Waterline and Sewer line: \$ 3,000,000;
  - b. Pier 1D Extension: \$ 1,000,000;
  - c. Pier 3 and 4 Linear: \$ 39,000,000;
  - d. Pier 4 Angled: \$ 26,000,000; and,
  - e. Pu'unene Storage Yard Improvements - \$ 4,000,000.
5. Regarding your comment on the segmentation issue. As stated in the EA Section 3.4, the intermediate- and long-term projects are not reasonably foreseeable or ripe for decision making. These projects were therefore not considered as part of the proposed project in the EA. The Hawaii Administrative Rules (HAR) Section 11-200-7, defines the circumstances under which a group of actions proposed by an agency shall be treated as a single action:
  - The component actions are independent of each other and do not represent a larger total undertaking;
  - The individual projects are not necessarily precedent to the larger project;
  - The individual projects are not a commitment to a larger project; and,
  - The individual actions are not essentially identical.



The short-, intermediate- and long-term projects meet the above conditions. We are not segmenting a larger project to avoid an Environmental Impact Statement (EIS).

6. Regarding your comment on the need for an EIS. Under the HRS Chapter 343, an EIS is required if there is a significant impact to the environment by a proposed project. The studies and analyses conducted for the EA indicate that the proposed projects will NOT have any significant impacts. Therefore, a Finding of No Significant Impact (FONSI) will be determined in the Final EA and an EIS will not be required. In addition, we respectfully disagree with your opinion on the adequacy of the Draft EA.
7. Regarding your comment that an independently prepared traffic analysis be prepared, such as a Traffic Impact Analysis Report. We respectfully disagree with the opinion that Maui's roadway transportation system would be greatly impacted by daily visits by the Superferry and cruise ships. In addition, the traffic impacts associated with the proposed improvements are discussed in the Draft EA Section 4.22. The proposed improvements are not for any specific user and as stated in the *Kahului Commercial Harbor 2025 Master Plan*:

Berthing within the State's commercial harbors is generally not permanently assigned. Vessels entering the port are directed to their berths according to the shoreside facilities required and the availability of such berths.

This policy for common berth usage will be stated in the Final EA. Cruise ships are currently arriving at Kahului Harbor and the traffic from these operations will not significantly be impacted or modified by the proposed improvements. In addition, the majority of the cruise ship passengers depend on high capacity modes of transportation such as buses and van, or many of them walk to their destinations.

As far as the Superferry and its improvements. As stated previously, the improvements are not being made to accommodate a specific user, as the berths at the states commercial harbors are common use to the extent practical. Logistical issues for the Superferry will be accommodated by the Maui District Manager and the parking and security issues will be confined to Kahului Harbor.

Currently, the Superferry will be accommodated on Pier 2. To clarify the Superferry security issue, the following will be added into the Final EA.

The "Superferry" is required by law (33 Code of Federal Regulations) to develop, implement and maintain a Hawaii Superferry Vessel Security Plan that is submitted to and approved by the U.S. Coast Guard. The Hawaii Superferry Vessel Security Plan must include the Superferry's security personnel, training,

drills and exercises, record keeping, Maritime Security Level coordination and implementation, procedures for interfacing with terminal facility security, Declaration of Security, security systems and equipment maintenance, security measures for access control (including screening of vehicles and passengers), security measures for restricted areas, security measures for handling cargo, security measures for delivery of stores and bunkers, security measures for monitoring, security incident procedures, etc. The U.S. Coast Guard will monitor and enforce the security requirements of the Hawaii Superferry Vessel Security Plan. Whenever required, the Hawaii Superferry and the U.S. Coast Guard will request the assistance of the Maui Police Department, the State Department of Public Safety Sheriff Division, the Federal Bureau of Investigation, the State Department of Defense, the State Department of Land and Natural Resources Enforcement Officers and the Department of the State Attorney General.

8. Regarding your comment that the *Wailuku-Kahului Community Plan*, signed into law in 2002, states:

The Department of Transportation should be strongly encouraged to mitigate its traffic impacts prior to or in conjunction with the Harbor expansion, including, but not limited to the following.

- a) improve the intersections between Ka`ahumanu Avenue and Wharf Street and Hobron Street,
- b) provide alternative and bypass routes for vehicular traffic possibly including a direct route to Kahului Airport;
- c) provide safe (possibly underpass) routes for pedestrian traffic;
- d) acquire pockets of land for more efficient facility location within Kahului Harbor; and,
- e) work with the community to plan a second commercial harbor.

Concerning item a, the Harbors Division has recently completed improvements to the Kaahumanu Avenue and Wharf Street intersection. Items b through d are projects not included in the *Kahului Commercial Harbor 2025 Master Plan* and therefore, not covered under this EA. As far as item e, the following will be included in the Final EA in respect to a second commercial harbor on Maui:

The U.S. Army Corps of Engineers performed a study for a second commercial harbor facility on Maui in 1995 titled the *Maui Second Commercial Harbor, Navigation Study*. The study identified six alternatives and concluded that the second harbor would not have an adequate benefit-to-cost (B/C) ratio to justify

the costs of developing the facility. In addition, the construction of a second harbor will take decades to complete and will incur significant environmental impacts. In fact, the study concluded; “Based on the July 1990 biological opinion, a proposed commercial harbor development in west Maui is likely to result in a jeopardy opinion<sup>1</sup> from NMFS [National Marine Fisheries Service].”

Therefore, a second harbor is not considered a reasonable and feasible alternative and no further analysis will be conducted in this environmental assessment. In addition, the second harbor alternative does not meet the purpose of the project, as:

- it does not facilitate [in the short-term] maritime shipments of the essential commodities required by Maui County;
- it does not optimize the utilization of land and water resources committed to marine cargo and passenger operations in an economically responsible manner; and
- it does not minimize the impact on environmental quality and recreational opportunities contiguous with the Harbor.

The computed benefit-to-cost (b/c) analysis results are shown in the Table 3-3 and include the impact of a 23-day and 39-day closure of the existing Kahului Commercial Harbor.

**TABLE 3-3  
BENEFIT-TO-COST RESULTS FOR SECOND MAUI HARBOR**

<b>SITE</b>	<b>B/C WITH 23-DAY CLOSURE</b>	<b>B/C WITH 39-DAY CLOSURE</b>
Hata Bay Breakwater Harbor	0.08	0.16
Maalaea Pier	0.38	0.50
Ukumehame Pier	0.50	0.71
Olowalu Pier	0.50	0.71
Olowalu Dock & Turning Basin	0.39	0.56
Olowalu Dredged Harbor	0.27	0.38

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<sup>1</sup> A jeopardy opinion means that the project will jeopardize the continued existence of an endangered species.

9. Regarding your comment that the Draft EA also fails to sufficiently address the increased probability of introduced alien pest species of animals, aquatic species plants, insects, as well as plant and human pathogens. Mitigation measures for the control of alien species introduction are discussed in the EA Section 4.10.1.4. The Hawaii Department of Agriculture (HDOA), Hawaii Department of Health (HDOH) and other agencies have the responsibility for and jurisdiction over the prevention and mitigation of the introduction of alien species. In addition, the Hawaii Department of Land and Natural Resources (HDLNR), Division of Aquatic Resources (DAR) has jurisdiction over aquatic alien species. DAR's role will be described in the Final EA.

In addition, the following information will also be added to the Final EA.

Alien species can be introduced purposefully or incidentally, such as by hitchhiking on cargo or as stowaways in the containers. Therefore, many of the alien pest species hitchhike on commodities imported by businesses and residents of Maui County. This is shown in the results from the Kahului Airport Risk Assessment, which indicates that the passengers are typically a low risk pathway for the importation of alien species. The high-risk commodities for the importation of alien pest species include plants and propagative plant parts. Other high-risk commodities include organic produce, leafy greens (such as lettuce, cabbage and kale), cut flowers, strawberries, and peppers. Other high-risk commodities, which enter through the Harbor, include Christmas trees and other plant material.

Once an alien species is established on one island it is highly likely to spread to other islands, especially seeds and flying insects. The inter-island dispersal pathways include, but are not limited to, seeds carried by birds, migration of birds, dispersal by wind and dispersal by ocean currents.

The HDOA has designated Kahului as a limited port-of-entry for overseas agricultural commodities, therefore only plants and plant products such as produce and cut flowers are allowed entry. Live animals (except live seafood for consumption) and microorganisms from foreign and domestic origins are not allowed entry through Kahului unless inspected by HDOA in Honolulu prior to the transport to Kahului.

Therefore, pursuant to the HRS, Section 150A-5 any person transporting any agricultural commodity to Hawaii shall notify the HDOA and hold the commodity on the dock, pier, wharf, airport, air terminal where they are first received or discharged until inspection can be made by the Plant Quarantine Inspector. However, because there has always been a shortage of space at the piers,

transportation companies have been requesting more inspections to be done at sites other than the dock or at the dock but before or after regular work time to allow for the containers to be moved from the docks. For the maritime operations, the shippers will reimburse the State for the inspector's cost to inspect the containers during overtime hours.

Although HDOA manpower is limited at other ports, the addition of DOT funded agricultural inspectors at Kahului Airport allows the non-Airport inspectors to work more hours at the Harbor to perform the necessary inspections. In addition, there are more inspectors to work overtime hours to inspect the incoming maritime commodities, if necessary.

Similarly, propagative agricultural commodities cannot move between islands without HDOA inspection. If this cargo is not inspected by HDOA, Young Brothers will not allow the cargo to be boarded onto the vessel. Non-propagative plant parts, such as cut flowers, fruits, vegetables and produce, need not be inspected provided that they are subject to random inspection by HDOA. Similarly, Hawaii Superferry is currently working on the HDOA requirements for their operations with HDOA and has included the following measures in their Tariff No. 1.

- *“Domestic cats and dogs **ONLY** may travel on Carrier’s [“Superferry”] vessels. No other animals are permitted except livestock and poultry from Hawaii Department of Agriculture (HDOA) licensed agricultural producers. Carrier does not permit the carriage of reptiles, snakes, birds (except HDOA registered poultry transported by registered growers), rodents or exotic species of animals of any kind.*
- *Only plants, flowers and crops that have either been inspected and passed at the HDOA Plant Quarantine Office or via the Nursery Self Certification Program may be transported on Carrier’s [“Superferry”] vessel. In all cases, a “Passed” sticker must be shown before plants will be allowed on the ferry. No other plants will be permitted on the ferry and must be left for destruction by Carrier’s [“Superferry”] personnel.”*

10. Regarding your concern that cruise ships heighten the possibility of introduction of human borne diseases. The proposed improvements will not impact the spread of human borne diseases, or impact health services as stated in the EA Section 4.19.

11. Regarding your concern that inter-island transport of passenger vehicles seems likely to instigate a variety of illegal activities. The police and public safety concerns (which

would include any illegal activities) are addressed in the EA Section 4.18. The Harbors Division has no authority to control what is shipped through its ports, nor does it have any authority to inspect or prevent the introduction of drugs into Maui. As stated in the EA, the jurisdiction for these inspections and prevention is with various State and Federal agencies.

12. Regarding your concern that the Memorandum of Understanding (MOU) between the cruise industry and the State of Hawaii does not have the force and effect of law, and as such, fails to represent bone fide environmental protection from the large discharges associated with the industry. It is correct that there are no fines associated with the MOU. It is beyond the scope of the EA because the proposed improvements will not impact the risk or chance of a large discharge associated with the industry. As for harbor waters, pursuant to the HAR Section 19-42-127, "Littering or polluting of water prohibited," it is illegal to pollute or discharge either directly or indirectly anything other than clean water into any harbor. The U.S. Coast Guard and the Harbors Division enforces this law and there are fines associated with this law.
13. Regarding your concern about mitigation measures for possible collisions with the endangered Humpback Whale by the Superferry and other noise pollution issues for this sensitive winter resident of our ocean whales. The facilities to accommodate the Superferry are not part of the proposed project and the Superferry can be accommodated at the existing piers at Kahului Harbor. The Superferry has recently received approval on their Whale Avoidance Policy from the Hawaii Humpback Whale Sanctuary Advisory Committee. This document is attached in Appendix F of the Final EA.
14. Regarding your comment that the Draft EA fails to meet basic criteria pursuant to HRS Chapter 343 and that there is insufficient data and evidence to support the conclusion that the document should constitute a FONSI. We respectfully disagree with your opinion. The following are responses to your specific comments of the significance criteria.

(2) Curtails the range of beneficial uses of the environment.

Comment. Harbor expansion as proposed would reduce the ability of recreational pursuits by canoe clubs and individuals who train in the harbor (page 43).

Response. No specific comment is provided, however, if the commentator is referring to Pier 2C, the project (i.e., the extension of Pier 2C) has been deleted from the proposed project and will not be constructed under this EA. In addition, even with Pier 2C, the use of the harbor would not be curtailed by the canoe

paddlers. We do disagree as the harbor is a commercial harbor and pursuant to HRS Chapter 266 is for the commercial use of its facilities. HRS Chapter 266-1 states:

for the purpose of this chapter, “commercial harbor” means a harbor or off-shore mooring facility which is primarily for the movement of commercial cargo, passenger and fishing vessels entering, leaving, or traveling within the State, and facilities and supporting services for loading, off-loading, and handling of cargo, passengers and vessels.

The Harbors Division’s statutory authority does not extend to recreational activities and recreational use of its commercial harbors. In addition, as stated in the Draft EA, the improvements would allow the harbor to meet existing and future demands for Maui. This is beneficial as approximately 80 percent of goods used in Maui arrive through the harbor.

(3) Conflicts with the state's long-term environmental policies or goals...

Comment. Large consumption of water and energy resources would be necessary to fuel cruise ships and the Superferry. Iao aquifer is a designated water management area, as it is being pumped beyond its sustainable yield. Large influx of traffic and tourists to the Kahului area do not appear to meet the “enhancement of quality of life” goal.

Response. We disagree, as the improvements will not cause a significant increase in the water and energy consumption. The ships are scheduled and forecast to arrive with or without the proposed improvements to Kahului Harbor. As far as energy consumption, the vessel will use fuel that is not produced in Maui. It is transported to Maui with barges through the Kahului Harbor and therefore, would not be a significant impact. As for Superferry, the current plan is to load water and fuel in Honolulu only.

(5) Substantially affects public health.

Comment. There are strong possibilities of human borne diseases spreading more easily.

Response. The comment is not specific, but the proposed improvements will not impact the spread of human borne diseases, or impact health services as stated in the EA Section 4.19.

(6) Involves secondary impacts...

Comment. The ground transportation network would certainly be greatly impacted.

Response. We respectfully disagree, as stated above and in the EA Section 4.22.

(8) Is individually limited but cumulatively has considerable effect upon the environment or Involves a commitment to larger actions.

Comment. There is no adequate explanation to support the statement that the "proposed action is not related to the future long-term actions represented in the *2025 Kahului Commercial Harbor Master Plan*." One of the main reasons for environmental review is to adequately address such cumulative impacts, and not to separate component parts of a related long-range plan.

Response. As stated in the EA Section 1.1, the intermediate - and long-range projects are not reasonably foreseeable and not ripe for decision making. In addition, the Pier 5 improvements and associated breakwater improvements are on indefinite hold due to operational issues.


(9) Substantially affects a rare, threatened, or endangered species, or its habitat.

Comment. Failure to adequately address this criteria as it pertains to the introduction of new alien pest species into the State and particularly on Maui,

Response. We respectfully disagree and please see our response above and it is addressed in the EA Section 4.10.1.4.

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of the Harbors Division Planning Section, in Honolulu at (808) 587-2503.

Very truly yours,

  
RODNEY K. HARAGA  
Director of Transportation



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ALAN M. ARAKAWA  
MAYOR



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County of Maui

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HARBORS DIVISION

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September 7, 2004

Rodney Haraga, Director of Transportation  
State Of Hawaii  
Department of Transportation, Harbors Division  
79 South Nimitz Highway  
Honolulu, Hawaii 96813

SUBJECT: OFFICIAL COMMENTS ON DRAFT ENVIRONMENTAL ASSESSMENT  
FOR KAHULUI COMMERCIAL HARBOR IMPROVEMENTS

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*"§11-200-09 (a) (1) Seek, at the earliest practicable time, the advice and input of the county agency responsible for implementing the county's general plan for each county in which the proposed action is to occur, and consult with other agencies having jurisdiction or expertise as well as those citizen groups and individuals which the proposing agency reasonably believes to be affected;"*

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Likewise, these County agencies were overlooked: Mayor's Office (especially relevant with the Mayor's Cruise Ship Task Force having met twice a month since January, 2004); Maui County Department of Transportation (also involved in discussions regarding the super ferry); Maui Fire Department; Maui Police Department; and the Cultural Resources Commission.

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None of the following State, Federal, and local agencies was contacted regarding alien pest species introduction, prevention and rapid response: State of Hawaii Department of Agriculture and Department of Health; United States Department of Agriculture, Department of Homeland Security, Environmental Protection Agency (Clean Water Act regulator for cruise ships), Coast Guard, and Department of the Interior (Haleakala National Park); Maui Invasive Species Committee MISC); East Maui Watershed Partnership; West Maui Mountain Watershed Partnership. Increased harbor traffic, including cruise ships and the super ferry, represent real threats to Hawaii's native ecosystems and endangered species, as well as to agricultural viability, through increased probabilities of introduction of alien pest species or diseases.

There is no indication that a public pre-consultation meeting was held, no list of public libraries where the Draft EA was distributed, no detailed design plans, and no disclosure of amount of government funds involved. Finally, there is no explanation of why projects identified in the DOT 2025 Kahului Harbor Master plan are not related to projects proposed in this Draft EA, and should not, therefore, be recognized as segmentation of the environmental review process.

It is recommended that these numerous omissions be corrected in preparing a Draft Environmental Impact Statement, as it is likely that the proposed improvements will result in significant impacts, as will be discussed in the "Conclusions" section.

#### OVERVIEW: TRAFFIC; ALIEN SPECIES, ENVIRONMENTAL CONCERNS

The most glaring omission to this DEA is any inclusion of an independently prepared traffic analysis, such as a Traffic Impact Analysis Report. The projected impacts to Maui's roadway transportation system would be greatly impacted by daily visits by the super ferry and cruise ship three days each week.

Hawaii Superferry, Inc. is proposing to bring 345-foot vessels that can carry 900 passengers and up to 280 vehicles. There is virtually no discussion in the DEA of parking facility or security needs, or of the logistics of bringing this additional traffic into the heart of congested Kahului. The Wailuku-Kahului Community plan, signed into law in 2002, states, (Transportation, Objectives and Policies, page 35);

*"8. The Department of Transportation should be strongly encouraged to mitigate its traffic impacts prior to or in conjunction with the Harbor expansion, including, but not limited to the following:*

- a. *improve the intersections between Ka'ahumanu Avenue and Wharf Street and Hobron Street*
- b. *provide alternative and bypass routes for vehicular traffic, possibly including a Direct route to Kahului Airport*

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- c. provide safe (possibly underpass) routes for pedestrian traffic
- d. acquire pockets of land for more efficient facility location within Kahului Harbor, and
- e. work with the community to plan a second commercial harbor."

There is no indication that any of these points are addressed in the Draft EA.

The DEA also fails to sufficiently address the increased probability of introduced alien pest species of animals, aquatic species, plants, insects, as well as plant and human pathogens. There is no discussion of increasing current mitigation efforts, which already are recognized as being insufficient. The super ferry puts Hawaii's environment and agricultural economy at great risk, with easy transport of insects (e.g. Nettle caterpillar, glassy-winged sharpshooter, red imported fire ants); plant diseases (banana bunchy top virus, papaya ringspot virus); aquatic nuisance species (*gracilaria salicornia* algae, and various species from hull fouling); and introduction of plants or seeds from the state Noxious Weed List.

Cruise ships heighten the possibility of introduction of human borne diseases, with 500,000 additional visitors expected each year via Norwegian Cruise Lines' projection of three ships by 2007. There is limited discussion of how the Harbor expansion plans would accommodate the 853-foot length of the cruise ships, or the 2000+ passengers three times each week, with another 700-800 crew members.

Additionally, interisland transport of passenger vehicles seems likely to instigate a variety of illegal activities, such as drug transporting, vehicle theft, and shipping of stolen goods. Yet, there appears to be no master plan for increasing security measures to match the huge influx of harbor activities.

The cruise ship industry has signed a Memorandum of Understanding (MOU) with the State of Hawaii (page 35). However, this MOU does not have the force and effect of law, and as such, fails to represent *bona fide* environmental protection from the large discharges associated with the industry.

The super ferry is expected to travel at speeds up to 35 knots. Yet, mitigation for possible collisions with the endangered Humpback Whale are not discussed, nor are other noise pollution issues for this sensitive winter resident of our ocean waters.

### CONCLUSION

The Draft Environmental Assessment for the Kahului Commercial Harbor Expansion fails to meet basic criteria pursuant to HRS Chapter 343. Further, there is insufficient data and evidence to support the conclusion that the document should constitute a Finding of No Significant Impact (FONSI). To the contrary, there are likely to be greatly

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significant impacts, including, but not limited to the following:

Significance Criteria

*(2) Curtails the range of beneficial uses of the environment.*

Harbor expansion as proposed would reduce the ability of recreational pursuits by canoe clubs and individuals who train in the harbor (page 43).

*(3) Conflicts with the state's long-term environmental policies or goals...*

Large consumption of water and energy resources would be necessary to fuel cruise ships and the super ferry. `Iao aquifer is a designated water management area, as it is being pumped beyond its sustainable yield. Large influx of traffic and tourists to the Kahului area do not appear to meet the "enhancement of quality of life" goal.

*(5) Substantially affects public health.*

There are strong possibilities of human borne diseases spreading more easily.

*(6) Involves secondary impacts....*

The ground transportation network would certainly be greatly impacted.

*(8) Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment to larger actions.*

There is no adequate explanation to support the statement that the "proposed action is not related to the future long-term actions represented in the 2025 Kahului Commercial Harbor Master Plan." One of the main reasons for environmental review is to adequately address such cumulative impacts, and not to separate component parts of a related long-range plan.

*(9) Substantially affects a rare, threatened, or endangered species, or its habitat.*

Failure to adequately address this criteria held the Kahului Airport expansion plan in litigation for years. Hawaii leads the nation in number of threatened and endangered endemic species. There must be a good faith effort made to mitigate introduction of new alien pest species into the State and particularly on Maui. Greatly increased harbor activities multiply the risks to our precious, unique native ecosystems, even those miles away from the harbor. Agency comments from the aforementioned groups are vital.

Any job worth doing is worth doing well, and this is no exception. Fast track efforts are often destined to be inferior, as we all are familiar with the adage that, "Haste makes

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waste." It is my hope that there will be diligent efforts to protect Maui's environment and quality of life through dedicated preparation of a Draft EIS. Without such efforts, Maui's community is not adequately protected from the wide-ranging impacts likely to result from the proposed actions for Kahului Commercial Harbor Expansion.

Sincerely,

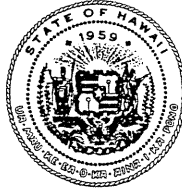


Robert W. Parsons  
Executive Assistant for Environmental Concerns  
Office of the Mayor

cc: Mayor Alan M. Arakawa  
Kivette Caigoy, Dept. of Planning  
Genevieve Salmonson, OEQC  
Teya Penniman, MISC



LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
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BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

HAR-EP  
7815.06

November 14, 2005

Mr. Robert W. Parsons  
Executive Assistant for Environmental Concerns  
Office of the Mayor  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Parsons:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – Job H. C. 3334

Thank you for your comments on the subject document dated September 7, 2004. We offer the following responses.

1. Regarding your comment about compliance with the environmental review process, particularly concerning the pre-consultation process. We respectfully disagree with your opinion about the adequacy of the pre-consultation process. The *Kahului Commercial Harbor 2025 Master Plan Environmental Assessment* (EA) Section 8.0 lists the agencies, organizations and individuals contacted in the pre-consultation process. Pursuant to the Office of Environment Quality Control's (OEQC) applicable guidelines, the following Maui County agencies were contacted during the pre-consultation period.
  - a. Department of Parks and Recreation,
  - b. Department of Public Works and Waste Management,
  - c. Department of Water Supply,
  - d. Office of Economic Development, and
  - e. Department of Planning.

This list includes the agency responsible for implementing the County's General Plan and other groups that we reasonably believe would be affected by the actions of the EA. The only agency that provided a response was the Department of Public Works and Waste Management. We were not informed by any of the Maui County agencies that other Maui County agencies should be included or contacted for consultation. In addition,

many of the Maui agencies took part in the master planning process and were aware of the master plan and proposed improvements. The list of participants in the master planning process will be added into the Final EA.

2. Regarding your comment about no public meetings during the pre-consultation process was held. There is no requirement for public meetings for an EA under HRS 343. The pre-consultation process that was followed meets the requirements of Hawaii Revised Statutes (HRS) Chapter 343.
3. Regarding your comment that there was no list of public libraries where the Draft EA was distributed. The Draft EA was distributed after it was published and therefore, the list was not included in the Draft EA. However, the distribution to the libraries was pursuant to the applicable guidelines of the OEQC.
4. Regarding your comment that there are no detailed design plans and no disclosure of amount of government funds involved. The document is an environmental assessment of the *Kahului Commercial Harbor 2025 Master Plan*. Because this is a planning document, planning level drawings were used. In addition, the Harbors Division cannot spend State funds to produce detailed design plans until the environmental assessment is completed. The estimated amount of government funds involved for the proposed improvements will be included in the Final EA, and are as follows:
  - a. Pier 1 Comfort Station, Waterline and Sewer line: \$ 3,000,000;
  - b. Pier 1D Extension: \$ 1,000,000;
  - c. Pier 3 and 4 Linear: \$ 39,000,000;
  - d. Pier 4 Angled: \$ 26,000,000; and,
  - e. Pu`unene Storage Yard Improvements - \$ 4,000,000.
5. Regarding your comment on the segmentation issue. As stated in the EA Section 3.4, the intermediate- and long-term projects are not reasonably foreseeable or ripe for decision making. These projects were therefore not considered as part of the proposed project in the EA. The Hawaii Administrative Rules (HAR) Section 11-200-7, defines the circumstances under which a group of actions proposed by an agency shall be treated as a single action:
  - The component actions are independent of each other and do not represent a larger total undertaking;
  - The individual projects are not necessarily precedent to the larger project;
  - The individual projects are not a commitment to a larger project; and,
  - The individual actions are not essentially identical.



The short-, intermediate- and long-term projects meet the above conditions. We are not segmenting a larger project to avoid an Environmental Impact Statement (EIS).

6. Regarding your comment on the need for an EIS. Under the HRS Chapter 343, an EIS is required if there is a significant impact to the environment by a proposed project. The studies and analyses conducted for the EA indicate that the proposed projects will NOT have any significant impacts. Therefore, a Finding of No Significant Impact (FONSI) will be determined in the Final EA and an EIS will not be required. In addition, we respectfully disagree with your opinion on the adequacy of the Draft EA.
5. Regarding your comment that an independently prepared traffic analysis be prepared, such as a Traffic Impact Analysis Report. We respectfully disagree with the opinion that Maui's roadway transportation system would be greatly impacted by daily visits by the Superferry and cruise ships. In addition, the traffic impacts associated with the proposed improvements are discussed in the Draft EA Section 4.22. The proposed improvements are not for any specific user and as stated in the *Kahului Commercial Harbor 2025 Master Plan*:

Berthing within the State's commercial harbors is generally not permanently assigned. Vessels entering the port are directed to their berths according to the shoreside facilities required and the availability of such berths.

This policy for common berth usage will be stated in the Final EA. Cruise ships are currently arriving at Kahului Harbor and the traffic from these operations will not significantly be impacted or modified by the proposed improvements. In addition, the majority of the cruise ship passengers depend on high capacity modes of transportation such as buses and van, or many of them walk to their destinations.

As far as the Superferry and its improvements. As stated previously, the improvements are not being made to accommodate a specific user, as the berths at the states commercial harbors are common use to the extent practical. Logistical issues for the Superferry will be accommodated by the Maui District Manager and the parking and security issues will be confined to Kahului Harbor.

Currently, the Superferry will be accommodated on Pier 2. To clarify the Superferry security issue, the following will be added into the Final EA.

The "Superferry" is required by law (33 Code of Federal Regulations) to develop, implement and maintain a Hawaii Superferry Vessel Security Plan that is submitted to and approved by the U.S. Coast Guard. The Hawaii Superferry

Vessel Security Plan must include the Superferry's security personnel, training, drills and exercises, record keeping, Maritime Security Level coordination and implementation, procedures for interfacing with terminal facility security, Declaration of Security, security systems and equipment maintenance, security measures for access control (including screening of vehicles and passengers), security measures for restricted areas, security measures for handling cargo, security measures for delivery of stores and bunkers, security measures for monitoring, security incident procedures, etc. The U.S. Coast Guard will monitor and enforce the security requirements of the Hawaii Superferry Vessel Security Plan. Whenever required, the Hawaii Superferry and the U.S. Coast Guard will request the assistance of the Maui Police Department, the State Department of Public Safety Sheriff Division, the Federal Bureau of Investigation, the State Department of Defense, the State Department of Land and Natural Resources Enforcement Officers and the Department of the State Attorney General.

6. Regarding your comment that the *Wailuku-Kahului Community Plan*, signed into law in 2002, states:

The Department of Transportation should be strongly encouraged to mitigate its traffic impacts prior to or in conjunction with the Harbor expansion, including, but not limited to the following.

- a) improve the intersections between Ka'ahumanu Avenue and Wharf Street and Hobron Street,
- b) provide alternative and bypass routes for vehicular traffic possibly including a direct route to Kahului Airport;
- c) provide safe (possibly underpass) routes for pedestrian traffic;
- d) acquire pockets of land for more efficient facility location within Kahului Harbor; and,
- e) work with the community to plan a second commercial harbor.

Concerning item a, the Harbors Division has recently completed improvements to the Ka'ahumanu Avenue and Wharf Street intersection. Items b through d are projects not included in the *Kahului Commercial Harbor 2025 Master Plan* and, therefore, not covered under this EA. As far as Item e, the following will be included in the Final EA in respect to a second commercial harbor on Maui:

The U.S. Army Corps of Engineers performed a study for a second commercial harbor facility on Maui in 1995 titled the *Maui Second Commercial Harbor, Navigation Study*. The study identified six alternatives and concluded that the

second harbor would not have an adequate benefit-to-cost (B/C) ratio to justify the costs of developing the facility. In addition, the construction of a second harbor will take decades to complete and will incur significant environmental impacts. In fact, the study concluded; “Based on the July 1990 biological opinion, a proposed commercial harbor development in west Maui is likely to result in a jeopardy opinion<sup>1</sup> from NMFS [National Marine Fisheries Service].”

Therefore, a second harbor is not considered a reasonable and feasible alternative and no further analysis will be conducted in this environmental assessment. In addition, the second harbor alternative does not meet the purpose of the project, as:

- it does not facilitate [in the short-term] maritime shipments of the essential commodities required by Maui County;
- it does not optimize the utilization of land and water resources committed to marine cargo and passenger operations in an economically responsible manner; and,
- it does not minimize the impact on environmental quality and recreational opportunities contiguous with the Harbor.

The computed benefit-to-cost (b/c) analysis results are shown in the Table 3-3 and include the impact of a 23-day and 39-day closure of the existing Kahului Commercial Harbor.

**TABLE 3-3  
BENEFIT-TO-COST RESULTS FOR SECOND MAUI HARBOR**

<b>SITE</b>	<b>B/C WITH 23-DAY CLOSURE</b>	<b>B/C WITH 39-DAY CLOSURE</b>
Hata Bay Breakwater Harbor	0.08	0.16
Maalaea Pier	0.38	0.50
Ukumehame Pier	0.50	0.71
Olowalu Pier	0.50	0.71
Olowalu Dock & Turning Basin	0.39	0.56
Olowalu Dredged Harbor	0.27	0.38

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<sup>1</sup> A jeopardy opinion means that the project will jeopardize the continued existence of an endangered species.

7. Regarding your comment that the Draft EA also fails to sufficiently address the increased probability of introduced alien pest species of animals, aquatic species, plants, insects, as well as plant and human pathogens. Mitigation measures for the control of alien species introduction are discussed in the EA Section 4.10.1.4. The Hawaii Department of Agriculture (HDOA), Hawaii Department of Health (HDOH) and other agencies have the responsibility for and jurisdiction over the prevention and mitigation of the introduction of alien species. In addition, the Hawaii Department of Land and Natural Resources (HDLNR), Division of Aquatic Resources (DAR) has jurisdiction over aquatic alien species. DAR's role will be described in the Final EA.

In addition, the following information will also be added to the Final EA.

Alien species can be introduced purposefully or incidentally, such as by hitchhiking on cargo or as stowaways in the containers. Therefore, many of the alien pest species hitchhike on commodities imported by businesses and residents of Maui County. This is shown in the results from the Kahului Airport Risk Assessment, which indicates that the passengers are typically a low risk pathway for the importation of alien species. The high-risk commodities for the importation of alien pest species include plants and propagative plant parts. Other high-risk commodities include organic produce, leafy greens (such as lettuce, cabbage and kale), cut flowers, strawberries, and peppers. Other high-risk commodities, which enter through the Harbor, include Christmas trees and other plant material.

Once an alien species is established on one island it is highly likely to spread to other islands, especially seeds and flying insects. The interisland dispersal pathways include, but are not limited to, seeds carried by birds, migration of birds, dispersal by wind and dispersal by ocean currents.

The HDOA has designated Kahului as a limited port-of-entry for overseas agricultural commodities, therefore only plants and plant products such as produce and cut flowers are allowed entry. Live animals (except live seafood for consumption) and microorganisms from foreign and domestic origins are not allowed entry through Kahului unless inspected by HDOA in Honolulu prior to the transport to Kahului.

Therefore, pursuant to the HRS, Section 150A-5 any person transporting any agricultural commodity to Hawaii shall notify the HDOA and hold the commodity on the dock, pier, wharf, airport, air terminal where they are first received or

discharged until inspection can be made by the Plant Quarantine Inspector. However, because there has always been a shortage of space at the piers, transportation companies have been requesting more inspections to be done at sites other than the dock or at the dock but before or after regular work time to allow for the containers to be moved from the docks. For the maritime operations, the shippers will reimburse the State for the inspector's cost to inspect the containers during overtime hours.

Although HDOA manpower is limited at other ports, the addition of DOT funded agricultural inspectors at Kahului Airport allows the non-Airport inspectors to work more hours at the Harbor to perform the necessary inspections. In addition, there are more inspectors to work overtime hours to inspect the incoming maritime commodities, if necessary.

Similarly, propagative agricultural commodities cannot move between islands without HDOA inspection. If this cargo is not inspected by HDOA, Young Brothers will not allow the cargo to be boarded onto the vessel. Non-propagative plant parts, such as cut flowers, fruits, vegetables and produce, need not be inspected provided that they are subject to random inspection by HDOA. Similarly, Hawaii Superferry is currently working on the HDOA requirements for their operations with HDOA and has included the following measures in their Tariff No. 1.

- *“Domestic cats and dogs **ONLY** may travel on Carrier’s [“Superferry”] vessels. No other animals are permitted except livestock and poultry from Hawaii Department of Agriculture (HDOA) licensed agricultural producers. Carrier does not permit the carriage of reptiles, snakes, birds (except HDOA registered poultry transported by registered growers), rodents or exotic species of animals of any kind.*
- *Only plants, flowers and crops that have either been inspected and passed at the HDOA Plant Quarantine Office or via the Nursery Self Certification Program may be transported on Carrier’s [“Superferry”] vessel. In all cases, a “Passed” sticker must be shown before plants will be allowed on the ferry. No other plants will be permitted on the ferry and must be left for destruction by Carrier’s [“Superferry”] personnel.”*

8. Regarding your concern that cruise ships heighten the possibility of introduction of human borne diseases. The proposed improvements will not impact the spread of human borne diseases, or impact health services as stated in the EA Section 4.19.

9. Regarding your concern that inter-island transport of passenger vehicles seems likely to instigate a variety of illegal activities. The police and public safety concerns (which would include any illegal activities) are addressed in the EA Section 4.18. The Harbors Division has no authority to control what is shipped through its ports, nor does it have any authority to inspect or prevent the introduction of drugs into Maui. As stated in the EA, the jurisdiction for these inspections and prevention is with various State and Federal agencies.
10. Regarding your concern that the Memorandum of Understanding (MOU) between the cruise industry and the State of Hawaii does not have the force and effect of law, and as such, fails to represent bone fide environmental protection from the large discharges associated with the industry. It is correct that there are no fines associated with the MOU. It is beyond the scope of the EA because the proposed improvements will not impact the risk or chance of a large discharge associated with the industry. As for harbor waters, pursuant to the HAR Section 19-42-127, "Littering or polluting of water prohibited," it is illegal to pollute or discharge either directly or indirectly anything other than clean water into any harbor. The U.S. Coast Guard and the Harbors Division enforces this law and there are fines associated with this law.
11. Regarding your concern about mitigation measures for possible collisions with the endangered Humpback Whale by the Superferry and other noise pollution issues for this sensitive winter resident of our ocean whales. The facilities to accommodate the Superferry are not part of the proposed project and the Superferry can be accommodated at the existing piers at Kahului Harbor. The Superferry has recently received approval on their *Whale Avoidance Policy* from the Hawaii Humpback Whale Sanctuary Advisory Committee. This document is attached in Appendix F of the Final EA.
12. Regarding your comment that the Draft EA fails to meet basic criteria pursuant to HRS Chapter 343 and that there is insufficient data and evidence to support the conclusion that the document should constitute a FONSI. We respectfully disagree with your opinion. The following are responses to your specific comments of the significance criteria.

(2) Curtails the range of beneficial uses of the environment.

Comment. Harbor expansion as proposed would reduce the ability of recreational pursuits by canoe clubs and individuals who train in the harbor (page 43).

Response. No specific comment is provided, however, if the commentator is referring to Pier 2C, the project (i.e., the extension of Pier 2C) has been deleted from the proposed project and will not be constructed under this EA. In addition,

even with Pier 2C, the use of the harbor would not be curtailed by the canoe paddlers. We do disagree as the harbor is a commercial harbor and pursuant to HRS Chapter 266 is for the commercial use of its facilities. HRS Chapter 266-1 states:

for the purpose of this chapter, “commercial harbor” means a harbor or off-shore mooring facility which is primarily for the movement of commercial cargo, passenger and fishing vessels entering, leaving, or traveling within the State, and facilities and supporting services for loading, off-loading, and handling of cargo, passengers and vessels.

The Harbors Division’s statutory authority does not extend to recreational activities and recreational use of its commercial harbors. In addition, as stated in the Draft EA, the improvements would allow the harbor to meet existing and future demands for Maui. This is beneficial as approximately 80 percent of goods used in Maui arrive through the harbor.

(3) Conflicts with the state's long-term environmental policies or goals...

Comment. Large consumption of water and energy resources would be necessary to fuel cruise ships and the Superferry. Iao aquifer is a designated water management area, as it is being pumped beyond its sustainable yield. Large influx of traffic and tourists to the Kahului area do not appear to meet the “enhancement of quality of life” goal.

Response. We disagree, as the improvements will not cause a significant increase in the water and energy consumption. The ships are scheduled and forecast to arrive with or without the proposed improvements to Kahului Harbor. As far as energy consumption, the vessel will use fuel that is not produced in Maui. It is transported to Maui with barges through the Kahului Harbor and therefore, would not be a significant impact. As for Superferry, the current plan is to load water and fuel in Honolulu only.

(5) Substantially affects public health.

Comment. There are strong possibilities of human borne diseases spreading more easily.

Response. The comment is not specific, but the proposed improvements will not impact the spread of human borne diseases, or impact health services as stated in the EA Section 4.19.

(6) Involves secondary impacts...

Comment. The ground transportation network would certainly be greatly impacted.

Response. We respectively disagree, as stated above and in the EA Section 4.22.

(8) Is individually limited but cumulatively has considerable effect upon the environment or Involves a commitment to larger actions.

Comment. There is no adequate explanation to support the statement that the "proposed action is not related to the future long-term actions represented in the *2025 Kahului Commercial Harbor Master Plan*." One of the main reasons for environmental review is to adequately address such cumulative impacts, and not to separate component parts of a related long-range plan.

Response. As stated in the EA Section 1.1, the intermediate- and long-range projects are not reasonably foreseeable and not ripe for decision making. In addition, the Pier 5 improvements and associated breakwater improvements are on indefinite hold due to operational issues.


(9) Substantially affects a rare, threatened, or endangered species, or its habitat.

Comment. Failure to adequately address this criteria as it pertains to the introduction of new alien pest species into the State and particularly on Maui,

Response. We respectfully disagree and please see our response above and it is addressed in the EA Section 4.10.1.4.

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of the Harbors Division Planning Staff, in Honolulu at (808) 587-2503.

Very truly yours,

  
RODNEY K. HARAGA  
Director of Transportation



We paddlers support the preservation of Kahului Harbor for further outrigger canoe use and events. All harbor expansion must take into consideration the extensive use of the harbor by Maui residents for recreational and cultural ocean related activities.

- | <u>Name</u>            | <u>Address</u>                    |
|------------------------|-----------------------------------|
| 1. Lauren Holani       | 194 Kulipua St Kihei              |
| 2. Candace Coleman     | 1148 Kupukuu Dr. Kihei, HI 96755  |
| 3. SHAYLA GRANT        | 1184 LAULI PL. KIHAI, HI 96753    |
| 4. Joshua W. Greenberg | 1624 Kuuipo St. Lahaina, HI 96761 |
| 5. Sank Uehara         | 1220 Kilauea Ln Whiluka           |
| 6. Taylor Daly         | 5                                 |
| 7. Cady Deponte        | 3202 Hoomua Dr. Kihei             |
| 8. Jeff Vance          |                                   |
| 9. Karli Bulbridge     |                                   |
| 10. Mojo Martinez      | 137 Ho'opili Akau st.             |
| 11. Dawey Hutchinson   |                                   |
| 12. Molly Khalii       |                                   |
| 13. Victoria Gonzalez  |                                   |
| 14. Olivia Chiesa      |                                   |
| 15. Savannah H-Diehl   |                                   |
| 16. Emily Pallanes     | <del>1011 Waihe'e Ave</del>       |
| 17. Amber Hazuka       |                                   |
| 18. Nicole Joslin      | 487 Liholiho St                   |
| 19. Rosie McGoldrick   |                                   |
| 20. Jade Uchima        |                                   |

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SEP 09 2024

EKNA SERVICES, INC.

otherside



Department of Transportation  
Harbor Division  
79 South Nimitz Highway  
Honolulu, Hawai'i 96813

**Contact: Iris Ishida (587-1885)**

In the Kahului Commercial Harbors 2025 Master Plan ("Plan") prepared by the Department of Transportation (DOT) in 2000, studies were performed that forecast the cargo volumes and ship berthing space requirements for Kahului Harbor.

The draft environmental assessment for implementing commercial harbor improvements contained in the Plan notes that as of January 1, 2004, cruise ship bookings for Kahului Harbor consist of 89 visits by various ships ranging in size from 592 to 963 feet in length.

The 2025 forecast for Kahului projects an increase to 287 visits. Based on the projected cargo volumes and existing size of the cargo yards, DOT projects that the container yard at Pier 1 will reach capacity by 2005 and that at Pier 2 should have reached capacity by 2003. DOT is thus proposing the improvements to implement the provisions of the Plan.

Sept. 7, 2004  
Dear Folks,

I am writing in behalf of the Sierra Club, Maui Group regarding the draft EA for commercial harbor improvements to the Kahului Harbor.

We have comments and would like to be listed as a Consulting Party.

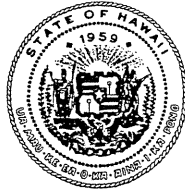
Introduction of invasive alien species is a primary concern of our members, as is the importance of adequate inspections for prevention of such introductions. It is likely that cars and trucks would easily carry seeds and eggs of such species.

Considering the seriousness of Maui's "ice" drug epidemic, we also have concerns over that kind of traffic.

We would also like to see study of expected growth impacts from the expected increase in visitor traffic, infrastructure impacts, etc.

Thank you,  
Daniel Grantham, Chair, Sierra Club Maui  
HC1, Box 47  
Haiku, HI 96708  
808-572-4571 [dannyg@flex.com](mailto:dannyg@flex.com)





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BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

HAR-EP  
7818.06

November 10, 2005

Mr. Daniel Grantham  
Chair, Sierra Club Maui  
HC1, Box 47  
Haiku, Hawaii 96708

Dear Mr. Grantham:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – Job H. C. 3334

Thank you for your comments on the subject document dated September 7, 2004. We offer the following responses.

1. Regarding your request to be listed as a consulting party. If an Environmental Impact Statement is prepared in the future, you will be listed as a consulting party. However, a Finding of No Significant Impact will be declared on the *Kahului Commercial Harbor 2025 Master Plan Environmental Assessment (EA)* and no EIS will be required.
2. Regarding your comment on the alien species issue. The measures for the inspection and prevention of alien species introduction are discussed in the EA Section 4.10.1.4. The Hawaii Department of Agriculture (HDOA), Hawaii Department of Health (HDOH) and other agencies have the responsibility for and jurisdiction over the prevention and mitigation of the introduction of alien species. In addition, the Hawaii Department of Land and Natural Resources (HDLNR), Division of Aquatic Resources (DAR) has jurisdiction over aquatic alien species. DAR's role will be described in the Final EA.

In addition, the following information will also be added to the Final EA.

Alien species can be introduced purposefully or incidentally, such as by hitchhiking on cargo or as stowaways in the containers. Therefore, many of the alien pest species hitchhike on commodities imported by businesses and residents of Maui County. This is shown in the results from the Kahului Airport Risk Assessment, which indicates that the passengers are typically a low risk pathway for the importation of alien species. The high-risk commodities for the

importation of alien pest species includes plants and propagative plant parts. Other high-risk commodities include organic produce, leafy greens (such as lettuce, cabbage and kale), cut flowers, strawberries, and peppers. Other high-risk commodities, which enter through the Harbor, include Christmas trees and other plant material.

Once an alien species is established on one island it is highly likely to spread to other islands, especially seeds and flying insects. The interisland dispersal pathways include, but are not limited to, seeds carried by birds, migration of birds, dispersal by wind and dispersal by ocean currents.

The HDOA has designated Kahului as a limited port-of-entry for overseas agricultural commodities, therefore only plants and plant products such as produce and cut flowers are allowed entry. Live animals (except live seafood for consumption) and microorganisms from foreign and domestic origins are not allowed entry through Kahului unless inspected by HDOA in Honolulu prior to the transport to Kahului.

Therefore, pursuant to the HRS, Section 150A-5 any person transporting any agricultural commodity to Hawaii shall notify the HDOA and hold the commodity on the dock, pier, wharf, airport, air terminal where they are first received or discharged until inspection can be made by the Plant Quarantine Inspector. However, because there has always been a shortage of space at the piers, transportation companies have been requesting more inspections to be done at sites other than the dock or at the dock but before or after regular work time to allow for the containers to be moved from the docks. For the maritime operations, the shippers will reimburse the State for the inspector's cost to inspect the containers during overtime hours.

Although HDOA manpower is limited at other ports, the addition of DOT funded agricultural inspectors at Kahului Airport allows the non-Airport inspectors to work more hours at the Harbor to perform the necessary inspections. In addition, there are more inspectors to work overtime hours to inspect the incoming maritime commodities, if necessary.

Similarly, propagative agricultural commodities cannot move between islands without HDOA inspection. If this cargo is not inspected by HDOA, Young Brothers will not allow the cargo to be boarded onto the vessel. Non-propagative plant parts, such as cut flowers, fruits, vegetables and produce, need not be inspected provided that they are subject to random inspection by HDOA.

Similarly, Hawaii Superferry is currently working on the HDOA requirements for their operations with HDOA and has included the following measures in their Tariff No. 1

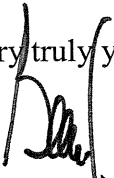
- *“Domestic cats and dogs **ONLY** may travel on Carrier’s [“Superferry”] vessels. No other animals are permitted except livestock and poultry from Hawaii Department of Agriculture (HDOA) licensed agricultural producers. Carrier does not permit the carriage of reptiles, snakes, birds (except HDOA registered poultry transported by registered growers), rodents or exotic species of animals of any kind.*
  - *Only plants, flowers and crops that have either been inspected and passed at the HDOA Plant Quarantine Office or via the Nursery Self Certification Program may be transported on Carrier’s [“Superferry”] vessel. In all cases, a “Passed” sticker must be shown before plants will be allowed on the ferry. No other plants will be permitted on the ferry and must be left for destruction by Carrier’s [“Superferry”] personnel.*
3. Regarding your comment on Maui’s “ice” drug problem. The “ice” drug epidemic is a serious concern for the entire State of Hawaii. However, the proposed improvements will not increase the amount of drugs coming in to or out of Maui.
4. Regarding the request for a study of expected growth impacts from the expected increase in visitor traffic, infrastructure impacts, etc. As stated in the EA Section 4.5.2:

The forecast demand predicts an increase in vessel size and frequency-of-call will rise with or without this project.

In addition, the EA states that there will be no significant impact on social and economic impacts due to the proposed improvements.

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my Planning Staff at 587-2503.

Very truly yours,



↳ RODNEY K. HARAGA  
Director of Transportation





# FRAMPTON & WARD, LLC

Real Estate Consulting • Development • Project Management

33 Lono Ave., Suite 450A  
Kahului, HI 96732

Office (808) 893-2300  
Fax (808) 893-0043

September 8, 2004

RECEIVED  
SEP 09 2004

Mr. Brian Ishii  
Edward K. Noda and Associates, Inc.  
615 Piikoi Street, Suite 300  
Honolulu, HI 96814

EKNA SERVICES, INC.

Re: Kahului Commercial Harbor 2025 Master Plan, Draft Environmental Assessment

Dear Mr. Ishii,

I am a member of the Hawaiian Canoe Club and the acting Treasurer on the Board of Directors. I have reviewed the Draft Environmental Assessment referenced above. Additionally, I have reviewed a letter forwarded to you by Mr. Rory Frampton on September 7, 2004.

I am in agreement with the concerns raised by Mr. Frampton in his letter and want to stress that this Draft Environmental Assessment does not properly address cultural related impacts including the Hawaiian Canoe Club and all its related activities. Given these concerns, I would like to request that the Department of Transportation Harbors Division meet with Board of Directors of Hawaiian Canoe Club and Na Kai Ewalu Canoe Club to discuss concerns on implications on these cultural activities. Conclusions from such discussions should be further documented within a) the Draft Environmental Assessment and b) a written agreement describing how the improvements will affect the activities of these extensive educational and cultural programs for youths and adults at the canoe clubs.

I am forwarding this letter on September 8<sup>th</sup> under the deadline documented in the facsimile from Iris Thompson to Dean Frampton on September 1, 2004.

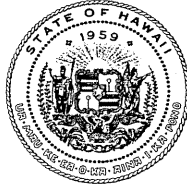
Sincerely,



David Ward

Cc: OEQC





STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

HAR-EP 7819.05

November 14, 2005

Mr. David Ward  
Frampton & Ward LLC  
33 Lono Avenue, Suite 450A  
Kahului, Hawaii 96732

Dear Mr. Ward:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – H.C. 3334

Thank you for your comment on the subject document dated September 8, 2004. We offer the following responses.

Regarding your comment on cultural related impacts. We respectfully disagree with your opinion. The cultural impacts were properly addressed in the *Kahului Commercial Harbor 2025 Master Plan Draft Environmental Assessment*, Sections 4.9 and 4.21 and Appendix B, and will not be modified.

We have met with the Hawaiian Canoe Club and Na Kai Ewalu Canoe Club representatives. While the Harbors Division and the canoe clubs have not been able to resolve the conflicts between critical maritime requirements and recreational activities, the Harbors Division will be removing the Pier 2C development from the proposed project and will not be constructing Pier 2C at this time. In regards to the memorandum of understanding, the Harbors Division's authority under Hawaii Revised Statutes (HRS) Chapter 266 is for the commercial use of its facilities. HRS Chapter 266-1 states:

for the purpose of this chapter, "commercial harbor" means a harbor or off-shore mooring facility which is primarily for the movement of commercial cargo, passenger and fishing vessels entering, leaving, or traveling within the State, and facilities and supporting services for loading, off-loading, and handling of cargo, passengers and vessels.

The Harbors Division's statutory authority does not extend to recreational activities and recreational use of its commercial harbors.

Mr. David Ward  
Page 2  
November 14, 2005

HAR-EP 7819.05

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my planning staff at 587-2503.

Very truly yours,



↳ RODNEY K. HARAGA  
Director of Transportation

Dean Kimo Frampton  
1581 Piihola Road  
Makawao Hi 96768

Brian Ishii  
Edward K. Noda & Associates, Inc.  
615 Oiikoi Street, Suite 300  
Honolulu Hi 96814

Re: Kahului Commercial Harbor 2025 Master Plan, Draft Environmental Assessment

Dear Mr. Ishii:

I am a member of Hawaiian Canoe Club and have been for the last 16 years. I am writing to you to express my concern regarding the recently published Draft Environmental Assessment (EA) regarding the subject project.

First and foremost, I feel the EA is lacking in terms of its cultural impact assessment. Although the Archaeological and Cultural Impact Assessment is very well laid out and has an excellent historical background, it does not take into account the magnitude that the harbor expansion project will have on the canoe paddling community of Maui.

I am aware that other members of Hawaiian Canoe Club are writing you to express their concerns. As such, I will briefly note that hundreds of local paddlers utilize the harbor as a practice and racing facility. Based on Section 12 of the Administrative Rules, Title 11, Chapter 200, "Environmental Impact Statement Rules" a project has to be reviewed in the context of its possible *Irrevocable Commitment to Loss or Destruction of Natural or Cultural Resources*. In its review, the EA (page 33) states that "development of Pier 2C will have an impact on two or three canoe lanes. This reduction of the racing lanes may require that the regattas be moved to Saturdays and Sundays. However, this impact is considered to be an insignificant impact to the canoe facility." I disagree with this assumption. The practice of canoe paddling goes beyond racing Saturdays and Sundays.

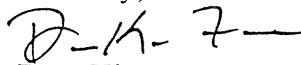
Further, Appendix B includes a long and extensive list of individuals contacted for the study. I would like to ask that the CIA be revised to include ALL transcripts of completed interviews. Specifically, those discussions held with individuals associated with the Kahului based canoe clubs. This would assist in the adequate assessment of the project's potential impacts on the canoe paddling community. Bottom line, the addition of Pier 2C will adversely affect a cultural and traditional practice. It is imperative that the Kahului canoe clubs, as well as fisherman, be included in a Memorandum of Agreement (MOA) with the State of Hawaii DOT.

Finally, on a separate note, I question why the State of Hawaii Department of Transportation and your office did not elect to complete a Traffic Impact Analysis Report (TIAR) for the proposed project. On page 46, the EA states that, "The Pier 2C development be used for ferry operations and cruise ship operations." As stated recently in the Honolulu Advertiser (Friday, June 4, 2004), the proposed interisland ferry would be capable of transporting 900 passengers and 280 vehicles. The EA states that the ferry traffic would operate at non-peak hours and would therefore result in "no adverse impacts". Further, the EA cites prior TIAR's, completed in 1995, 1997 and 2000. Based on the outdated information, the no effect contention is a baseless assumption and cannot be substantiated without due processing and review of a project specific TIAR.

Finally, I would like to state that I am not opposed to the need for improvements to Kahului Harbor and to the proposed inter-island ferry. However, to properly assess the project's potential impact, an adequate EA must include a proper cultural impact assessment and an adequate TIAR. To properly mitigate the potential impacts to canoe paddling in Kahului Harbor, the Kahului canoe clubs must be included in a MOA.

Thank you very much for your time and attention in this matter. Should you have any questions or require additional information, please do not hesitate to contact me at 893-2300.

Sincerely,



Dean Kimo Frampton

c: Diane Ho, President, Hawaiian Canoe Club  
Iris Ishida, Department of Transportation  
Office of Environmental Quality Control



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

RODNEY K. HARAGA  
DIRECTOR

Deputy Directors  
BRUCE Y. MATSUI  
BARRY FUKUNAGA  
BRENNON T. MORIOKA  
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

HAR-EP 7820.05

November 14, 2005

Mr. Dean Kimo Frampton  
1581 Piiholo Road  
Makawao, Hawaii 96768

Dear Mr. Frampton:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – H.C. 3334

Thank you for your comment on the subject document. We offer the following responses.

1. Regarding your comment about the above document lacking a cultural impact assessment on the canoe paddling community. We respectfully disagree with your opinion. The cultural impacts were properly addressed in the Environmental Assessment (EA) Sections 4.9 and 4.21, and Appendix B. Therefore, there will be no additional modifications to these sections of the EA.
2. Regarding your concern about impacts related to the construction of Pier 2C. The Pier 2C improvements will not be constructed under this EA and has been withdrawn from the proposed project.
3. Regarding your inquiry about the memorandum of agreement. The Harbors Division's authority under Hawaii Revised Statutes (HRS) Chapter 266 is for the commercial use of its facilities. HRS Chapter 266-1 states:

for the purpose of this chapter, "commercial harbor" means a harbor or off-shore mooring facility which is primarily for the movement of commercial cargo, passenger and fishing vessels entering, leaving, or traveling within the State, and facilities and supporting services for loading, off-loading, and handling of cargo, passengers and vessels.

The Harbors Division's statutory authority does not extend to recreational activities and recreational use of its commercial harbors.

Mr. Dean Kimo Frampton  
Page 2  
November 14, 2005

HAR-EP 7820.05

4. Regarding your comment about completing a Traffic Impact Analysis Report (TIAR). The proposed improvements are not expected increase traffic when compared to the No-action Alternative and therefore, a formal TIAR is not required. The traffic impacts associated with the proposed improvements are discussed in the EA Section 4.22.

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my planning staff at (808) 587-2503.

Very truly yours,



RODNEY K. HARAGA  
Director of Transportation



RECEIVED  
RF  
p:8r

RE: EA for Kahului Commercial Harbor Improvements Attention: Iris Ishii

SEP 07 2004

Dick Mayer  
1111 Lower Kiimo Drive  
Kula, Maui, HI 96790  
Tel: (808) 878-1874  
Email: [dickmayer@earthlink.net](mailto:dickmayer@earthlink.net)  
September 7, 2004

EKNA SERVICES, INC.

Department of Transportation  
Harbor Division  
79 South Nimitz Highway  
Honolulu, Hawai'i 96813

**RE: Kahului Commercial Harbor Improvements**

With regard to the Draft EA, I wish to enter on the record the following recommendations and ask the following questions that I expect will be answered in the final and complete E.I.S.

**1) REQUIRED: An overall E.I.S for all changes proposed in the "Kahului Commercial Harbor 2025 Master Plan"**

These "short-term projects" are being recommended as part of the comprehensive Kahului Commercial 2025 Master Plan. Since it is not legal for a larger project to avoid the preparation of an EIS by being subdivided into a number of smaller projects, therefore it is incumbent upon the Department of Transportation to **FIRST prepare an overall E.I.S for all the proposed changes in the "Kahului Commercial Harbor 2025 Master Plan"**.

**2) Alien species threat and the mechanisms to eliminate that threat**

Given the serious and long-standing concerns and the many questions that have been expressed by the Maui community, including the Haleakala National Park, the farmer associations and individual farmers (both organic and chemical), the plantations, and many others, it seems absolutely essential that **a comprehensive EIS be prepared to establish the actual alien species threat and the mechanisms to eliminate that threat when the harbor improvements are made.**

**3) Interaction among different ship and land traffic modalities**

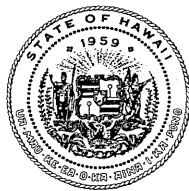
Because the Kahului Harbor improvements will coincide and interact with existing barge shipping, the large tour boats, plus the arrivals and departures of the new Super-Ferry, there is a strong need to study (in a **comprehensive E.I.S,**) the inter-related impacts on harbor traffic, road traffic in and near the harbor, freight from and to the barges, fuel deliveries, etc

**4) Homeland Security Implications**

Given the potential threats to homeland security, the E.I.S. should review the additional security threats posed by the increased traffic that will be permitted by these projects

cc: O.E.Q.C. ; and Maui County Department of Planning  
Consultant: Mr. Brian Ishii, Edward K. Noda & Associates, Inc





STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

HAR-EP 7821.05

November 14, 2005

Mr. Dick Mayer  
1111 Lower Kimo Drive  
Kula, Hawaii 96790

Dear Mr. Mayer:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – H.C. 3334

Thank you for your comment on the subject document dated September 7, 2004. We offer the following responses.

1. Regarding your comment on the need for an Environmental Impact Statement (EIS). Under the Hawaii Revised Statutes, Chapter 343, an EIS is required if there is a significant impact to the environment by a proposed project. The studies and analyses conducted for the *Kahului Commercial Harbor 2025 Master Plan Environmental Assessment* (EA) do not indicate that the proposed projects will create any significant impacts, therefore, a Finding of No Significant Impact will be determined in the Final EA and no EIS will be required.
2. Regarding your comment on the segmentation issue. As stated in the EA Section 3.4, the intermediate and long-term projects are not reasonably foreseeable nor ripe for decision making. These projects are therefore not considered in the EA. The Hawaii Administrative Rules Section 11-200-7, defines the circumstances under which a group of actions proposed by an agency shall be treated as a single action:
  - The component actions are independent of each other and do not represent a larger total undertaking;
  - The individual projects are not necessarily precedent to the larger project;
  - The individual projects are not a commitment to a larger project; and
  - The individual actions are not essentially identical.

Therefore, we disagree with the commentator's opinion and we are not segmenting a larger project to avoid preparation of an EIS, as the short-term, intermediate and long-term projects meet the above conditions.

3. Regarding your comment on alien species. The alien species issue is discussed in EA Section 4.10.1.4. As stated in the EA, the jurisdiction of the prevention of alien species is with other state and federal agencies. In addition, the proposed improvements are not expected to increase the number of alien species and the combined efforts of the State Departments of Agriculture, Health, Land & Natural Resources should serve to control the introduction of alien species. The introduction of alien species will continue with or without the proposed project and therefore, the proposed project will have no significant impact and no mitigation measures are required.
4. Regarding your comment on interaction among different ship and land traffic modalities. The Surface Transportation impacts are presented in the EA Section 4.22.
5. Regarding your comment on homeland security implications. The proposed improvements will not have a significant impact on security as stated in the Draft EA Section 4.18. The following will be included in the Final EA.

The "Superferry" is required by law (33 Code of Federal Regulations) to develop, implement and maintain a Hawaii Superferry Vessel Security Plan that is submitted to and approved by the U.S. Coast Guard. The Hawaii Superferry Vessel Security Plan must include the Superferry's security personnel, training, drills and exercises, record keeping, Maritime Security Level coordination and implementation, procedures for interfacing with terminal facility security, Declaration of Security, security systems and equipment maintenance, security measures for access control (including screening of vehicles and passengers), security measures for restricted areas, security measures for handling cargo, security measures for delivery of stores and bunkers, security measures for monitoring, security incident procedures, etc. The U.S. Coast Guard will monitor and enforce the security requirements of the Hawaii Superferry Vessel Security Plan. Whenever required, the Hawaii Superferry and the U.S. Coast Guard will request the assistance of the Maui Police Department, the State Department of Public Safety Sheriff Division, the Federal Bureau of Investigation, the State Department of Defense, the State Department of Land & Natural Resources Enforcement Officers and the Department of the State Attorney General.

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my planning staff at (808) 587-2503.

Very truly yours,

  
RODNEY K. HARAGA  
Director of Transportation

Smith Builders  
7365 Kula Highway  
Kula, Hawaii 96790

Dear Sirs:

Just a quick note on the Kahului Harbor & the Canoe Clubs that use it.

At present there are two canoe clubs - Hawaiian Canoe Club and Na Kai Ewalu. At this time, Hawaiian Canoe Club has over 300 members - most under the age of 18 yrs. Hawaiian Canoe Club is also used by the MIL. During the school year to train High School paddlers. Na Kai's facility is also used in the same way. They have over 100 paddlers.

Also during the summer H.C.C. is used as a summer fun program that teaches Hawaiian culture (language, hula, paddling).

To sum up it would be devastating to lose the use of the Harbor as a training ground for the kids' program and the adults' program as there is no other alternative at this time.

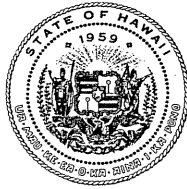
Aloha & Mahalo,

DUDLEY, CAROL & CHRIS

Dudley Smith	Cell (808)283-8246	Email: <a href="mailto:dudley@maui.net">dudley@maui.net</a>
Christopher Smith	Cell (808)357-3850	Email: <a href="mailto:csm Maui@hushmail.com">csm Maui@hushmail.com</a>

LIC #BC12812

LINDA LINGLE  
GOVERNOR



RODNEY K. HARAGA  
DIRECTOR

Deputy Directors  
BRUCE Y. MATSUI  
BARRY FUKUNAGA  
BRENNON T. MORIOKA  
BRIAN H. SEKIGUCHI

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

HAR-EP 7822.05

November 14, 2005

Dudley, Carol and Chris Smith  
Smith Builders  
7365 Kula Highway  
Kula, Hawaii 96790

Dear Dudley, Carol and Chris Smith:


Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – H.C. 3334

Thank you for your comment on the subject document. We offer the following responses.

Regarding your concern about the impact of the proposed improvements to canoe organizations. The Pier 2C improvements that could have impacted the canoe lanes has been removed from the proposed project and will not be constructed under the *Kahului Commercial Harbor 2025 Master Plan Environmental Assessment*.

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my planning staff at 587-2503.

Very truly yours,

  
RODNEY K. HARAGA  
Director of Transportation

RECEIVED  
SEP 09 2004  
RS  
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To Whom It May Concern,

EKNA SERVICES, INC.

This is in response to the information gathered regarding the expansion of Kahului Harbor. I feel that this expansion demands that an Environmental Impact Study be completed prior to the State allowing the powers that be to further dredge the harbor, install another pier, etc.

I am a recreational paddler and a teacher of children involved at Hawaiian Canoe Club on Maui. Please stop your plans for Pier 2C and redraw a better proposal that will not negatively impact the people that use Kahului Harbor everyday.

It would be a shame to take away something held so dear to people all over the island.

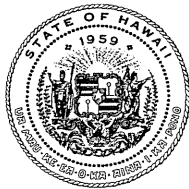
The loss of self esteem amongst the kids would be a travesty.

Thank you for your time with this urgent matter.

Aloha,

*Emalia A Brown*

Emalia Brown  
Seabury Hall Teacher  
Hawaiian Canoe Club Paddler  
MIL Paddling Coach  
8 Meha Place, Paia, HI, 96779



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

HAR-EP 7823.05

November 14, 2005

Ms. Emalia Brown  
8 Meha Place  
Paia, Hawaii 96779

Dear Brown:

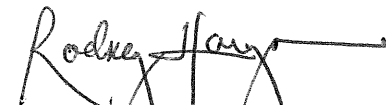
Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – H.C. 3334

Thank you for your comment on the subject document. We offer the following responses.

1. Regarding your comment on the need for an Environmental Impact Statement (EIS). Under the Hawaii Revised Statutes, Chapter 343, an EIS is required if there is a significant impact to the environment by a proposed project. The studies and analyses conducted for the *Kahului Commercial Harbor 2025 Master Plan Environmental Assessment* (EA) concluded that the proposed projects will not create any significant impacts, therefore, a Finding of No Significant Impact will be determined in the Final EA and no EIS will be required.
2. Regarding your concern about impacts related to the construction of Pier 2C. The Pier 2C improvements will not be constructed under this EA and has been withdrawn from the proposed project.

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my planning staff at 587-2503.

Very truly yours,

  
RODNEY K. HARAGA  
Director of Transportation



RS  
C:BI

**Frank Gummich**  
166 Apuwai Street  
Haiku HI 96708  
Phone: 808 575-5172  
Fax: 808 575-5452

**RECEIVED**

SEP 09 2004

EKNA SERVICES, INC.

Attn: Brian Ishii  
Noda & Associates  
615 Piikoi Street Suite 300  
Honolulu Hawaii 96814

Ref: Construction of Pier C2

Dear Mr. Ishii

As a long time canoe paddler and surfer I have spent countless hours inside the Kahului Harbor. The excitement about the new ferry connection between Maui and Oahu soon faded into disbelief after being informed that the State of Hawaii is planning to extend the Pier inside the already crowded Harbor. As a result of the construction the canoe clubs would have to close their operation and try to find a new location which seems almost impossible. Not only do the members of the canoe club spend a lot of time practicing inside the Kahului Harbor, most of the senior members are actively involved in bringing Maui's youth together for after school activities centering around the ancient Hawaiian sport of Canoe Paddling. Due to often difficult family environments and lack of supervision many of those kids might otherwise be exposed to dangerous and questionable activities. Quite often those kids end up taking drugs.

Please consider this when pursuing with your plans to extend the pier inside the harbor.  
**EXTEND IT OUTSIDE THE EXISTING HARBOR AND PLAN FOR THE FUTURE**

Aloha

  
Frank Gummich





STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

RODNEY K. HARAGA  
DIRECTOR

Deputy Directors  
BRUCE Y. MATSUI  
BARRY FUKUNAGA  
BRENNON T. MORIOKA  
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

HAR-EP 7824.05

November 10, 2005

Mr. Frank Gummich  
166 Apuwai Street  
Haiku, Hawaii 96708

Dear Mr. Gummich:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – H.C. 3334

Thank you for your comments on the subject document. We offer the following responses.

Regarding your concern about impacts related to the construction of Pier 2C. The Pier 2C improvements will not be constructed under this Environmental Assessment and have been withdrawn from the proposed project.

Regarding your suggestion about a second harbor concept. The U.S. Army Corps of Engineers performed a study for a second commercial harbor facility on Maui in 1995 titled the *Maui Second Commercial Harbor, Navigation Study*. The study identified six alternatives and concluded that the second harbor would not have an adequate benefit-to-cost (B/C) ratio to justify costs of developing the facility. In addition, the construction of a second harbor will take decades to complete and will have significant environmental impacts. In fact, the study concluded:

Based on the July 1990 biological opinion, a proposed commercial harbor development in west Maui is likely to result in a jeopardy opinion<sup>1</sup> from NMFS [National Marine Fisheries Service].

Therefore, a second harbor is not considered a reasonable and feasible alternative and no further analysis will be conducted in this environmental assessment. In addition, the second harbor alternative does not meet the purpose of the project, as:

---

<sup>1</sup> A jeopardy opinion means that the project will jeopardize the continued existence of an endangered species.

- it does not facilitate [in the short-term] maritime shipments of the essential commodities required by Maui County;
- it does not optimize the utilization of land and water resources committed to marine cargo and passenger operations in an economically responsible manner; and
- it does not minimize the impact on environmental quality and recreational opportunities contiguous with the Harbor.


The computed benefit-to-cost (b/c) analysis results from the second harbor study will be included in the Final EA and include the impact of a 23-day and 39-day closure of the existing Kahului Harbor. The summary table is as follows:

**TABLE 3-3  
BENEFIT-TO-COST RESULTS FOR SECOND MAUI HARBOR**

<b>SITE</b>	<b>B/C WITH 23-DAY CLOSURE</b>	<b>B/C WITH 39-DAY CLOSURE</b>
Hata Bay Breakwater Harbor	0.08	0.16
Maalaea Pier	0.38	0.50
Ukumehame Pier	0.50	0.71
Olowalu Pier	0.50	0.71
Olowalu Dock & Turning Basin	0.39	0.56
Olowalu Dredged Harbor	0.27	0.38

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my planning staff at 587-2503.

Very truly yours,

  
L RODNEY K. HARAGA  
Director of Transportation

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SEP 07 2004

EKNA SERVICES, INC.

Greg and Melah Westcott  
PO Box 869  
Ha'ikū Maui Hawaii 96708

Sept 7, 2004

Mr. Brian Ishii  
E.K. Noda Inc.  
615 Piikoi St Suite 300  
Honolulu 96814  
Fax 593 8551

Subject: Environmental Assessment -  
Kahului Harbor

We are commenting on this Environmental Assessment as full time farmers, concerned citizens of Maui and Surfer.

These comments are hurried and handwritten. We have had the EA for only one day while the businesses and government agencies consulted have had the document for two years.

There has been no public participation

The contract to prepare this document (no bid?) was awarded by the Cayetano administration while E.K. Noda was making illegal false name contributions to Gov. Cayetano and others. See the attached Star-Bulletin article.

Under these circumstances the public may reasonably question the ability of E.K. Noda to prepare an unbiased and critical examination of these major DOT projects.

The convicted criminals at E.K. Noda should be replaced by a reputable firm.

This DEA prepared by E.K. Noda is an inadequate, incomplete and uncritical examination of these projects.

The most obvious omission is the failure to examine the threat of Alien species posed by these projects.

For the Kahului Airport EIS, Mr. Brian Ishii and E.K. Noda were refused to address the issue of alien species, and refused to allow Haleakalā National Park to participate as a consulting agency. The President's Council on Environmental Quality ruled otherwise and the Alien Species Action Plan was formed.

Mr. Ishii was paid to coordinate ASAP meetings and E.K. Noda prepared the Initial Pest Risk Management Assessment for Kahului Airport.

Mr. Ishii knows full well about the alien species invasion of Hawaii, and the grave threat it poses

to the environment, the economy and the well being of Hawaii's people.

He knows that a rigorous Risk Assessment is a fundamental to projects of this magnitude.

His failure to address the threat of alien species can only be deliberate. Additionally, agencies directly involved in this issue including: HDOT, USDA, USFWS, USGS and Haleakala National Park, were not consulted.

Harbors are acknowledged to be major pathways for alien species. These projects will accommodate more ships from more points of origin and the risk to the marine and land environments including Karaha Pond Wildlife Sanctuary must be assessed.



This document is guilty of segmenting by failing to acknowledge that the 800 ft lengthening of Pier 2, the 10,000 sq. ft. terminal and the roadway to Pūnānui Ave. are part of a state wide ferry system. Similar projects are planned for Lāhainā, Nāmiliwili, Kona, Hilo and Honolulu. All these projects must be examined as a whole in a separate EIS.

A state wide ferry system already has momentum - the ships are under construction - yet many critical questions are unanswered.

How many cars will arrive at one time?

How will they affect traffic in Kahului?

How will vehicles be inspected?

Will vehicles from high risk areas be allowed on the ferry?

Besides accommodating a new state wide ferry system, these projects will allow for a substantial increase in barge, cargo and cruise ship traffic.

These increases remain unexamined and again reasonable questions are unanswered.

Modern cruise ships are in effect - floating cities with as many as 3,000 passengers. They generate enormous quantities of trash, sewage, sewage sludge, grey water, oily bilge water and air pollution.

A real examination would quantify these impacts.

How much do these projects cost and who is paying?

Kakului Harbor is one of our favorite surf spots. On good days, with a north swell and light winds a beautiful fast wave breaks all the way across the harbor, filled with body boards, short and long boards and surf canoes. The break nearest the harbor mouth is the most consistent and always full of kids from Kakului. Outside the harbor mouth, to the east is the magnificent break called Pier One. Along the west side of the west breakwater is the challenging body board spot - Ledges. A short distance to the west, at Paekūkalo is the world famous - Big Lefts.

What will the dredging of the harbor and new breakwalls do to these beloved surfspots and the life that goes with them.

Masako Westcott *Masako Westcott*



# Starbulletin.com

Saturday, August 2, 2003

## Engineering firm faces record fine over donations

**The company's fine of \$74,000 is the largest since a \$64,000 fine in 2002**

By Rick Daysog  
rdaysog@starbulletin.com

A local engineering firm has agreed to pay a record \$74,000 fine for making illegal campaign contributions to Honolulu Mayor Jeremy Harris, former Gov. Ben Cayetano and ex-Lt. Gov. Mazie Hirono.

The fine is one of several against state and city contractors totaling more than \$130,000 set to be approved by the state Campaign Spending Commission board on Thursday.

The commission is levying the record penalty to Edward K. Noda & Associates for making more than \$100,000 in excessive campaign contributions and false-name donations from 1996 though 2001.

Local engineer Randolph Murayama agreed to pay a \$48,000 fine, the accounting firm of Grant Thornton LLP will pay \$16,000 and the Maui firm of Tanaka Engineers Inc. agreed to a \$1,000 settlement.

Noda's civil penalty tops the previous record of \$64,000, levied against the local engineering firm of Geolabs Inc. in January 2002.

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It also comes a month after the firm's namesake, Edward Noda, was arrested by Honolulu police on suspicion of money laundering and making campaign contributions under false names.

Bob Watada, the commission's executive director, said the company is being hit with the stiff penalty because it did not cooperate with his office's investigation.

He said that several donors linked to the engineering firm initially told the commission's investigators that they were not reimbursed by Edward K. Noda & Associates even though bank records subpoenaed by the investigators indicated otherwise.

Watada said the commission initially agreed to fine the company \$53,000 in March but supplemented the fine after finding additional illegal contributions.

In the latest tally, the commission's investigators found that the firm's employees and relatives contributed \$48,750 to the Harris campaign and \$41,000 to the Cayetano campaign.

Workers at Edward K. Noda & Associates and their relatives also contributed \$25,000 to Hirono's campaign.

Under state law a business or individuals can give no more than \$4,000 to a mayoral candidate and \$6,000 to candidate for governor or lieutenant governor during a four-year election cycle. They also are prohibited from making political donations under false names.

Since 2001 the commission has issued more than half a million dollars in fines against more than five dozen city and state contractors for making illegal campaign contributions.

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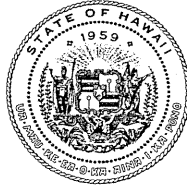
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STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

RODNEY K. HARAGA  
DIRECTOR

Deputy Directors  
BRUCE Y. MATSUI  
BARRY FUKUNAGA  
BRENNON T. MORIOKA  
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

HAR-EP 7825.05

November 14, 2005

Mr. & Mrs. Greg and Masako Westcott  
P.O. Box 869  
Haiku, Hawaii 96708

Dear Mr. & Mrs. Westcott:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – H.C. 3334

Thank you for your comments on the subject document dated September 7, 2004. We offer the following responses.

1. Regarding your concern about a lack of public participation. Pursuant to the Hawaii Revised Statutes (HRS) Chapter 343, the Harbors Division conducted pre-consultation, including letters and discussions, and those agencies and organizations contacted are presented in the *Kahului Commercial Harbor 2025 Master Plan Environmental Assessment* (EA) Section 8.1. HRS Chapter 343, however, does not require public meetings for an environmental assessment. In addition, during the master planning process, the Harbors Division coordinated and conducted numerous meetings with all concerned agencies and organizations, including the Kahului canoe clubs.
2. Regarding your comment on the alien species issue. The measures for the control of alien species introduction are discussed in the EA Section 4.10.1.4. The Hawaii Department of Agriculture (HDOA), Hawaii Department of Health (HDOH) and other agencies have the responsibility for and jurisdiction over the prevention and mitigation of the introduction of alien species. In addition, the Hawaii Department of Land and Natural Resources (HDLNR), Division of Aquatic Resources (DAR) has jurisdiction over aquatic alien species. DAR's role will be discussed in the Final EA.

In addition, the following information will also be added to the Final EA.

Alien species can be introduced purposefully or incidentally, such as by hitchhiking on cargo or as stowaways in the containers. Therefore, many of the alien pest species hitchhike on commodities imported by businesses and residents of Maui County. This is shown in the results from the Kahului Airport Risk

Assessment, which indicates that the passengers are typically a low risk pathway for the importation of alien species. The high risk commodities for the importation of alien pest species include plants and propagative plant parts. Other high risk commodities include organic produce, leafy greens (such as lettuce, cabbage and kale), cut flowers, strawberries, and peppers. Other high risk commodities which enter through the Harbor include Christmas trees and other plant material.

Once an alien species is established on one island it is highly likely to spread to other islands, especially seeds and flying insects. The interisland dispersal pathways include, but are not limited to, seeds carried by birds, migration of birds, dispersal by wind and dispersal by ocean currents.

The HDOA has designated Kahului as a limited port-of-entry for overseas agricultural commodities, therefore only plants and plant products such as produce and cut-flowers are allowed entry. Live animals (except live seafood for consumption) and microorganisms from foreign and domestic origins are not allowed entry through Kahului unless inspected by HDOA in Honolulu prior to the transport to Kahului.

Therefore, pursuant to the HRS, Section 150A-5 any person transporting any agricultural commodity to Hawaii shall notify the HDOA and hold the commodity on the dock, pier, wharf, airport, air terminal where they are first received or discharged until inspection can be made by the Plant Quarantine Inspector. However, because there has always been a shortage of space at the piers, transportation companies have been requesting more inspections to be done at sites other than the dock or at the dock but before or after regular work time to allow for the containers to be moved from the docks. For the maritime operations, the shippers will reimburse the State for the inspector's cost to inspect the containers during overtime hours.

Although HDOA manpower is limited at other ports, the addition of DOT funded agricultural inspectors at Kahului Airport allows the non-Airport inspectors to work more hours at the Harbor to perform the necessary inspections. In addition, there are more inspectors to work overtime hours to inspect the incoming maritime commodities, if necessary.

Similarly, propagative agricultural commodities cannot move between islands without HDOA inspection. If this cargo is not inspected by HDOA, Young Brothers will not allow the cargo to be boarded onto the vessel. Non-propagative plant parts, such as cut flowers, fruits, vegetables and produce, need not be inspected provided that they are subject to random inspection by HDOA.



Similarly, Hawaii Superferry is currently working on the HDOA requirements for their operations with HDOA and has included the following measures in their Tariff No. 1.

- *“Domestic cats and dogs **ONLY** may travel on Carrier’s [“Superferry”] vessels. No other animals are permitted except livestock and poultry from Hawaii Department of Agriculture (HDOA) licensed agricultural producers. Carrier does not permit the carriage of reptiles, snakes, birds (except HDOA registered poultry transported by registered growers), rodents or exotic species of animals of any kind.*
  - *Only plants, flowers and crops that have either been inspected and passed at the HDOA Plant Quarantine Office or via the Nursery Self Certification Program may be transported on Carrier’s [“Superferry”] vessel. In all cases, a “Passed” sticker must be shown before plants will be allowed on the ferry. No other plants will be permitted on the ferry and must be left for destruction by Carrier’s [“Superferry”] personnel.”*
3. Regarding your concerns about the impacts related to the construction of Pier 2C and Pu`unene Avenue improvements. The Pier 2C and the Pu`unene Avenue improvements have been withdrawn from the proposed project and will not be constructed under this EA.
  4. Regarding your comment about segmentation of the statewide ferry system. The Superferry will use the existing pier 2 in Kahului Harbor and is not part of the Proposed Project. The improvements required by the Superferry include a loading barge and vehicle ramps. The project to provide the barge and ramps has been declared exempt from the HRS Chapter 343 process. This exemption is included in the Final EA, to assess the potential cumulative environmental impacts of the Superferry. We disagree that there is segmentation of the proposed projects as the proposed projects have independent utility and does not represent or commit the DOT to a larger total undertaking.
  5. Regarding your concern about traffic impacts. The traffic impacts of the proposed improvements are analyzed in the EA Section 4.22. However, as stated above, the Superferry is not part of the proposed project.
  6. Regarding your concern about discharges from cruise ships. The issue of waste disposal from cruise ships is discussed in the EA Section 4.8, and air pollution in the EA Section 4.3. As stated in the EA, the vessels are forecast to use the harbor, with or without the proposed improvements. As far as the discharging of waste, it is illegal to discharge into the harbor. Pursuant to Hawaii Administrative Rules Section 19-42-127, “Littering or

Mr. & Mrs. Greg and Masako Westcott  
Page 4  
November 14, 2005

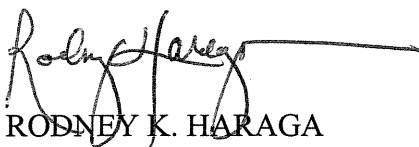
HAR-EP 7825.05

polluting of water prohibited,” it is illegal to pollute or discharge either directly or indirectly anything other than clean water into any harbor. The U.S. Coast Guard and the Harbors Division enforce this law. Therefore, there will be no legal dumping and discharge of pollutants in harbor waters due to the maritime demand. There is a spill response team, whose equipment is strategically located within Kahului Harbor, which is trained to respond immediately to spills and coordinate the effort with the U.S. Coast Guard. Also, as stated in EA Section 4.10.1.4, “Alien Pest Species,” the Northwest Cruise Ship Association has entered into a Memorandum of Understanding with the State of Hawaii that prohibits the discharge of wastes within the “Hawaii Marine Areas.”

7. Regarding the cost and funding of the projects. The projects will be funded using State of Hawaii funds, either Special Harbors or General funds. The estimated costs of the various improvements will be stated in the Final EA.
8. Regarding your concerns about the impacts of dredging and Pier 5 improvements. As stated in the EA Section 1.1, the Pier 5 improvements and associated dredging are on indefinite hold and are not a reasonably foreseeable action or ripe for decision making, and therefore, are not part of the proposed project in this EA.

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my Harbors planning staff at (808) 587-2503.

Very truly yours,



RODNEY K. HARAGA  
Director of Transportation

September 6, 2004

**Brian Ishii**  
Noda & Associates  
615 Piikoi Street, Suite 300  
Honolulu, HI, 96814

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SEP 09 2004

EKNA SERVICES, INC.

**Re: draft EA of Kahului Harbor piers project**

My concerns as a paddler and Hawaiian Canoe Club member (based on a cursory scan of the EA and slight reflection):

Family and other obligations make a two day regatta impossible for most race officials, coaches and paddlers who wish to support their club. Besides, shrinking the lanes down will ruin the harbor for most regatta events, besides making it unlikely two clubs could practice on the same day.

This EA does not mention, and thus does not "assess", the impacts of scores of cars backed up along the new pier waiting to be driven onto the ferry. What about an accumulating volume of leaking oil and gas from cars of all ages onto this pier. Shouldn't that be evaluated for impact on water quality?

This EA does not mention, and thus not assess, whether waiting cars for the ferry will emit CO and other exhaust fumes downwind into the remaining canoe lanes, thereby making it an unhealthy place for kids especially.

This EA pretends the ferry service will only use the mauka side of the new Pier 2C. Once constructed won't there be commercial pressure to use both sides, thereby obliterating all canoe lanes, for a turning and docking basin?


This EA does not mention any impact on practice routes by a ferry coming and going through the half of the harbor remaining after Homeland Security took away the eastern half.

The EA does not address the fact tourists like bargains too. Will there be hundreds, or perhaps thousands, of tourists dumping the interisland flight prices to island hop by ferry? Won't they need to rent or park rental cars there? Will this inevitably lead to A & B doing a buildout of all remaining land for parking and rental lots, thus taking away parking used for regattas or even practices?

Is this EA is a segmented piece of a larger master plan? There was another EA on the shelf for the Pier 1C mooring dolphin, which was issued last January and closed-out for comment on 2/23/04. Does this legally avoid an in-depth EIS, by segmenting an overall plan into these so-called discrete projects to try and keep the cumulative impacts under the radar of "significant"?

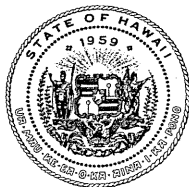
This EA grossly underestimates impacts on the Hawaiian cultural practice of canoe paddling and racing threatened by Pier 2C etc. This EA fails to address obvious impacts which will be significant degradations of the water, air and usefulness of this harbor for recreation and Hawaiian cultural practices. Shouldn't this EA be superceded by an in-depth EIS with the added public hearings required by the EIS procedure?

Sincerely,



Gregory Ball

90 Kapi'i Place, Haiku, HI 96708



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

HAR-EP 7826.05

November 14, 2005

Mr. Gregory Ball  
90 Kapi'i Place  
Haiku, Hawaii 96708

Dear Mr. Ball:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – H.C. 3334

Thank you for your comments on the subject document dated September 6, 2004. We offer the following responses.

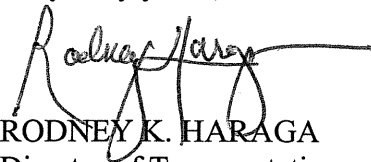
1. Regarding your concern about impacts related to the construction of Pier 2C. The Pier 2C improvements will not be constructed under this Environmental Assessment (EA) and has been withdrawn from the proposed project.
2. Regarding your expressed concerns about impacts from the ferry. The ferry is a user of the Harbor and is able to use the existing piers and/or the new proposed piers. As stated in the Draft EA, the proposed improvements are part of the *Kahului Commercial Harbor 2025 Master Plan* and not designed or planned for the ferry or any other single user. It is illegal to pollute into the harbor. Pursuant to Hawaii Administrative Rules Section 19-42-127, "Littering or polluting of water prohibited," it is illegal to pollute or discharge either directly or indirectly anything other than clean water into any harbor. The U.S. Coast Guard and the Harbors Division enforce this law. Therefore, there will be no legal discharge of pollutants in harbor waters due to the maritime demand. There is a spill response team, whose equipment is strategically located within Kahului Harbor, which is trained to respond immediately to spills and coordinate the effort with the U.S. Coast Guard. Also, as stated in Draft EA Section 4.10.1.4, "Alien Pest Species," the Northwest Cruise Ship Association has entered into a Memorandum of Understanding with the State of Hawaii that prohibits the discharge of wastes within "Hawaii Marine Areas." The findings of the formal analyses for these environmental impacts are stated in the Draft and Final EA Section 4. Please refer to the following sections for information pertinent to your comments.

Traffic	Section 4.22
Water Quality	Section 4.8
Air Quality	Section 4.3

3. Regarding your comments on the segmentation issue. We respectfully disagree that a “piecemeal” or segmented approach is being taken. As stated in the EA Section 3.4, the intermediate and long-term projects are not reasonably foreseeable nor ripe for decision making. These projects are therefore not considered in the Environmental Assessment. The Hawaii Administrative Rules Section 11-200-7, defines the circumstances under which a group of actions proposed by an agency shall be treated as a single action:
  - The component actions are independent of each other and do not represent a larger total undertaking;
  - The individual projects are not necessary precedent to the larger project;
  - The individual projects are not a commitment to a larger project; and
  - The individual actions are not essentially identical.
  
4. Regarding your comment about the adequacy of the Draft EA. We respectfully disagree on your opinion about the adequacy of the document. Under the Hawaii Revised Statutes (HRS) Chapter 343, an Environmental Impact Statement (EIS) should be prepared if there are significant impacts associated with a Proposed Project. The studies and analyses conducted for the DEA concluded that the proposed projects will not create any significant impacts, therefore, a Finding of No Significant Impact (FONSI) will be declared and no EIS will be required.

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my planning staff at 587-2503.

Very truly yours,



RODNEY K. HARAGA  
Director of Transportation

0:81

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SEP 09 2004

EKNA SERVICES, INC.

Mary Akiona  
Executive Director  
Hawaiian Canoe Club  
P.O. Box 5053  
Kahului, Hi 96733

September 7, 2004

Brian Ishii  
Noda & Associates  
605 Piikoi Street, Ste 300  
Honolulu, Hawaii 96814

Re: Environmental Assessment for Kahului Harbor

Dear Mr. Ishii,

My name is Mary Akiona and I am the Executive Director of Hawaiian Kamali'i, Inc. dba Hawaiian Canoe Club. I have been quoted in your environmental assessment as having stated that the construction of a pier 2C adjoining existing pier 2 will have little effect on the canoe clubs. When I made these statements, I did not realize that this would have such a dramatic effect on the race course, ie the loss of three lanes. It has been suggested that we could run a two day regatta instead of the usual one day. If you have attended a canoe regatta, you would realize the impracticality of such a suggestion. It is absolutely not an alternative. I also did not understand that there would be considerable dredging that will certainly impact the beach fronting our canoe club as well as Na Kai Ewalu Canoe Club. At the time of my statement the present rules in the harbor regarding home land security were not as they are now. With these new rules it would dramatically limit our use of the area around the piers. We are already squeezed in with the present restrictions. On a typical practice day there are over 20 six man outrigger canoes in the water at the same time as well as one man canoes and kayaks.

Our facility is used not only by canoe paddlers but by many other community groups that need a place to meet. We have a hula halau that practices twice a week at our hale. Hui Malama Home School utilizes our facility as one of their sites and with their new Hawaii Outdoor Education program not only use the building but use the canoes and the harbor waters to allow students to experience the Hawaiian cultural practice of outrigger canoe paddling. We run a free Summer Youth Cultural Program that attracts over 150 keiki largely due to the fact that we include outrigger paddling as part of the program. Our numbers would not be what they are without the use of the harbor for canoe paddling. We have partnered with Hui Malama to form a youth center that is open year round from 2 pm until 5 pm , Monday thru Friday. Again the fact that we offer water related activities is what brings the teenagers to our center. The building of this pier and the dredging of the surrounding areas will limit our use of the harbor and destroy the beach which allows safe and easy access to the harbor waters.

We have worked hard to create our facility and our youth programs. The loss of the use of the harbor could drastically reduce our numbers of youth and perhaps mean the end to all that we have worked so hard for. We are able to generate revenue by using our facility and canoes to bring in groups from the mainland as well as other countries to participate in canoe camps. Without use of the harbor and room to paddle, these camps would have to be discontinued. Without our numbers of keiki participating in our programs, we would lose both governmental and private funding which keep our programs and facility afloat. As you can see, it is a snowball effect where one thing leads to another and so on. We want to continue to give the youth of our community a place to come and learn about the Hawaiian culture, canoe paddling, receive tutoring and mentoring and just have a safe place to hang out.

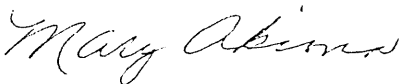
I request that you spend much more time getting input from all the users of the harbor which include our keiki, our partners, our paddlers and the community as a whole.

I have asked the representatives of the DOT these question many times. Do we need a second harbor? If we were to use every space available in the Kahului Harbor regardless of who was displaced, how long would it be until we would be forced to build a second harbor? Why would we spend hundreds of thousands of dollars for a temporary solution, destroying the beach and polluting the waters? You can not put back the beach or estimate the damage done to hundreds of youth who will not have a safe and nurturing place to grow into productive and positive adults.

Lastly, when I made these statements, I did not represent the Maui County Hawaiian Canoe Association, the Hawaiian Canoe Club or any other organization. These were my personal statements based on incomplete information in a very informal situation.

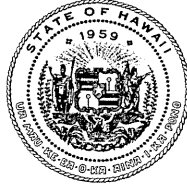
I urge you to listen the cries of our Hawaiian ancestors, before you destroy yet another piece of our dear island Maui.

Sincerely,

A handwritten signature in cursive script that reads "Mary Akiona".

Mary Akiona





STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

HAR-EP 7827.05

November 10, 2005

Ms. Mary Akiona  
Executive Director  
Hawaiian Canoe Club  
P.O. Box 5053  
Kahului, Hi 96733

Dear Ms. Akiona:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – H.C. 3334

Thank you for your comments on the subject document. We offer the following responses.

1. Regarding your concern about the impact of the construction of Pier 2C adjoining existing Pier 2. The Pier 2C improvements will not be constructed under this Environmental Assessment (EA) and has been withdrawn from the proposed project.

In addition, the conflict between the recreational use of the commercial harbor will increase as the forecast maritime demand increases. Unfortunately, the State of Hawaii Department of Transportation Harbors Division's authority under Hawaii Revised Statutes (HRS) Chapter 266 is for the commercial use of its facilities. HRS Chapter 266-1 states,

for the purpose of this chapter, "commercial harbor" means a harbor or off-shore mooring facility which is primarily for the movement of commercial cargo, passenger and fishing vessels entering, leaving, or traveling within the State, and facilities and supporting services for loading, off-loading, and handling of cargo, passengers and vessels.

The Harbors Division's statutory authority does not extend to recreational activities and recreational use of its commercial harbors

2. Regarding your comment about the need for a second harbor. The U.S. Army Corps of Engineers performed a study for a new commercial harbor facility on Maui in 1995 titled the "*Maui Second Commercial Harbor, Navigation Study.*" The study identified six

alternatives and concluded that the new harbor would not have an adequate benefit-to-cost (B/C) ratio to be justified. In addition, the construction of a new harbor will take decades to complete and will have significant environmental impacts. In fact, the study concluded;

Based on the July 1990 biological opinion, a proposed commercial harbor development in west Maui is likely to result in a jeopardy opinion<sup>1</sup> from NMFS [National Marine Fisheries Service].

Therefore a new harbor is not considered a reasonable and feasible alternative and no further analysis will be conducted in this environmental assessment. In addition, the new harbor alternative does not meet the purpose of the project, as:

- it does not facilitate [in the short-term] maritime shipments of the essential commodities required by Maui County;
- it does not optimize the utilization of land and water resources committed to marine cargo and passenger operations in an economically responsible manner; and
- it does not minimize the impact on environmental quality and recreational opportunities contiguous with the Harbor.

The computed benefit-to-cost (b/c) analysis results are shown in Table 3-3 and include the impact of a 23-day and 39-day closure of the existing Kahului Commercial Harbor.

**TABLE 3-3  
BENEFIT-TO-COST RESULTS FOR SECOND MAUI HARBOR**

<b>SITE</b>	<b>B/C WITH 23-DAY CLOSURE</b>	<b>B/C WITH 39-DAY CLOSURE</b>
Hata Bay Breakwater Harbor	0.08	0.16
Maalaea Pier	0.38	0.50
Ukumehame Pier	0.50	0.71
Olowalu Pier	0.50	0.71
Olowalu Dock & Turning Basin	0.39	0.56
Olowalu Dredged Harbor	0.27	0.38

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<sup>1</sup> A jeopardy opinion means that the project will jeopardize the continued existence of an endangered species.

Ms. Mary Akiona  
Page 3  
November 10, 2005

HAR-EP 7827.05

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my planning staff at (808) 587-2503.

Very truly yours,



RODNEY K. HARAGA  
Director of Transportation



RECEIVED

SEP 09 2004

ef  
e:BI

Brian Ishii, Noda & Associates  
615 Piikoi Street, Suite 300  
Honolulu, HI 96814

EKNA SERVICES, INC.

I am strongly opposed to the planned construction of Pier 2C at Kahului Harbor. The two canoe clubs that utilize this area, Hawaiian Canoe Club and Na Kai Ewalu, have established facilities which host numerous funded youth programs that are conducted year round. Hawaiian Canoe Club alone has a membership of at least 300 paddlers. Half of which are youth. Na Kai Ewalu has significantly less members, but has a youth program which is quickly growing in size and function. On any given training day, one may see up to thirty outrigger canoes using the area where the proposed Pier is planned. This means up to 180 people on the water at one time. Not to mention the fishermen on the beach and along the jetties. If this area is eliminated our area of practice will be severely limited which would greatly increase the risk of collisions on the water.


Each of these two clubs hosts an annual Maui County Canoe Racing Regatta in the harbor area between Pier 2 and Kahului Beach Road. When all nine Maui canoe clubs participate in these regattas, more than a thousand paddlers and spectators line the beach to enjoy the races. Additionally, since the canoe racing season is during the summer, there are often times that the south swells make it impossible to race in Lahaina or Kihei. The only option is Kahului Harbor. It is the only truly protected body of water on the island.

In addition to the County association clubs, there are four high schools that utilize our facilities, equipment, and ocean space. Hawaiian outrigger canoe racing, which has long been the official sport for the State of Hawaii is now an officially sanctioned high school sport. The proposed pier would have a definite impact on the ability to hold practices and regattas thereby affecting the readiness of these schools to compete at the state level.

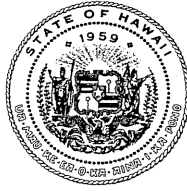
Also of great concern to me is the environmental impact of the super ferry and increased cruise ship activity. As it now stands, there are days when the cleanliness of the water in Kahului Harbor is very questionable. Increased cruise ship and ferry activity will mean more spills and discharge. Another environmental concern is the vehicular traffic coming off of Puunene Avenue to board the ferry. Will there be a hundred vehicles lined up with engines idling filling the area with exhaust fumes while we practice downwind? Will vehicles from outer islands be able to disembark the ferry uninspected and drive directly into pristine native Hawaiian ecosystems like Haleakala National Park? Will these cruise ships follow regulations in regards to discharging their waste? All of these questions need answering.

There are many cultural and environmental impacts that concern me. There must be another solution to dealing with the growth of Maui and the demand for more pier space in Kahului Harbor. No matter how much is sacrificed and destroyed in terms of nature and culture, one day soon the harbor will be too small anyway, and another will need to be built. Why place expensive band aids on a sore that will just keep getting bigger? Plan for a new harbor, or for the expansion of the existing harbor while keeping its interior intact. There are hundreds of families, fishermen, divers, surfers, and canoe paddlers that enjoy the harbor as it is. Make a new plan.

Mahalo,

  
Iokepa K. Naeole  
Cultural Director  
Hawaiian Canoe Club





**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

RODNEY K. HARAGA  
DIRECTOR

Deputy Directors  
BRUCE Y. MATSUI  
BARRY FUKUNAGA  
BRENNON T. MORIOKA  
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

HAR-EP 7828.05

November 10, 2005

Mr. Iokepa K. Naeole  
Cultural Director  
Hawaiian Canoe Club  
P. O. Box 5053  
Kahului, Hawaii 96733

Dear Mr. Naeole:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – H.C. 3334

Thank you for your comments on the subject document. We offer the following response.

1. Regarding your concern about impacts related to the construction of Pier 2C. The Pier 2C improvements will not be constructed under this Environmental Assessment (EA) and have been withdrawn from the proposed project.
2. Regarding your concern about the environmental impact of the Superferry and increased cruise ship activity. As stated in the EA, the vessels are forecast to use the harbor, with or without the proposed improvements. As far as the discharging of waste, it is illegal to discharge into the harbor. Pursuant to Hawaii Administrative Rules Section 19-42-127, "Littering or polluting of water prohibited," it is illegal to pollute or discharge either directly or indirectly anything other than clean water into any harbor. The U.S. Coast Guard and the Harbors Division enforce this law. Therefore, there will be no legal dumping and discharge of pollutants in harbor waters due to the maritime demand. There is a spill response team, whose equipment is strategically located within Kahului Harbor, which is trained to respond immediately to spills and coordinate the effort with the U.S. Coast Guard. Also, as stated in EA Section 4.10.1.4, "Alien Pest Species," the Northwest Cruise Ship Association has entered into a Memorandum of Understanding with the State of Hawaii that prohibits the discharge of wastes within "Hawaii Marine Areas."
3. Regarding your concern about the environmental impact of vehicular traffic coming off of Pu`unene Avenue to board the ferry. As stated above, the Pier 2C and the Pu`unene Avenue improvements will not be constructed under this EA and have been removed from the proposed project.

4. Regarding your inquiry whether vehicles from outer islands will be able to disembark the ferry uninspected and drive directly into pristine native Hawaiian ecosystems like Haleakala National Park. The Superferry is working with the Hawaii Department of Agriculture, who has jurisdiction over the control of alien species, to develop procedures to address the alien species concerns. These procedures are likely to be carried out at the port of origin rather than the destination port.
5. Regarding your suggestion about a second harbor concept. The U.S. Army Corps of Engineers performed a study for a second commercial harbor facility on Maui in 1995 titled the Maui Second Commercial Harbor, Navigation Study. The study identified six alternatives and concluded that the second harbor would not have an adequate benefit-to-cost (B/C) ratio to justify the costs of developing the facility. In addition, the construction of a second harbor will take decades to complete and will incur significant environmental impacts. In fact, the study concluded:

Based on the July 1990 biological opinion, a proposed commercial harbor development in west Maui is likely to result in a jeopardy opinion<sup>1</sup> from NMFS [National Marine Fisheries Service].

Therefore, a second harbor is not considered a reasonable and feasible alternative and no further analysis will be conducted in the EA. The computed benefit-to-cost (b/c) analysis results are shown in the table below and include the impact of a 23-day and 39-day closure of the existing Kahului Harbor.

**TABLE 3-3  
BENEFIT-TO-COST RESULTS FOR SECOND MAUI HARBOR**

SITE	B/C WITH 23-DAY CLOSURE	B/C WITH 39-DAY CLOSURE
Hata Bay Breakwater Harbor	0.08	0.16
Maalaea Pier	0.38	0.50
Ukumehame Pier	0.50	0.71
Olowalu Pier	0.50	0.71
Olowalu Dock & Turning Basin	0.39	0.56
Olowalu Dredged Harbor	0.27	0.38

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<sup>1</sup> A jeopardy opinion means that the project will jeopardize the continued existence of an endangered species.



In addition, the second harbor alternative does not meet the purpose of the project, as:

- it does not facilitate [in the short-term] maritime shipments of the essential commodities required by Maui County;
- it does not optimize the utilization of land and water resources committed to marine cargo and passenger operations in an economically responsible manner; and
- it does not minimize the impact on environmental quality and recreational opportunities contiguous with the Harbor.

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my planning staff at (808) 587-2503.

Very truly yours,



↳ RODNEY K. HARAGA  
Director of Transportation



RS  
C:BI

HAWAIIAN KAMALIGI, INC DBA  
HAWAIIAN CANOE CLUB  
P.O. BOX 5053  
KAHULUI, HAWAII 96733  
TELEPHONE: (808) 893-2124  
FAX: (808) 893-2047

R **Facsimile transmittal**

SEP 08 2004

EKNA SERVICES, INC

BRIAN ISHII

Fax:

808-593-8551

From: HAWAIIAN CANOE CLUB

Date:

9-7-04

Re:

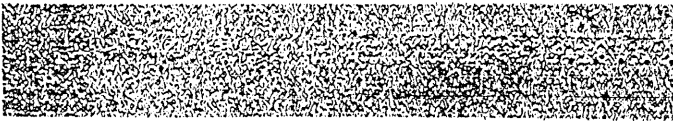
9 Pages (Including Cover):

KAHULUI HARBOR EXTENSION

CC:

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

LETTERS FROM STUDENTS OF THE  
HUI MALAMA HOME SCHOOL - HAWAII OUTDOOR  
EDUCATION PROGRAM. CLASSES ARE HELD  
AT THE HAWAIIAN CANOE CLUB HALE AND  
OUTDOOR ACTIVITIES TAKE PLACE IN FRONT  
OF THE HALE INCLUDING PADDLING CANOES  
IN THE KAHLUI HARBOR



Hello my name is Elijah Suoman  
and I go to school at the canoe Hale  
and I think that what your doing is  
bad and if you build we dont be able to canoe  
if people keep on building new things than at  
some point down the line there will be no grass  
no trees no where to swim.  
There is no need for more cruise ships  
but there is need for a place to swim and  
to paddle and have fun and come together

Thank you

Aloha,

Today I heard that you were going to dredge the water in front of the canoe club and make a pier. I can understand that it would help tourism and bring in the cruise ships and the super ferries. But I really disagree with the pier being built. It will stop the waves and break that come in and allow people in Kāhului to surf. And also more important is that it will stop the canoe club from paddling and canoe racing.

I just ask that you realize what you are doing and see the effects of building the pier will have on the harbor and the communities around it. Mahalo

Sincerely,

Beau Kissler from  
the canoe club

Hi my name is Kainalu

I've been paddling canoe for 4 years and now I  
go to Hui Malama school at Hawaiian Canoe Club  
please don't build a new dock cause we want to  
paddle canoe and surf it's really not be fun  
cause then we have to move our club  
which would kind of suck.

Dear people

9/76 H

Hi My name is Luis Zayas, I was not born here but ~~was~~

PS

05:34PM

~~was~~ here on Maui when I was 6. I am now ~~at~~ thirteen  
and where your going to make a new Harbor would  
take ~~me~~ me said, I have already fallen in love with

this harbor, I have only been here for two days. But  
was here a couple of years ago paddling and I  
think it would make the paddlers sad, please remind  
of making ~~at~~ another harbor. We who are at this  
school in this harbor would be mad because we  
~~that~~ would not have canoe races,

2047

893

888

FRX NO. :

05:34PM

07 2004

05:34PM

PS

R.S. I have always liked cruise cruise  
this. but I don't enjoy more, they pollute the

OCEAN, Signed By Luis Zayas

FROM :

MAIL11141 CANOE CLUB

dear people, my name is alex the other

I think that putting in a new harbor is a dumb idea, because we already have a harbor, that is big, if you build a harbor, you should build it away from our school, we don't want to see a big piece of frigger cement, if you think that you want mess up the environment, then your wrong, if you build it, then we can't paddle, if you ~~build~~ build a harbor, then big boats will come in.

P.S. meanies



Today, at the Canoe Club, I swam in the water, jumped off the pier, and had a sand-ball fight with my friends, if you build the planned dock, all of this fun will disappear, and for what? More Pollution, we have enough tourists to get by with, and anymore would cram up our roads (you ever drive through Pa'ia at 5:00) if you build this, the 300+ Hawaiian canoe club members, and the thousands of individual paddlers that go here would have to give up their favorite sport, for tourists, sure, tourists are what drive us and our economy to its current heights, but having the planned pier will destroy why they come, they don't want any skyscrapers, or mega-malls, no, they want the natural beauty, this will decrease tourism as much as the hotel rates, it would offer jobs, well, that's a good point, but drive around Kahului, half of the stores have "HELP WANTED" signs clearly displayed in the window, we have more positions than we have unemployed people. Think California fruit picking in the early years, so many people saw the job applications that their unemployment rates practically reversed, I am a 13 year old child, so I will be here a long time, please don't screw it up like Honolulu.

Another topic is homeland security, which will completely close the harbor. Don't Californicate maui.

Lathan Welker.

I am Nohea Lussich, I was born and raised on Maui and for as long as I can remember Maui has been changing a lot and some changes were okay but some changes were unneeded.

The change you want to make I cant say is unneeded but it will affect a lot of people in the canoe hale, the ocean is our playground and if you make it so that we cannot play in our own playground you will be affecting more than 1000 people so please think about it real hard before you make this decision.

Mahalo for your understanding. Nohea

Aloha,

I would like to state my complaint to whom it may concern about the new pier you are going to build, this would seriously impede the thousands of paddlers not to mention the surfers, divers, fishermen, sea life, and pollution. Please reconsider your decision, there are many other ways to get more tourism.

Mahalo,  
Jesse Pierce, 13,  
Hui Malama Learning Center



LINDA LINGLE  
GOVERNOR



RODNEY K. HARAGA  
DIRECTOR

Deputy Directors  
BRUCE Y. MATSUI  
BARRY FUKUNAGA  
BRENNON T. MORIOKA  
BRIAN H. SEKIGUCHI

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

HAR-EP 7829.05

November 14, 2005

Students  
Hui Malama Home School – Hawaii Outdoor Education Program  
c/o Hawaiian Canoe Club  
P.O. Box 5033  
Kahului, Hawaii 96733

Dear Students:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – H.C. 3334

Thank you for your time and effort in commenting on the improvements to the Harbor. For your information, the proposed Pier 2C extension, which would impact the canoe area, will not be constructed. This project has been removed from the proposed project and is not being considered in this Environmental Assessment.

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my planning staff at 587-2503.

Very truly yours,

RODNEY K. HARAGA  
Director of Transportation

✓:BI R

**Hawaiian Canoe Club**

P.O. Box 5053 Kahului, Maui, HI 96733

**RECEIVED**  
SEP 09 2004

September 8, 2004

**EKNA SERVICES, INC.**

Attn; Mr Brian Ishii  
Edward K Noda & Associates INC  
615 Piikoi Street, Suit 300  
Honolulu, HI 96814

Dear Sir

As the Head Coach of Hawaiian Canoe Club's men's program, I would like to express my extreme disapproval to the proposed pier extensions in Kahului Harbor. A large section of the harbor has already recently been deemed 'restricted' by our canoe club for security reasons, and further restrictions due to the proposed extensions would severely impact our ability to train in the harbor.

The proposed extensions will directly have a negative effect two of Maui's most established and successful canoe clubs and will severely restrict the recreational use of Kahului harbor by literally hundreds of keiki and adult paddlers.

There are also many health and safety concerns with the extra motorized vessel traffic expected in the harbor which the pier extensions will attract. This will only affect the canoe paddlers of the harbor but also the many other recreational users of the harbor including fishermen, surfers, body boarders, swimmer, paddle boarders, and divers to name a few.

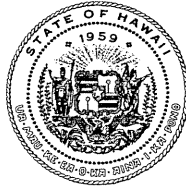
We sincerely urge you to reconsider the proposed extensions to Kahului harbor and allow us to continue to perpetuate the centuries old culture and tradition of Hawaiian outrigger canoe paddling.

Sincerely,



Richard P Nu'u  
Head Coach – men's program, Hawaiian Canoe Club

LINDA LINGLE  
GOVERNOR



RODNEY K. HARAGA  
DIRECTOR

Deputy Directors  
BRUCE Y. MATSUI  
BARRY FUKUNAGA  
BRENNON T. MORIOKA  
BRIAN H. SEKIGUCHI

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

HAR-EP 7830.05

November 14, 2005

Mr. Richard P. Nu'u  
Head Coach – Men's Program  
Hawaiian Canoe Club  
P.O. Box 5053  
Kahului, Hawaii 96733

Dear Mr. Nu'u:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – H.C. 3334

Thank you for your comments on the subject document dated September 8, 2004. We offer the following responses.

Regarding your concern about the impact of the proposed improvements to canoe organizations. The Pier 2C improvements that could have impacted the canoe lanes have been removed from the proposed project and will not be constructed under this Environmental Assessment.

In addition, the conflict between the recreational use of the commercial harbor will increase as the forecast maritime demand increases. Unfortunately, the Harbors Division's authority under Hawaii Revised Statutes (HRS) Chapter 266 is for the commercial use of its facilities. HRS Chapter 266-1 states:

for the purpose of this chapter, "commercial harbor" means a harbor or off-shore mooring facility which is primarily for the movement of commercial cargo, passenger and fishing vessels entering, leaving, or traveling within the State, and facilities and supporting services for loading, off-loading, and handling of cargo, passengers and vessels.

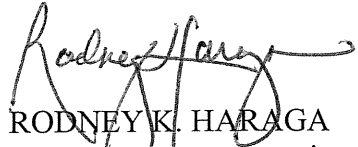
The Harbors Division's statutory authority does not extend to recreational activities and recreational use of its commercial harbors.

Mr. Richard P. Nu'u  
Page 2  
November 14, 2005

HAR-EP 7830.05

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my planning staff at (808) 587-2503.

Very truly yours,



RODNEY K. HARAGA  
Director of Transportation



September 3, 2004

Brian Ishii  
Noda & Associated  
615 Piikoi Street Suite 300  
Honolulu, HI 96814

RECEIVED  
SEP 07 2004

EKNA SERVICES, INC.

Re: Environmental Assessment Construction of Pier 2C

Dear Mr. Ishii,

As a long time member of Hawaiian Canoe Club I have serious concerns with the draft assessment for the Pier 2C project. The idea that reducing the number of lanes is not a significant impact shows a lack of sensitivity to Hawaiian cultural activities. The volume of recreational and competitive paddling that occurs in the harbor bear witness to the importance residents place on this activity. The harbor as it exists today is a multi use area with fishermen, surfers, swimmers, and paddlers sharing and enjoying its waters. Do not forget that paddling, surfing, swimming and fishing were all happening here long before any commercial harbor was developed. As with too many other places throughout the State of Hawaii, commercial interests have succeeded in overtaking land and driving out cultural activities. Remember, it has only been a few years since the canoe hales were displaced from their original sites to make room for a parking lot!

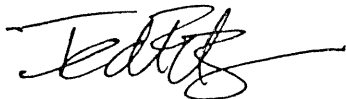
At the club level there are 400-500 paddlers belonging to the two clubs who train and race in the harbor. When you add the number of parents and supporters and other canoe club members who attend the races there are in excess of 1,000 people at the events. In addition to the canoe racing that takes place at the club level, we host the training site for several Maui high school teams that compete in the MIL recognized sport of Hawaiian Outrigger Canoe Racing. The harbor is also the site of regattas during the MIL season with more than 300 student athletes competing at these events. The Department of Education has realized the cultural importance of this sport and added it to their roster of approved sports. What are we saying to the children of Hawaii if we allow commercial interests to overpower our attempts to revive and perpetuate this very important part of Hawaiian heritage?

Our Hale and surrounding grounds are also home to a Hula Halau, a Youth Center and a partnering site with Hui Malama providing youth services. As Hawaiian Canoe Club we operate year-round programs for children as well. Over 300 children are served in these programs (in addition to the 300 plus MIL paddlers). We are successful in attracting kids to our programs in large part because of the harbor and its opportunity to participate in various water activities. Our programs offer structured, safe, supervised recreational and educational opportunities to children from all over the central and upcountry Maui areas who might otherwise have no place to go. We all recognize the importance of offering children alternatives to drugs, violence and other dangerous activities. Our club is proud of the work it does to mentor and help raise the children of Maui

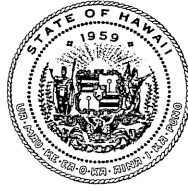
Besides the encroachment issue, there will be significant environmental impact to the harbor area that we are left to operate in. Why aren't you being required to do a complete EIS? How are you able to circumvent the normal procedure? Are you doing this by chopping your harbor overhaul into small pieces instead of considering the total combined impact of your projects? What about the impact of hundreds of cars waiting to board the ferry? There will be cars of all ages leaking oil, gas, and other fluids. The exhaust from these vehicles will be directly upwind from the remaining canoe lanes. The carbon monoxide and other bi-products of combustion will be blown directly over the paddling areas, making the air unhealthy for anyone unfortunate enough to be in its path. The study does not address the issue of practice areas and the impact arriving and departing ferries will have on them. Homeland Security has already taken away the eastern half of the harbor from us, what will be the plan for this new area? The remaining area will be far too small to accommodate the volume of athletes that presently train in the harbor.

Our canoe clubs take great pride in teaching the children Hawaiian heritage and culture. They learn tales of the old Hawaii, the stories of the warriors, kings, queens, and people who came before, their ancestors. They make a strong connection to their past by participating in the ancient practice of canoe paddling. When they are in their canoes they can feel that link to all who have paddled before and the responsibility to continue paddling to honor their ancestors and create for their children that cultural bond with the past. These activities give them a strong sense of what it means to be Hawaiian. They are part of a large paddling ohana that is setting an example for the entire state. We are five time State Champions in our sport and are leading the way in developing programs to benefit the youth of Hawaii by perpetuating the Hawaiian culture. Please do not underestimate the impact your project will have on our ohana.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ted Fritzen', with a long horizontal flourish extending to the right.

Ted Fritzen  
President, Hawaiian Canoe Club



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

RODNEY K. HARAGA  
DIRECTOR

Deputy Directors  
BRUCE Y. MATSUI  
BARRY FUKUNAGA  
BRENNON T. MORIOKA  
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

HAR-EP 7831.05

November 14, 2005

Mr. Ted Fritzen  
President  
Hawaiian Canoe Club  
P.O. Box 5053  
Kahului, Hawaii 96733

Dear Mr. Fritzen:

Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan  
Environmental Assessment – H.C. 3334

Thank you for your comments on the subject document dated September 3, 2004. We offer the following responses.

1. Regarding your concern about impacts related to the construction of Pier 2C. The Pier 2C improvements will not be constructed under this Environmental Assessment (EA) and has been withdrawn from the proposed project.
2. Regarding your comment on the need for an Environmental Impact Statement (EIS). Under the Hawaii Revised Statutes (HRS) Chapter 343, an EIS is required if there is a significant impact to the environment by a proposed project. The analysis performed in the EA does not indicate any significant impacts and therefore a Finding of No Significant Impacts will be determined and an EIS will not be prepared.
3. Regarding your comment about the possible circumvention of normal procedures. We respectfully disagree, as we are not circumventing any normal procedure and are conducting the EA pursuant to the HRS Chapter 343 and the Hawaii Administrative Rules Section 11-200.
4. Regarding your comment about the segmentation of projects. We are considering the total combined (cumulative) impacts, and we are not segmenting any of the projects as explained in EA Section 1.1. The other projects are not included in the EA because these projects are not reasonably foreseeable and are not ripe for decision making.

5. Regarding your concern about impacts from the Superferry. The Superferry is a specific user of the Harbor and is able to use the existing piers and/or the new proposed piers. As stated in the EA, the proposed improvements are part of the *Kahului Commercial Harbor 2025 Master Plan* and not designed or planned for the Superferry or any other single user.
6. Regarding your comment about impacts of recreational uses in Kahului Harbor. As stated above, the Pier 2C will not be constructed and therefore should have no impact on the practice areas. As far as the Superferry, it will berth on Pier 2. Unfortunately, the Harbors Division's authority under HRS Chapter 266 is for the commercial use of its facilities. HRS Chapter 266-1 states:

for the purpose of this chapter, "commercial harbor" means a harbor or off-shore mooring facility which is primarily for the movement of commercial cargo, passenger and fishing vessels entering, leaving, or traveling within the State, and facilities and supporting services for loading, off-loading, and handling of cargo, passengers and vessels.

The Harbors Division's statutory authority does not extend to recreational activities and recreational use of its commercial harbors. In fact, given the security situation after September 11, 2001, it is highly possible that during a high security risk level that all unauthorized vessels and non-commercial users of Kahului Harbor will not be allowed entry.

To clarify the Superferry security issue, the following will be added into the Final EA.

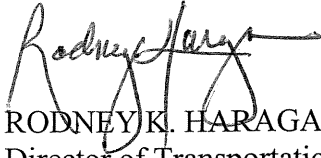
The "Superferry" is required by law (33 Code of Federal Regulations) to develop, implement and maintain a Hawaii Superferry Vessel Security Plan that is submitted to and approved by the U.S. Coast Guard. The Hawaii Superferry Vessel Security Plan must include the Superferry's security personnel, training, drills and exercises, record keeping, Maritime Security Level coordination and implementation, procedures for interfacing with terminal facility security, Declaration of Security, security systems and equipment maintenance, security measures for access control (including screening of vehicles and passengers), security measures for restricted areas, security measures for handling cargo, security measures for delivery of stores and bunkers, security measures for monitoring, security incident procedures, etc. The U.S. Coast Guard will monitor and enforce the security requirements of the Hawaii Superferry Vessel Security Plan. Whenever required, the Hawaii Superferry and the U.S. Coast Guard will request the assistance of the Maui Police Department, the State Department of Public Safety Sheriff Division, the Federal Bureau of Investigation, the State Department of Defense, the State Department of Land & Natural Resources Enforcement Officers and the Department of the State Attorney General.

Mr. Ted Fritzen  
Page 3  
November 14, 2005

HAR-EP 7831.05

We appreciate your interest in the environmental review process. If you have any questions, please contact Mr. Glenn Soma of my planning staff at (808) 587-2503.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rodney K. Haraga", with a long horizontal flourish extending to the right.

RODNEY K. HARAGA  
Director of Transportation

