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September 7, 2004

EKNA SERVICES, INC.

Via Facsimile and U.S. Mail
(808) 587-2167

Mr. Rodney Hiraga, Director
Department of Transportation
State of Hawaii
869 Punchbowl Street, Suite 509
Honolulu, Hawaii 96813-5097

Re: An Environmental Impact Statement ("EIS") is Required for the Kahului Commercial Harbor Improvements Project of the State of Hawaii Department of Transportation- Harbors Division, TMK Nos. (II) 3-7-001: 021, 022; 3-7-010: 002, 003, 006, 013, 015, 021, 022, 024, 026, 027, 028, 030, 032, 034; 3-7-08: 002, 003, 004 and 006, Wailuku, Maui, Hawaii

Dear HDOT Director Rodney Hiraga:

These comments and objections to the entry of a Finding of No Significant Impact ("FONSI") on the Draft Environmental Assessment ("DEA") for the Kahului Commercial Harbor Improvements Project of the State of Hawaii Department of Transportation- Harbors Division, in Wailuku, Maui, Hawaii to take place upon TMK Nos. (II) 3-7-001: 021, 022; 3-7-010: 002, 003, 006, 013, 015, 021, 022, 024, 026, 027, 028, 030, 032, 034 and 3-7-08: 002, 003, 004, 006, Wailuku, Maui, Hawaii are submitted on behalf of the Kahului Harbor Coalition ("Coalition"), an unincorporated association devoted to assuring that the Kahului Harbor is developed in an orderly fashion in accordance with the planning and environmental laws in the State of Hawaii. Some of its members are Mr. Jeffrey Parker and Mr. Gregory Westcott, small farmers on the Island of Maui. These members want assurances that Agricultural Inspection Facilities and personnel will be established to prevent the introduction of alien species. These farmers, and others, will be directly, immediately and adversely affected by the proposed project and, the Coalition therefore, has standing to oppose the entry of any FONSI on this DEA.

I. INTRODUCTION

The expansion of the State of Hawaii transportation infrastructure in a manner, which induces growth, requires a careful and detailed analysis of a full panoply of environmental impacts. The expansion of the Kahului Harbor mandates, in large measure, the same sort of analyses that were required for the expansion of the Kahului Airport.

Many of the significant new and expanded types of uses of the Kahului Harbor cannot take place, as a matter of fact, until and unless the improvements proposed in the DEA are constructed. Stated in another manner, the construction of the proposed improvements to the Kahului Harbor are **conditions precedent** to the commencement of many of the proposed significant new and expanded types of uses of the Kahului Harbor.

The DEA for the Kahului Commercial Harbor Improvements Project ("proposed project") is authored by the same principal author of the FEIS for the expansion of the Kahului Airport; E. K. Noda & Associates, Inc. and Brian Ishii. The DEA suffers from the same defects as the Kahului Airport FEIS.

The DEA does not fulfill the definition of a DEA; it does not adequately describe identifiable environmental impacts; it does not identify potential impacts and their significance and interested citizens groups and individuals were not consulted early in the environmental process. See HAR §§ 11-200-9 (1)- (7).

The DEA for the Kahului Commercial Harbor Improvements Project is inadequate and unacceptable for multiple, important reasons. The DEA does not satisfy basic, minimal requirements of Hawaii's law on Environmental Impact Statements, Chapter 343, ("HEPA"). It fails "to convey the required information succinctly in a form easily understood, by both members of the public and the public decision-makers." HAR § 11-200-19. Contrary to HAR § 11-200-14, the DEA is "a self-serving recitation of benefits and a rationalization of the proposed action." The preparers of the DEA have not taken a "hard look" at the environmental consequences of the proposed project as a whole.

II. STANDARD OF REVIEW

The Environmental Assessment ("EA") and Environmental Impact Statement process ("EIS") is described in Price v. Obayashi Haw. Corp. 81 Haw. 171, 914 P.2d 1364 (1996). An EA is prepared for non-exempt applicant or agency actions for which a "triggering" event is present, as here.

An EA is prepared for the limited purpose of determining whether, on a summary basis, the environmental process may be lawfully terminated, or whether a full-blown EIS must be prepared. A relatively low threshold test is applied.

If a proposed action “**may**” have a significant environmental impact, then a full-blown EIS must be prepared. See HRS § 343-5(b). In determining whether a proposed action “**may**” have a significant environmental effect, the “significance criteria” set out in the EIS Regulations must be properly applied. See HAR § 11-200-12. Stated conversely, if, in a short EA, it cannot be demonstrated on a summary basis that a proposed action will not have any significant adverse environmental impacts, then an EIS shall be prepared. An EA is not to be an attempted substitute for an EIS.

If substantial questions are raised regarding whether a proposed action may have a significant impact upon the environment, a decision not to prepare an EIS is unreasonable. Foundation For North American Wild Sheep v. United States Department of Agriculture, 681 F. 2d 1172, 1178 (9th Cir. 1982). The reasons given for why impacts are insignificant are crucial in determining whether the agency took the required “hard look” at the potential environmental impacts of the project. Kleppe v. Sierra Club, 427 U.S. 390, 410 (1976). Deference to a FONSI is only required when the agency decision is “fully informed and well-considered”. Jones v. Gordon, 792 F. 2d 821, 828 (9th Cir. 1986).

The agency should have prepared an EIS where there are substantial questions on whether the project may have a significant effect on the environment. Public Citizen v. U.S. Department of Transportation, (9th Cir. 2003, not reported); Anderson v. Evans, (9th Cir. 2002, not reported).

As it will be demonstrated below an EIS is required, as a matter of fact and law, upon a correct application of the “significance criteria”. A FONSI cannot be justified, if the legislative purposes of Chapter 343 are honored.

III. THERE HAS BEEN NO COMPLETE EARLY CONSULTATION

Interested members of the public, including the commenters here, have been denied their ability to meaningfully participate in this process to date. In enacting Chapter 343, the Legislature found that:

... public participation during the review process benefits all parties involved and society as a whole. (Emphasis added.)

The EIS regulations, in HAR § 11-200-9(1), require a full and complete consultation process with “citizens groups and individuals,” among others, before the DEA is circulated. HAR § 11-200-14 states, in pertinent part:

... The EIS process involves more than the preparation of a document; it involves the entire process of research, discussion, preparation of a statement, and review **An EIS is meaningless without the conscientious application of the EIS process as a whole,** and shall not be merely a self-serving recitation of benefits and a rationalization of the proposed action. (Emphasis added.)

There has been no conscientious application of the EIS process as a whole, in this instance. HDOT only engaged in a "pre-consultation" process with state agencies, mostly, commercial users of the Harbor and a very few others. See DEA § 8.0 and Appendix A.

Given the obvious implication of the alien species introduction issue, as will be described in Section VIII. below, many others, including the commenters here, should have been consulted prior to the publication of this DEA. HDOT also failed to consult state agencies involved with alien species issues and responsible for inspections at the Kahului Harbor, such as the State Department of Agriculture. HDOT failed to consult with Haleakala National Park that was vitally concerned with alien species introductions through the other "portal", the Kahului Airport. HDOT also failed to consult with the U.S. Fish and Wildlife Service, which was thoroughly involved with developing mitigation measures to protect against increased pest introductions at the Kahului Airport. All of these failures render the DEA inadequate as a matter of law.

IV. A JOINT FEDERAL/ STATE DEA AND EIS MAY BE REQUIRED

The DEA discloses that this project will use State of Hawaii land and funds in Section 1.0 of the DEA. The document discloses that federal permits are required, namely Sections 401 and 404 permits from the Army Corps of Engineers. In addition, the federal government normally jointly funds projects of this nature with federal funds.

In its response to these comments, HDOT must disclose whether federal permits are required to implement this project and, if so, these permits must be identified with particularity. HDOT must also disclose if there is any anticipated federal funding, in whole or in part, for any of these projects comprising this project as a whole.

If HDOT discloses that there is any federal involvement with this project, through funding or permits, then this DEA is inadequate as a matter of law because it is not a joint federal and state DEA. See HRS § 343-5(f). A joint state-federal EIS is also required for this project.

V. THE DEA ILLEGALLY SEGMENTS THE PROJECT

HDOT-HAR has recently completed the Kahului Harbor 2025 Master Plan. Unfortunately, this important document is only improperly incorporated by reference in § 1.1 of the DEA. See HAR § 11-200-19.

The DEA is inadequate as a matter of fact and law because it fails to study and analyze the impacts of the project as a whole. The "significance criteria" require that an agency consider the "sum of effects" on the environment and evaluate the "overall and cumulative effects of an action". See HAR § 11-200-12(a). These same criteria require that "every phase of the proposed action" and "the short-term and long-term" effects of the action shall

be considered. See HAR § 11-200-12(b). The project may have a significant impact even if it is individually limited if it involves a commitment for larger actions. See HAR § 11-200-12(b)(8).

The DEA has been prepared in violation of the mandatory requirements of these regulations. The DEA acknowledges that there are six (6) projects in the first phase of the 2025 Master Plan, which are proposed to be implemented in the next ten (10) years. See DEA § 1.1.

The DEA further states that there are four (4) projects constituting further phases of the 2025 Master Plan to be implemented later. See DEA § 1.1.

The DEA then illegally segments off from **any** analysis in the DEA the long-term phases of this project as a whole. The DEA plainly states that the four (4) later projects “**are not covered by this EA**”. See DEA § 1.1.

This segmentation violates HAR § 11-200-12(a) and (b) and the legislative intent of Chapter 343. It has prevented the long-term and cumulative impacts of this project from being analyzed, as they are required to be as a matter of law.

This State’s EIS Rules also define “connected” actions in HAR § 11-200-7, as follows:

- (a) Groups of actions proposed by an agency or an applicant shall be treated as a single action when:
 - (1) the component actions are phases or increments of a larger total undertaking;
 - (2) an individual project is a necessary precedent for a larger project;
 - (3) an individual project represents a commitment to a larger project ...

It constitutes illegal segmentation to attempt to isolate the first phase of a project for separate analysis. KSOA v. County of Maui, 86 Haw. 66, 947 P.2d 378 (1997). The later phases of this project are also “connected” actions that are required to be studied in the DEA as part of a “single action”. Since they are not, the DEA has not been properly prepared and cannot support a FONSI. Idaho Sporting Congress v. Rittenhouse, 305 F.3d 957 (9th Cir. 2002); Native Ecosystems Council v. Dombeck, 304 F.3d 886 (9th Cir. 2002) (although individual projects had independent utility and were not required to be considered together in the same NEPA environmental document, the EAs for each did not adequately consider the cumulative impacts of the other projects as reasonably foreseeable actions); Texas Committee on Natural Resources v. Van Winkle, 197 F. Supp. 2d 586 (N.D. Tex. 2002) (Army Corps was required to consider the cumulative impacts of reasonably foreseeable future actions in the same geographical area, although those actions were not actual proposals and precise information about them was not available; there was a reasonable basis

to assume some or all of the projects would be implemented; the cumulative impacts analysis was cursory and the agency did not take a "hard look" at the proposed action's environmental consequences, including cumulative impacts); Sierra Club v. Bosworth, 199 F. Supp. 2d 971 (N.D. Cal. 2002) (connected projects must be addressed in a single EIS).

VI. GROWTH INDUCING IMPACTS HAVE BEEN IGNORED

An agency must take a "hard look" at the environmental consequences of a proposed action. Kleppe v. Sierra Club, 427 U.S. 390, 410, n.21, 96 S.Ct. 2718, 49 L.Ed. 2d 576 (1976).

In order to fulfill its role, an EIS (and a DEA) must set forth sufficient information for the general public to make an informed evaluation and for the decision-maker to consider fully the environmental factors involved and to make a reasoned decision after balancing the risks of harm to the environment against the benefits to be derived from the proposed action. County of Suffolk v. Secretary of Interior, 562 F.2d 1368, 1375 (2d Cir. 1977).

The EIS (and a DEA) insures the integrity of the process of decision by giving assurance that stubborn problems or serious criticisms have not been "swept under the rug." Silva v. Lynn, 482 F.2d 1282, 1285 (1st Cir. 1973). Compliance with NEPA (and Chapter 343) is the outward sign that environmental values and consequences have been considered during the planning stage of agency actions. Andrus v. Sierra Club, 442 U.S. 347, 350, 99 S.Ct. 2335, 2337, 60 L.Ed. 2d. 943 (1979).

As with the expansion of the Kahului Airport, the proposed expansion of the Kahului Harbor will induce growth and the adverse environmental impacts directly caused by that growth. The impacts due to induced growth were unlawfully ignored in this DEA, just as they were unlawfully ignored in the FEIS for the Kahului Airport. This is not surprising since the documents are both authored by Brian Ishii for E.K. Noda & Associates for the same client, HDOT.

The Hawaii EIS Regulations are quite clear on this point, however. Growth inducing impacts are considered "secondary effects". HAR § 11-200-17(i) states, in pertinent part:

It should be realized that several actions, particularly those that involve the construction of public facilities and structures (e.g. highways, airports, sewer systems, water resource projects, etc.) may well stimulate or induce secondary effects.

This section continues by stating that these "secondary impacts" may be equally important "or more important than primary effects" and "shall be thoroughly discussed to fully describe the probable impact of the proposed action on the environment". See HAR § 11-200-17(i).

The authors of this DEA for the expansion of the Kahului Harbor go to the same tortured lengths to avoid complying with this regulation as did the same authors for the same client in the Kahului Airport FEIS. There is no discussion of the growth-induced impacts of the project in the DEA.

One clear example of this failure is provided by the new, proposed inter-island ferry service in and out of Kahului Harbor, among others. Table 1 of the DEA indicates that there is no such service now (as of August, 2002). The Forecast in Table 2 of the DEA indicates that there will be one inter-island ferry "call" per day or 365 "calls" per year by the year 2025.

It is commonly known that one of the reasons why there is no current inter-island ferry service at the Kahului Harbor is because the infrastructure does not now exist at the Kahului Harbor necessary to allow the type of inter-island ferries contemplated to operate. This Harbor expansion project is to construct the necessary infrastructure to allow these ferries to operate. Only after this infrastructure is constructed will these ferries be able to conduct business, that is, move vehicles on and off the ferries.

An adequate DEA would have to have described the requirements of the inter-island ferries, the size of the boats, the berthing requirements and the facilities requirements, particularly in terms of the infrastructure requirements for driving vehicles on and off of the ferry. None of these details have been provided. The most probable reason why these details have not been provided is because Mr. Ishii, E.K. Noda & Associates and HDOT want to sweep the "growth inducement" issue under the rug.

The defect in this analysis should have and does appear in the discussion of the "no-action alternative" in § 3.6 of the DEA. Instead of admitting that if the Harbor improvements are not constructed the inter-island ferry service will not be able to operate, the DEA only includes the all too vague and untrue statement that the forecast growth of shipping traffic, cargo, tonnage and passengers "will increase without any improvements being constructed". This is the same false statement that was included in the FEIS concerning the lengthening of Runway 2-20.

The defect with respect to the analysis of the inter-island ferry service is equally applicable to the other Harbor uses suggested by HDOT. The expansion of the Kahului Harbor quite obviously facilitates or induces the increase in foreign and domestic cruise ships from **52** per year as of August, 2002 to **287** per year by 2025. Likewise, the increase between 2002 and 2025 in the amount of cargo, of all types, anticipated to arrive on Maui at Kahului Harbor is very large and significant.

The impacts of these increases in terms of pollution, traffic, drugs, alien species introductions, infrastructural deficits, tourism impacts and socio-economic impacts have nowhere been addressed in the DEA. The DEA is wholly inadequate for these reasons alone.

VII. THE DEA IS TOO VAGUE TO PERMIT ENVIRONMENTAL ANALYSIS

The intent and purpose of Chapter 343 is subverted by allowing HDOT to prepare a DEA on a project with less than the specificity, which would allow the analysis of potential environmental impacts. For example, the DEA only contains vague descriptions of the proposed improvements to the Harbor. There is no explanation of what necessitates these improvements in particular. The DEA contains only vague descriptions of the operations taking place at the Harbor and only vague descriptions of those operations proposed to take place in the future.

Most importantly, there is no particular description of any nexus between the proposed operations and the proposed improvements. A taxpayer, for example, has no idea, why one proposed improvement might be helpful or necessary for a particular type or class of user or proposed user. Without linking a use or proposed use to an improvement, it is impossible to study impacts, weigh societal benefits against losses or to perform most of the other vital functions intended by the legislature to be performed in environmental analyses.

VIII. FAILURE TO STUDY INCREASED PEST/DRUG INTRODUCTIONS

HDOT and the authors of this DEA, Brian Ishii and E.K. Noda & Associates, are all fully aware that **most** alien species enter Hawaii through our **harbors** and **airports**. The FEIS for the expansion of the Kahului Airport, authored by Brian Ishii of E.K. Noda & Associates for HDOT contains lengthy documentation about the island-wide threat of alien species introductions to our ecosystems, agriculture and tourism. The FEIS contains a lengthy analysis of how this threat is substantially increased by an increase in the number of aircraft arrivals at the Kahului Airport. The FEIS also contains a lengthy description of the mitigation measures which must be implemented in order to prevent these alien species introductions through the Kahului Airport.

Many of the documents included in the FEIS for the expansion of the Kahului Airport also contain sections describing other "portals" through which alien species are introduced to the Island of Maui besides the Airport. For example, the "Biological Assessment" prepared for the FEIS contains a chart describing the "pathways" for the introduction of alien species and indicates a significant percentage for introductions through the Harbor. The "Biological Assessment" indicates that an increase in surface ship traffic landing cargo here likely leads to an increase in alien species introductions.

Having acknowledged the extent of the problem and studied it in detail in an EIS for the Kahului Airport and having already admitted that a similar problem exists concerning alien species introductions at our Harbors two critical facts or issues are readily apparent. First, there can be no justification for the scant treatment of this issue in the DEA. Second, if it took a full blown EIS in the Kahului Airport case to convince HDOT to take the issue seriously

and to develop and implement mitigation measures for the Airport, then a full blown EIS is also required here to address the issue of the increase in alien species introductions which will directly or secondarily result from this project and to implement mitigation measures at the Harbor to protect Maui from these potential introductions.

One of the great defects of the FEIS for the Kahului Airport was the failure to include within the document itself an assessment of the risks of alien species introductions presented by the increased shipping arrivals between 2002 and 2025. To accomplish this necessary study and to assemble this data, HDOT first needed to retain competent individuals to prepare this Risk Assessment. The foreign arrivals needed to be described in greater detail so that the sort of aliens likely to be introduced may be assessed.

Likewise, increased ship travel between the islands has also been recognized as a significant threat by which alien species on one island are spread to other islands. The Risk Assessment must address this important issue as well.

Only after this Risk Assessment is prepared will it be possible to determine the probable effects of these increased shipping arrivals on the environment throughout the Island of Maui. A full-blown EIS would be the best mechanism for addressing these issues, especially since they have not been addressed in the DEA, they were not intended to be addressed in an EA and are not capable of being properly addressed in an EA.

IX. THE STUDY OF ALTERNATIVES IS INADEQUATE

It has been judicially determined that the "heart" of environmental analysis is the study of alternatives to the proposed action. Friends of the Bitterroot v. U.S. Forest Service, 900 F. Supp. 1368 (D.C. Mont. 1994); Conner v. Burford, 836 F. 2d 1521 (9th Cir. 1988).

The study of alternatives included in this DEA is half-hearted and inadequate. The no action alternative contains statements, which are false as a matter of fact, and law. Southern Utah Wilderness Alliance v. Norton, (D.D.C. 2002, not reported) (an alternatives analysis that exhibits "unquestioning acceptance" of the project applicant's statements regarding their objectives is defective; the agency must conduct or commission an independent analysis of alternatives offered by an applicant).

X. THE NECESSITY FOR ASSEMBLING DATA AND CONDUCTING STUDIES AND TESTS AS PART OF THE DEA PROCESS

The DEA process involves at a minimum obtaining various relevant data and conducting necessary studies. See HAR § 11-200-14. It is essential in preparing an adequate DEA that HDOT assemble necessary data to conduct appropriate studies as described above.

HDOT is reminded of its obligation to analyze and address in the DEA "the full range of responsible opinion" and "responsible opposing views on significant environmental issues" raised by the Kahului Harbor expansion project. See HAR § 11-200-16. These views and issues should not be "swept under the rug." Sierra Club v. Bosworth, 199 F. Supp. 2d 971 (N.D. Cal. 2002); League of Wilderness Defenders v. Zielinski, 187 F. Supp. 2d 1263 (D. Ore. 2002) (an environmental document that fails to disclose and analyze differing scientific opinions is defective).

XI. INCORPORATION BY REFERENCE OF OTHER COMMENTS

The commentors hereby incorporate by reference all other comments submitted by all others who commented on this DEA, in particular all other comments tending to indicate that the DEA is inadequate or that an EIS is required.

XII. THE DEA DOES NOT MEET THE TESTS FOR A FONSI

The authors of the DEA improperly find that the proposed project meets the tests for a FONSI in § 5.0 of the DEA. This will be demonstrated below:

Test 1: This test is not met. No proper study has been conducted to allow this finding to be entered. The unmitigated increased rate of alien species introductions would undermine any finding here.

Test 2: The uses of the Harbor for recreation may certainly be curtailed. Surfing, fishing and canoeing will all most definitely be curtailed by these expansions of the Kahului Harbor. HDOT has not taken a "hard look" at the impact of this proposed project on surfing, fishing and canoeing, as all of these activities now take place in the Harbor. All of these activities most certainly will be adversely affected by this proposed project. The failure to address long-term, cumulative impacts of increased tourism undermines any finding here.

Test 3: This DEA violates the EIS regulations and the mandate that long-term, cumulative impacts must be addressed, among others.

Test 4: There is no basis for this conclusion. Most importantly, the growth-inducing impacts of this project have been swept under the rug.

Test 5: There is no factual basis for this finding.

Test 6: The conclusion here that this project will have no secondary impacts is wrong as a matter of fact and law. This project may have significant secondary effects and these have not been addressed in the DEA.

Test 7: Because "off-site" impacts and long-term, cumulative and secondary impacts have not been addressed in this DEA, there is no basis for this finding. In addition, the project involves substantial degradation of environmental quality. Water quality may well be detrimentally affected by this

proposed project. There has been no effort in the DEA to deal with the dumping of wastes by cruise ships in Harbors. This project will facilitate a five-fold increase from 2002 to 2025 of cruise ships from 52 per year to 287 per year. The potential environmental damage caused by these cruise ships is addressed in *Environment Hawaii*, Volume 13, No. 8 in "Molokai Protests Shine Spotlight On Effects Of Cruise Industry Growth" and in "International, Federal Laws Addressing Cruise Ship Wastes", both of which are incorporated by reference. The DEA fails to address the significant water pollution caused by these ships and fails to address the laws intending to prevent this pollution.

Test 8: This finding is void as a matter of law. This project may have significant secondary effects and these have not been addressed in the DEA. This DEA violates the EIS regulations and the mandate that long-term, cumulative impacts must be addressed, among others.

Test 9: Because "off-site" impacts and long-term, cumulative and secondary impacts have not been addressed in this DEA, there is no basis for this finding. HDOT has totally failed to address the issue of the increase in alien species introductions upon endangered species and their habitats.

Test 10: There is no evidentiary basis for this finding. Water quality may well be detrimentally affected by this proposed project. There has been no effort in the DEA to deal with the dumping of wastes by cruise ships in Harbors. This project will facilitate a five-fold increase from 2002 to 2025 of cruise ships from 52 per year to 287 per year. The potential environmental damage caused by these cruise ships is addressed in *Environment Hawaii*, Volume 13, No. 8 in "Molokai Protests Shine Spotlight On Effects Of Cruise Industry Growth" and in "International, Federal Laws Addressing Cruise Ship Wastes", both of which are incorporated by reference. The DEA fails to address the significant water pollution caused by these ships and fails to address the laws intending to prevent this pollution.

Test 11: Because "off-site" impacts and long-term, cumulative and secondary impacts have not been addressed in this DEA, there is no basis for this finding. HDOT has totally failed to address the issue of the increase in alien species introductions on endangered species and their habitats. Coastal waters are defined as environmentally sensitive areas. For the same reasons that Test 10 has not been satisfied, Test 11 is not met.

Test 12: There is no evidentiary basis for this finding in the DEA.

Test 13: There is no evidentiary basis for this finding. There is no analysis of what powers the vessels, how much of that will be required and where it will come from. There is no analysis of how much of the "cargo" being brought into the Harbor is to satisfy island energy demands of one kind or another.

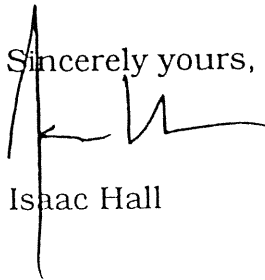
XIII. CONCLUSION/DEA SHOULD BE WITHDRAWN

The inadequacies of the DEA are so severe that the document must be withdrawn, rewritten, republished as a Draft EIS, and public review recommenced.

We trust that you will take seriously your responsibility to enforce the environmental laws of our state, and refuse to accept or approve this document until it has been adequately prepared to serve its intended purpose.

Thank you for the opportunity to oppose the entry of a FONSI on this DEA. I request that you find either that (a) this DEA is inadequate, or (b) that substantial questions have been raised about whether the proposed action may have a significant effect on the environment and therefore require the preparation of an EIS.

Sincerely yours,

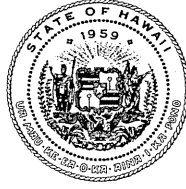


Isaac Hall

IH/sn

cc: Department of Transportation – Harbor Division
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khc/lethiraga



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IN REPLY REFER TO:

HAR-EP 7832.05

November 10, 2005

Mr. Isaac Davis Hall
Attorney at Law
2087 Wells Street
Wailuku, Hawaii 96793

Dear Mr. Hall:

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 for your clients the “Kahului Harbor Coalition,” of which some members are Mr. Jeffrey Parker and Mr. Gregory Westcott, small farmers on the island of Maui. We offer the following responses.

1. Regarding your comment about the expansion of transportation infrastructure in a manner, which induces growth, requires a careful and detailed analysis of a full panoply of environmental impacts. We respectfully disagree with the commentator’s view on the growth inducing impacts of the expansion of transportation infrastructure. As the commentator refers to the *Kahului Airport Environmental Impact Statement*, a detailed analysis was completed for growth inducing impacts and the conclusion was that there will be little or no growth. Also, as far as the adequacy of the *Kahului Airport Environmental Impact Statement*, it was found to be adequate in both the State and Federal courts, for Hawaii Revised Statutes (HRS) Chapter 343 and National Environmental Policy Act (NEPA), respectively. Similarly, the harbor improvements are based on the forecast demand as stated in Section 3.0 of the *Kahului Commercial Harbor 2025 Master Plan Environmental Assessment (EA)*. As these forecasts are based on population projections and ship schedules, the demand will occur with or without the proposed project. An economic analysis of harbor improvements is provided in the EA Section 4.5.

Regarding your comment that the Draft EA does not fulfill the definition of a Draft EA, that it does not adequately describe identifiable environmental impacts, that it does not identify potential impacts and their significance, and that interested citizens groups and

individuals were not consulted early in the environmental process (See HAR Section 11-200-9). We respectfully disagree with the commentator's opinion. The Draft EA and pre-consultation were prepared in accordance with the HRS Chapter 343 and Hawaii Administration Rules (HAR) Section 11-200-9. We also disagree with the commentator's views about the Draft EA which are as follows: *"fails "to convey the required information succinctly in a form easily understood, by both members of the public and the public decision-makers." HAR Section 11-200-19. Contrary to HAR Section 11-200-14, the Draft EA is "a self-serving recitation of benefits and a rationalization of the proposed action." The preparers of the Draft EA have not taken a "hard look" at the environmental consequences of the proposed project as a whole."*

In regards to the segmentation issue, please see the response to the segmentation comment below. In addition, the purpose of HRS Chapter 343 is to establish "an environmental review process will integrate the review of environmental concerns with existing planning processes of the State and counties and *alert decision makers* [emphasis added] to significant environmental effects which may result from the implementation of certain actions." For this EA, no significant impacts were found and a Finding of No Significant Impact (FONSI) will be determined.

2. Regarding your comment on the issue of standard of review. We agree that an environmental assessment is prepared to determine if an environmental impact statement (EIS) will be required or not. In this instance, the environmental assessment analysis determined that the impacts of the proposed projects are insignificant and a FONSI is warranted. The preparation of an EIS, therefore, is unnecessary.
3. Regarding your comment that there was no early consultation. We disagree with the commentator's opinion that "early consultation was not completed and that this renders the Draft EA inadequate." The HAR Section 11-200-9 states:

B. 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's groups and individuals which the *proposing agency reasonably believes to be affected* [emphasis added].

This requirement was met as we have had discussions about the proposed improvements with various groups, including the Maui County planning agencies from the inception of the *Kahului Commercial Harbor 2025 Master Plan*. In addition, for the pre-consultation portion of the EA, we increased the outreach to other groups and agencies as presented in the EA Section 8.1.

Also, HAR Section 11-200-14 applies to the preparation of an EIS, and if an EIS were prepared, it would be produced pursuant to HAR Section 11-200-14, as applicable, and pursuant to all other applicable rules and regulations. However, the EA found no significant impacts and a FONSI will be determined. The EA did take a “hard look” at the environmental impacts for the proposed project and is not just a “self-serving recitation of benefits and a rationalization of the proposed action.”

4. Regarding your comment whether a joint Federal/State EA and EIS may be required. As stated by the commentator, the Draft EA does disclose which Federal permits will be needed to implement the proposed improvements (see EA Section 1.4). However, there will be no Federal funds used for any of the proposed improvements. The decision to prepare a Federal environmental document is at the discretion of the appropriate federal agency issuing the permit. HRS Chapter 343-5(f) states that:

[w]henver an action is subject to both the National Environmental Policy Act of 1969 (Public Law 91-190) and the requirements of this chapter, the office and agencies shall cooperate with federal agencies to the fullest extent possible to reduce duplication between federal and state requirements. Such cooperation, to the fullest extent possible, shall include joint environmental impact statements with concurrent public review and processing at both levels of government. Where federal law has environmental impact statement requirements in addition to but not in conflict with this chapter, the office and agencies shall cooperate in fulfilling these requirements so that one document shall comply with all applicable laws.

As stated previously, an EIS will not be prepared because there are no significant impacts. However, the preparation of separate state and federal environmental documents does not make this EA inadequate.

5. Regarding your comment that the Draft EA illegally segments the project. We disagree with the commentator’s opinion that the document has improperly incorporated by reference the *Kahului Commercial Harbor 2025 Master Plan*. The analysis in the EA was prepared in an objective manner consistent with the requirements of the HRS Chapter 343 and HAR Section 11-200. The analysis did look at the project as a whole and has not been segmented. As stated in the EA Section 1.1, the intermediate and long-term projects are not reasonably foreseeable and not ripe for decision-making, and therefore not considered as part of the proposed project. These projects are independent of each other and do not represent or commit the Harbors Division to a larger project. In addition, if and when the intermediate and long-range projects are ripe for decision-making or reasonably foreseeable, additional environmental studies and documents will be prepared as required.

The fact that the EA cannot provide a comprehensive environmental review of the long-term projects does not mean that the EA is deficient. Under NEPA, multi-stage (phased) projects such as this can be tiered so long as the portions of the project that are fully analyzed in the EA meet the following criteria:

- i) they have substantial independent utility;
- ii) they do not foreclose the opportunity to consider alternatives to the more speculative, long-term projects that will be studied later; and
- iii) they do not irretrievably commit federal funds for those projects.

Similarly, HRS Chapter 343 has similar requirements, which are:

- i) the component actions are independent of each other and do not represent a larger total undertaking;
- ii) the individual projects are not necessarily precedent to the larger project;
- iii) the individual projects are not a commitment to a larger project; and
- iv) the individual actions are not essentially identical.

As stated in the EA Section 3.4, the short-term projects are independent of the intermediate and long-term projects, and do not represent a larger undertaking or a commitment to a larger project. In addition, the intermediate and long-term projects are speculative at best (therefore, not reasonably foreseeable or ripe for decision making) as stated in the EA Section 1.1. In addition, the short-term projects do not foreclose the opportunity to consider other alternatives for the speculative intermediate and long-term projects, and do not irretrievably commit state funds to the long-term projects.

Finally, the U.S. Council of Environmental Quality Control (CEQ) regulation 1508.28(b), tiering should be used to “help the lead agency focus on issues that are ripe for decision and exclude from consideration issues already decided *or not yet ripe* [emphasis added].” Therefore the EA focused on the short-term projects and deferred detailed analysis of the intermediate and long-term projects until a later date when and if they would actually be reasonably foreseeable and ripe for decision as these projects have serious operational concerns as stated in the EA.

6. Regarding your comment that growth-inducing impacts have been ignored. The commentator has maintained throughout the Kahului Airport and Kahului Harbor planning processes that growth inducing impacts are being ignored. We respectfully disagree with this view. Even with a very comprehensive growth inducing analysis in the *Kahului Airport EIS* that concluded that the airport infrastructure improvements cause little or no growth, the commentator states that there will be growth inducing impacts at

Kahului Airport. We again respectfully disagree with the commentator that the proposed improvements at Kahului Harbor will cause growth. As discussed in the various sections for water supply, solid waste, socio-economic impacts, etc., the forecast maritime demand is independent of the proposed improvements.

The commentator continually refers to the *Kahului Airport EIS* and therefore, as a case in point, the proposed improvements analyzed in the aforementioned EIS have not been constructed, especially the extension of Runway 2-20. However, the aviation demand at Kahului Airport has continued to grow as stated in the no-action alternative in the *Kahului Airport EIS*. In addition, aircraft can arrive at Kahului Airport from any origination point and the current aviation demand shows aircraft arriving from new origination points, again, without the proposed improvements being constructed. Therefore, the growth inducing analysis has not been ignored and the conclusion of the analysis differs from the commentator's opinion.

Regarding your comment that Table 1 of the Draft EA indicates that there is no such service now (as of August, 2002) and that the forecast in Table 2 of the Draft EA indicates that there will be one inter-island ferry "call" per day or 365 "calls" per year by the year 2025. During the master planning process it was a reasonable assumption that an interisland ferry system may start within the planning period, as there have been other interisland ferries - although none of the previous interisland ferry ventures have been able to become a mainstay in interisland travel. The number and frequency of the ferry calls also would be reasonable to assume at least a one call per day service for an interisland ferry operation to remain viable. In fact, the Hawaii Superferry has recently announced plans to start service with one call per day to Kahului Harbor in early 2007.

As all of Kahului Commercial Harbor's piers serve as multi-use berths, interisland ferries can use any of the existing piers. The Harbors Division is pursuing the construction of additional piers to accommodate the anticipated maritime demand, as stated in the EA Section 3.2. This demand includes petroleum barges, cement ships, container vessels and cruise ships, as well as ferries. As discussed in the EA Section 3.3, the forecast was developed using statistical studies to establish a reasonable forecast and basis for the *Kahului Commercial Harbor 2025 Master Plan*.

Regarding your comment that the impacts of these increases in terms of pollution, traffic, drugs, alien species introductions, infrastructural deficits, tourism impacts and socio-economic impacts have nowhere been addressed. See the responses to these comments within this letter or in the EA as follows:

- Pollution, Sections 4.3, 4.4, 4.8, 4.16 and 4.17.
- Traffic, Section 4.22.

- Drugs, Section 4.18.
- Alien species, Section 4.10.1.4.
- Infrastructure, Sections 4.13, 4.15, 4.17, 4.18, 4.19, 4.20, 4.22.
- Tourism, Section 4.5.
- Socio-Economic, Section 4.5.

We respectfully disagree that the portrayal that the no-action scenario was too vague and untrue. We contend that the description of the no-action scenario is accurate. The commentator does not provide specifics as to the claim that it will be growth-inducing and therefore, no specific response can be provided.

7. Regarding your comment that the Draft EA is too vague. We respectfully disagree with the commentator's assertions that the Draft EA is too vague. The Draft EA is based on the *Kahului Commercial Harbor 2025 Master Plan*, which is a planning document and that reasonable foreseeable details have been made available for the decision maker.

As far as the future anticipated use of the piers, it has been shown in the berthing analysis in the EA Section 3.3. This berthing analysis have been re-analyzed without the use of Pier 5 and Pier 2C.¹ In addition, the following *Kahului Commercial Harbor 2025 Master Plan* statement will be added to the EA to clarify that piers are for common use:

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.

8. Regarding your comment that the Draft EA failed to study the increased pest and drug introductions. We respectfully disagree with the commentator that there was a failure to study and address alien pest species and drugs interdiction. The alien species issue is discussed in the EA Section 4.10.1.4 and the police and public safety concerns (which would include drugs) 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 or alien pest species into Maui. As stated in the EA, the jurisdiction for these inspections and prevention is with various State and Federal agencies. The alien species risk assessment performed at Kahului Airport shows that passengers and the vessels are of low risk. Rather, the high-risk items are those commodities that are imported by the residents of Maui. The following statement will be added to the Final EA in Section 4.10.1.4.

¹ The Pier 2C improvements have been removed from the Proposed Projects due to concerns raised from the canoe paddlers and will not be constructed under this 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.”*

Therefore, the analysis and determination that the proposed improvements will have no or an insignificant impact on the introduction of alien species in the Draft EA is accurate and contrary to the commentator’s opinion. Similarly, the proposed improvements will not significantly impact the inspection and intervention of drugs. Based on the above and the analysis performed for the EA, the impacts are insignificant and an EIS is not warranted.

9. Regarding your comment that the study of alternatives is inadequate. We respectfully disagree with the commentator’s statement that the alternative analysis is half-hearted and inadequate and that the no-action alternative contains false statements. In addition, the EA is an agency document and not an applicant document. Therefore, the agency is not required to have an independent analysis completed.
10. Regarding your comments about the necessity for assembling data and conducting studies and tests as part of the Draft EA process. We appreciate the commentator’s view on obtaining relevant data and conducting the necessary studies. Through this assessment, the Harbors Division and its consultants have conducted the necessary studies for this environmental assessment and impacts were not “swept under the rug” as the commentator asserts.

11. Regarding your comment about incorporation by reference of other comments. All comments received, and appropriate responses will be included in the Final EA for review by the decision maker, pursuant to the HRS Chapter 343 and HAR Section 11-200.
12. Regarding your comment that the Draft EA does not meet the tests for a FONSI.

Test 1:

Comment. This test is not met. No proper study has been conducted to allow this finding to be entered. The unmitigated increased rate of alien species introductions would undermine any finding here.

Response. We disagree with the commentator. As shown in the *Kahului Airport Risk Assessment*, alien species make their way to Hawaii by hitchhiking on commodities bound for Kahului, as these commodities are imported at the request of the residents of Maui. Please see response on alien species, above and the analysis in the EA.

Test 2:

Comment. The uses of the harbor for recreation may certainly be curtailed. Surfing, fishing and canoeing will all most definitely be curtailed by these expansions of the Kahului Harbor. The Harbors Division has not taken a "hard look" at the impact of this proposed project on surfing, fishing and canoeing, as all of these activities now take place in the harbor. All of these activities most certainly will be adversely affected by this proposed project. The failure to address long-term, cumulative impacts of increased tourism undermines any finding here.

Response. As stated in the EA Section 4.21, the surfing and fishing that are currently permitted will not be impacted by the proposed improvements. As far as the canoe paddling, the Pier 2C development has been removed from the proposed project and will not be constructed at this time. As stated above, the argument that improvements of transportation infrastructure causes growth in tourism is discussed above, see response to item 6 above on growth inducing impacts.

Test 3:

Comment. This Draft EA violates the EIS regulations and the mandate that long-term, cumulative impacts must be addressed, among others.

Response. We respectfully disagree with the commentator that the Draft EA violates the EIS regulations. The Draft EA and Final EA have been prepared pursuant the HRS Chapter 343 and HAR Section 11-200. In addition, both documents analyzed both short- and long-term impacts, as well as cumulative impacts.

Test 4:

Comment. There is no basis for this conclusion. Most importantly, the growth-inducing impacts of this project have been swept under the rug.

Response. We respectfully disagree, as stated above in item 6, there will be no growth inducing impacts due to the proposed improvements.

Test 5:

Comment. There is no factual basis for this finding.

Response. We respectfully disagree with the commentator, however, as no specific comment was provided, no specific response can be provided.

Test 6:

Comment. The conclusion here that this project will have no secondary impacts is wrong as a matter of fact and law. This project may have significant secondary effects and these have not been addressed in the Draft EA.

Response. We respectfully disagree with the commentator, however, as no specific comment was provided, no specific response can be provided. Please refer to the response to item 6, growth-inducing impacts, above.

Test 7:

Comment. Because “off-site” impacts and long-term, cumulative and secondary impacts have not been addressed in this Draft EA, there is no basis for this finding. In addition, the project involves substantial degradation of environmental quality. Water quality may well be detrimentally affected by the proposed project. There has been no effort in the Draft EA to deal with the dumping of wastes by cruise ships in Harbors. This project will facilitate a five-fold increase from 2002 to 2025 of cruise ships from 52 per year to 287 per year. The potential environmental damage caused by these cruise ships is addressed in *Environment Hawaii*, Volume 13, No. 8 in "Molokai Protests Shine Spotlight On Effects Of Cruise Industry Growth" and in *International, Federal Laws Addressing Cruise Ship Wastes*, both of which are incorporated by reference. The Draft EA fails to address the significant water pollution caused by these ships and fails to address the laws intending to prevent this pollution.

Response. We respectfully disagree with the commentator that cumulative and secondary impacts were not addressed in the Draft EA. Dumping in the harbor is illegal pursuant to HRS Chapter 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 its efforts with the U.S. Coast Guard. Also, as stated in the 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.

The HAR Section 19-42-127 will be referenced in the Final Environmental Assessment, Section 4.8 Water Quality. In response to the commentator, the operations outside the commercial harbor is not within the jurisdiction of the Harbors Division and is out-of-scope with this EA.

Test 8:

Comment. This finding is void as a matter of law. This project may have significant secondary effects and these have not been addressed in the Draft EA. This Draft EA violates the EIS regulations and the mandate that long-term, cumulative impacts must be addressed, among others.

Response. We respectfully disagree, as stated in the EA, the proposed improvements are individually limited and do not have significant cumulative impacts.

Test 9:

Comment. Because off-site impacts and long-term, cumulative and secondary impacts have not been addressed in this Draft EA, there is no basis for this finding. The Harbors Division has totally failed to address the issue of the increase in alien species introductions upon endangered species and their habitats.

Response. We respectfully disagree, as stated in the EA, the proposed improvements do not have an impact on any listed species. The alien species issue is addressed above and in the EA.

Test 10:

Comment. There is no evidentiary basis for this finding. Water quality may well be detrimentally affected by this proposed project. There has been no effort in the Draft EA to deal with the dumping of wastes by cruise ships in harbors. This project will facilitate a five-fold increase from 2002 to 2025 of cruise ships from 52 per year to 287 per year. The potential environmental damage caused by these cruise ships is addressed in *Environment Hawaii*, Volume 13, No. 8 in "Molokai Protests Shine Spotlight On Effects Of Cruise Industry Growth" and in *International Federal Laws Addressing Cruise Ship Wastes*, both of which are incorporated by reference. The Draft EA fails to address the significant water pollution caused by these ships and fails to address the laws intending to prevent this pollution,

Response. Refer to comments discussed in Water Quality section of the EA and also the response to Test 7, above.

Test 11:

Comment. Because off-site impacts and long-term, cumulative and secondary impacts have not been addressed in this Draft EA, there is no basis for this finding. The Harbors Division has totally failed to address the issue of the increase in alien species introductions on endangered species and their habitats. Coastal waters are defined as environmentally sensitive areas.

Response. We respectfully disagree, as stated in the EA, there will be no significant impacts to the coastal area by the proposed improvements.

Test 12:

Comment. There is no evidentiary basis for this finding in the Draft EA.

Response. We disagree with the commentator as the analysis is included in the EA.

Test 13:

Comment. There is no evidentiary basis for this finding. There is no analysis of what powers the vessels, how much of that will be required and where it will come from. There is no analysis of how much of the cargo being brought into the harbor is to satisfy island energy demands of one kind or another.

Response. We respectfully disagree with the commentator as the analysis is included in the EA. The number of calls for fuel (petroleum), coal and propane are shown in the forecasts and their anticipated berths are discussed in the EA Section 3.3.

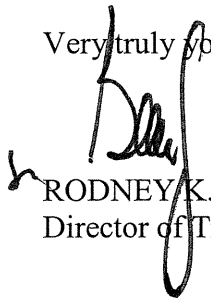
Mr. Isaac Davis Hall
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13. Regarding your comment that the conclusion/Draft EA should be withdrawn. We respectfully disagree with the commentator on the inadequacies of the Draft EA. However, the commentator's comments will be included in the Final EA, along with other comments received during the comment period for the review by the decision makers. Again, we respectfully disagree with the need for an EIS.

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

Very truly yours,



RODNEY K. HARAGA
Director of Transportation

Brian T. Ishii

From: Maui County Environmental Liaison [conservation@hawaii.rr.com]
Sent: Monday, September 06, 2004 3:22 PM
To: btishii@eknahawaii.com
Subject: Kahului Harbor Improvements



Brian Ishii
Edward K Noda & Associates
615 Piikoi Street
Honolulu Hawaii, 96714
(808) 591-8553
(808) 593-8551
btishii@eknahawaii.com - email

Re: Public Comment on State of Hawaii, Department of Transportation, Harbors Division application to implement 2025 Kahului Commercial Harbor Master Plan short term projects

If the goal of the above-mentioned improvements is to accommodate a super ferry that transports passengers and vehicles interisland, there are many concerns which the current plan fails to address.

The question of how invasive species will be controlled is unanswered, as well as impacts to cultural and recreational areas. There is a cause for concern that drug trafficking between islands will rise as well.

Until a comprehensive plan is developed to manage threats posed by alien species, drug trafficking, and to mitigate impacts to recreational and cultural practices, Surfrider advocates for an interisland passenger ferry with appropriate public ground transit systems on all islands to accommodate people's transportation needs.

Surfrider requests that an environmental impact statement be required. Surfrider also requests standing to be kept abreast of the state's plans for Kahului Harbor.

Mahalo,

Jan Roberson

Jan Roberson, MPA
Maui Chapter Chair
The Surfrider Foundation
(808) 575-2716 - ph
(808) 298-8254 - cell
(808) 575-9321 - fax

*P.O. Box 790549
Paia, Hawaii 96779*



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

IN REPLY REFER TO:

HAR-EP 7833.05

November 14, 2005

Ms. Jan Roberson
Chair, Maui Chapter
The Surfrider Foundation
P.O. Box 790549
Paia, Hawaii 96779

Dear Ms. Roberson:

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 question whether the goal of the proposed improvements are to accommodate a Superferry that transports passengers and vehicles between islands. The goals and objectives of the Proposed Project, are stated in the Environmental Assessment (EA) and are not to accommodate the Superferry. The improvements required by the Superferry include a loading barge and a ramp system. The project to provide the barge and ramp system has been declared exempt from the Hawaii Revised Statutes Chapter 343 process. This exemption is included in the Final EA.
2. Regarding your expressed concerns about invasive species, cultural and recreational areas, as well as the level of drug trafficking between islands. These issues are addressed in the EA as follows:
 - Alien species issue, Section 4.10.1.4.
 - Cultural issues, Section 4.9.
 - Drug trafficking and security issues, Section 4.18.
 - Recreational issues, Section 4.21.
3. 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 Draft EA indicate 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.

Ms. Jan Roberson
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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,

A handwritten signature in cursive script, appearing to read "Rodney Haraga". The signature is written in black ink and is positioned above the printed name.

RODNEY K. HARAGA
Director of Transportation

TO: BRIAN ISHII

C. BIR

Tropical Orchid Farm, Inc.

Huelo, Maui

Via Fax and U.S. Mail (6 Pages including this page).

To:
Director Mr. Rodney Hiraga
Department of Transportation
State of Hawaii
869 Punchbowl St.
Rm. 509
Honolulu, Hawaii
96813
Fax: 808 587-2167

9-6-2004

RECEIVED

SEP 09 2004

EKNA SERVICES, INC.

From:
Jeffrey Parker
President, Tropical Orchid Farm, inc.
P.O. Box 170
Haiku, HI
96708
Fax 808 572-8917

Re: Comments on the Draft EA for the Kahului Harbor Improvements Project of the Hawaii Department of Transportation – Harbors Division.

Dear Mr. Hiraga,

To begin, I am very unhappy with the shoddy and woefully inadequate analysis evident in the DEA prepared by Brian Ishii and E.K. Noda & Associates. My complaints are many. I am a farmer whose livelihood is threatened by the ongoing failure of HDOT and HDOA to control the introduction of new and dangerous alien pest species. Increased arrivals of airplanes and ships, facilitated by HDOT's airport and harbor expansion projects, are the cause of the increasing alien pest problem which threatens diversified agriculture. Small, diversified agriculture is the fastest-growing sector of Hawaii's economy –so much is at stake.

1. The hiring via non-bid contract of Brian Ishii and E.K. Noda & Associates is an indication of reluctance to produce a fair and honest environmental review. Several years ago, officials from Haleakala National Park requested to be "consulting parties" in the preparation of the Kahului Airport EIS. They were told that they could not be "consulting parties". National Park officials then appealed to the President's Council on Environmental Quality. The Council ordered that U.S. Fish and Wildlife do a "Biological Opinion" on the risks posed by introduced alien species at Kahului Airport. They also ordered DOT to come up with an Alien Species Action Plan (ASAP). E.K. Noda & Associates and specifically Mr. Ishii were hired to facilitate those numerous ASAP meetings, meetings attended by representatives of many agencies, including HDOA, U.S. Fish and Wildlife, and officials from Haleakala National Park. So, Mr. Ishii and Noda are well aware of the risks of increased alien pest species when transportation infrastructure projects increase the number of arrivals. Yet, in this Harbor DEA, Mr. Ishii and Noda barely mention the alien species threat!

Mailing Address: P.O. Box 170 • Haiku, Maui, HI 96708 • Phone (808) 572-8569 • Fax (808) 572-8917

(cont.) Last August 2003, E.K. Noda & Associates were found guilty of making illegal and “false-name” political campaign contributions and received the largest fine in Hawaii history. Because during the investigation Mr. Noda and those involved were less than candid and provided the Campaign Spending Commission misinformation, extra fines were levied. Mr. Noda himself faced criminal prosecution for money laundering and making campaign contributions under false names.

These violations were occurring at roughly the same time as when the Airport EIS was being “accepted” by the “Accepting Authority”. The Accepting Authority, in this case, was Gov. Ben Cayetano. Ironically, many of the illegal contributions made by Noda and his employees, were made to Gov. Cayetano. Why would HDOT want to add to the appearance of corruption, by retaining these convicted criminals to prepare the DEA for the Harbor projects? Interestingly, the contract to prepare this DEA, whether it was a bid or non-bid contract, was awarded to Noda during the period that they were committing the violations, and before they were indicted (this is illustrated by the fact that the comment letters for the harbor project were solicited in Oct. 2002 – a period when the recipient of the illegal donations, Gov. Cayetano, was still in office.) Ironically, the \$74,000 in fines collected by the Campaign Spending Commission has now been refunded to Noda and Associates in the form of a [non-bid] contract to prepare this DEA.

Criminal activity aside, the Kahului Airport EIS is regarded by many as the most controversial environmental document in Hawaii’s history. It resulted in many court rulings, a contentious Contested Case Hearing at the State LUC, numerous contentious hearings at the County level, and actually caused serious divisions among members of our local community. Ironically this led to a treasure trove of new “work” for Noda & Associates – as they received additional contracts to patch up and supplement the deeply flawed EIS, and to “facilitate” numerous additional hearings and meetings, such as the aforementioned ASAP meetings. Why would HDOT not seek to turn over a new leaf, and hire an untarnished consulting firm to do this new Harbor analysis? Or put the contract out to bid?

In order to restore the public’s faith in the process, E.K. Noda and Associates must be removed from this assignment and the current DEA should be thrown out. Then a fresh DEA or DEIS can commence using an untarnished and neutral consulting firm.

2. The proposed project probably requires a full Joint Federal/State Environmental Impact Statement – not merely an EA. Your DEA does not disclose whether Federal monies are involved, but the DEA has disclosed that a permit is required from the Army Corps of Engineers. This indicates that Federal monies could be involved.
3. You (DOT) have not met your obligation to include members of the public or even important government agencies in the preparation of this document. For example, with only a few days left before the comment period ends, I found out that no comment letter was solicited from The Hawaii Department of Agriculture, the agency responsible for intercepting dangerous alien pest species. No comment letter was solicited from U.S. Fish and Wildlife, an agency which was greatly involved in the Kahului Airport Expansion EIS (a project with many similarities to the current Harbor expansion proposal). The DEA is worthless without significant consultations with at least these agencies and members of the public.

4. Alien Species.

As a farmer who is constantly battling new pest species, I will discuss this aspect of the project first:

A. During the ongoing Kahului airport expansion controversy, it was stated many times by testifiers, scientists, and DOA & DOT officials, that Kahului Harbor was the “second main portal” for the arrival of new dangerous pests. However, in this DEA, the importance of the alien species is purposefully minimized. Section 4.10.1.4 does nothing to support the claim that there will be no impact regarding alien species. No effort is made to use the vast wealth of knowledge about alien species or mitigation measures gained in the very similar Kah. Airport controversy, over a decade. “DOT Harbors and DOT is participating in committees and task forces to monitor and resolve the potential introduction of alien pest species.” Where’s the data? What IS DOT doing about the problem? What is the track record of DOT and DOT-Harbors in interdicting pests? What alien species crises or threat has been “resolved” by DOT? How does DOT and DOT-Harbors “monitor” introductions? The issues should be very similar to those in the Airport case:

1. How many pest introductions per year through the harbor now?
2. How many inspectors/ personnel would be needed to effectively control incoming pests at an expanded harbor, with greatly increased arrivals?
3. Who will fill these new inspector slots? It is well-known that DOT has refused and still resists paying for new ag inspectors (even though Special Funds could be used). The DOT’s own Risk Assessment found that 19 full-time inspectors and 4 dogs would be needed to keep up with traffic at the airport now. However, after 3 years there still are only 4 or 5 full-time inspectors at the airport. (even though monies exist to pay for this).
4. Is there a need for a “state of the art” sealed quarantine building for the harbor facility?
5. Will there be a way to quickly destroy intercepted shipments containing pests, such as a walk-in deep freezer, or incinerator?
6. Will there be rigorous searches and inspections of incoming vehicles and heavy equipment? The brown tree snake came to Guam in heavy equipment.
7. Will disembarking passengers from the cruise ships receive inspections, be screened, or be asked to fill out an “ag-dec” form?
8. Will ships kitchens be allowed to bring in fruits and vegetables from other tropical ports of call, where extremely dangerous agricultural pests are commonplace?
9. If the new harbor facilities can handle more than 1 ship at a time, say 2 at once, up to 6000 passengers could be disembarking in Kahului on a given day. In the case of ships arriving from foreign ports of call, these passengers may have been recently exposed to, and carrying diseases such as Dengue Fever, Malaria, or West Nile Virus. West Nile Virus is not only a threat to humans, it is feared by scientists at the National Park because it could easily spread from humans to birds and the to Maui’s threatened native bird population. It also spreads to livestock, perhaps impacting our livestock industry. Any new DEA or DEIS should examine the risks to Mauians of new disease outbreaks due to increased disembarkations.
10. “The proposed improvements are not expected to increase the number and types of ships to Kahului Harbor and therefore, the improvements will not increase the amount of alien species introduced to Maui.” This is a dishonest and misleading statement apparently based on Noda and DOT’s belief that the project is not growth inducing. (See below “Project is Growth Inducing”).

B. Inter-island Super Ferry

Though barely mentioned in the DEA, the harbor expansion is clearly geared toward accommodating the new Inter-island Super Ferry, with its “365 calls per year”. I believe the unrestricted operations of the proposed ferry system represent a new major threat to our environment and agriculture.

1. The new Inter island Super Ferry will increase the risk of introduction of new pests. It will facilitate the rapid dispersal to other islands of new threatening pests like the Glassy-winged Sharpshooter, which now is only present on Oahu. Perhaps more importantly, it will act as a very efficient means of distribution for undesirable species. Campers, hunters, etc. will now be able to go everywhere say, on the Big Island, and then in a matter of hours be able to drive those same vehicles on every back road on Maui. It has already been proven that Coqui frog eggs can travel in mud splashed up underneath vehicles. The Big Island has over 20,000 acres infested with Miconia (“The Green Cancer”) Each Miconia flower produces 1 million seeds. These seeds may easily be picked up by camper or hunter vehicles and transported to Maui – then dropped out of the vehicles everywhere they go in Maui. The Inter-island Super Ferry ratchets up the alien species threat to a new level – perhaps undermining all the good work done by DOA, DLNR, Fish and Wildlife, and organizations like the Maui Invasive Species Committee (MISC), to combat the spread of invasive species.

Apparently, Noda and DOT-Harbors believe that the Ferry will come with or without the harbor improvements, so they don’t have to study the impact of ratcheting up the alien species problem. This is false and misleading, and is merely a device they are attempting to use to avoid having to look at the environmental impacts of these projects (See below “Project is Growth Inducing”.) This new elevated risk, from a new ferry system, must be studied in any valid DEA or DEIS.


- a. Although late, the Department of Agriculture has instituted a much-needed “Interisland Coqui Frog Inspection Program” for travelers and cargo going from island to island. Will the Frog Inspection program be extended to the Inter Island Ferry System? Will passengers and automobiles be subjected to agricultural inspections? If so, where will the additional inspectors come from? Where will the money to hire the inspectors come from? Will passengers be required to fill out the Agricultural Declaration Form? They should.
- b. Persons involved in the dangerous illegal pet trade will find it much easier to move snakes and reptiles, and other creatures which could be devastating to Maui’s native ecosystem from island to island. Will there be inspectors on duty looking for this?

- C. I am also concerned that the inter island ferry will encourage the transport of detrimental illegal drugs like Crystal Methamphetamine (ICE). Presently, traffickers have a very difficult time getting through security at the airports. The new ferry system will make it very easy for smugglers to hide drugs in their vehicles and be on another island in just a few hours. The crystal methamphetamine (ICE) epidemic poses perhaps the second greatest threat to our communities’ well-being. The impact of easing drug running, with the consequence of flooding Maui with ICE, must be studied in any valid DEA or DEIS.

1. What type of police inspections of shipped autos and equipment will there be? Will the search for illicit drugs equal that being done at the airports?

- D. The 365 “calls” per year to Kahului by the new Ferry AND the 287 cruise ship calls poses a new threat for Maui’s citizens: Terrorism. Very easy for terrorists to plant a bomb in an automobile or even to hijack a cruise ship. Why does this DEA not discuss that possibility and mitigation measures? What kind of security measures will be in place? Will TSA get another contract to do this, and who will pay?
- E. A new roadway will be constructed between Pier 2C and Puunene Avenue. I do my banking at the First Hawaiian Bank there. It can be a very difficult to get out of Puunene Ave onto Kaahumanu or to go straight up Puunene at certain hours. It is obvious that this road connection is for the disembarking automobiles from the ferry to leave the harbor complex. The DEA says “The traffic increase will be during non-peak hours and therefore will not have a significant impact on the congestion at that intersection.” Are the hours of the ferry arrival known at this time? Is there a ferry schedule in place at this time? What are the non-peak hours? If this information is known, why isn’t it included in this DEA?
- F. IMPORTANT: The improvements at Kahului Harbor are simultaneously being proposed for other islands, notably for Nawiliwili Harbor on Kauai. There can be no doubt that many of these “improvements” are to facilitate the new ferry operation, an operation which may include many new types of impacts for Hawaii. The Inter Island Super Ferry is not just a single ferry, but rather a statewide system – and the impacts must be studied AS a statewide system. Any DEA or DEIS which attempts to study ONLY the impacts of the system on Maui will amount to a segmentation of the project. Segmentation is a fatal flaw when used in environmental documents.
- G. A new and separate DEIS, studying the complete impacts of Inter Island Ferry System, in total, is required.
- H. A glaring omission in the DEA is the lack of explanation about how the Forecast 2025 Ship Schedule was arrived at. While the container ship arrivals may be relatively easy to forecast, I don’t see any justification for the Domestic and Foreign Cruise Ship, or the Inter-island Ferry arrival numbers.
- I. Project is Growth Inducing.
1. The most important flaw in this DEA is the notion that “The proposed improvements are not expected to increase the number and types of ships to Kahului Harbor and therefore, the improvements will not [have significant impacts]” The consultants also put much faith in the idea that “the cruise ships and the ferry will come anyway, whether or not the improvements are made.” They seem to be relying on this one central idea to avoid actually having to study impacts. Yet, no data is presented to verify that the ships will come anyway. There are no comment letters from the cruise ship industry, nor were any solicited. I believe that many cruise ships would opt NOT to call at Kahului if the lack of facilities forced them to “park offshore and wait for moorings to become available.” Likewise, the promoters of the Ferry might have to rethink their operation if DOT-Harbors wasn’t so willing to bend over backwards to accommodate them. Therefore, the project is, of itself, growth inducing. It will make possible the arrivals of many more ships than are calling at present.

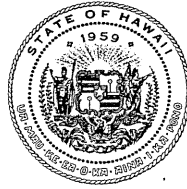
Thanks for the opportunity to comment.

A handwritten signature in black ink that reads "Jeffrey Parker". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jeffrey Parker
President, Tropical Orchid Farm. Inc.

Cc:

Brian Ishii, E.K. Noda & Associates
Iris Thompson Ishida, HDOT-Harbors
Gov. Lingle



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

IN REPLY REFER TO:

HAR-EP 7834.05

November 14, 2005

Mr. Jeffrey Parker
President
Tropical Orchid Farm, Inc.
P.O. Box 170
Haiku, Hawaii 96708

Dear Mr. Parker:

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 6, 2004. We offer the following responses.

1. Regarding your comment that the proposed project probably requires a full joint Federal/State Environmental Impact Statement (EIS). Under the Hawaii Revised Statutes (HRS) Chapter 343, an EIS should be prepared if there are significant impacts associated with a proposed project. The *Kahului Commercial Harbor 2025 Master Plan Environmental Assessment* (EA) concluded that there are no significant impacts and therefore, a Finding of No Significant Impact will be determined. In addition, if a federal environmental document is needed, it will be at the discretion of the approving Federal authority. This does not mean a joint document is needed and a joint document is neither a requirement of the National Environmental Protection Act or of HRS Chapter 343.
2. Regarding your comment that the Draft EA does not disclose whether Federal monies are involved, but yet a permit is required from the U.S. Army Corps of Engineers indicating that Federal monies could be involved. It is an incorrect assumption that the requirement for a Federal permit triggers the use of Federal funds. While the Harbors Division will be required to obtain the appropriate permits from the U.S. Army Corps of Engineers, the Harbors Division will not receive any funds from the U.S. Army Corps of Engineers or other Federal agencies for the projects described in the EA. Furthermore, the Draft EA's introduction states that State funds will be used.

3. Regarding your concern that the Department of Transportation has not met the obligation to include members of the public or even important government agencies in the preparation of this document. We disagree that the obligation to include the public or government agencies were not met. The EA is being prepared pursuant to HRS Chapter 343 and Hawaii Administrative Rules, 11-200.
4. 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 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.”*

5. Regarding your concern that the harbor expansion is clearly geared toward accommodating the new Inter-island Super Ferry. The EA is not geared to the Superferry. As stated in the EA Sections 1.1 and 3.4, the EA is for the short-term 2025 Master Plan (the Master Plan was completed in 2000) improvements for Kahului Harbor.

To indicate this more clearly, the title shall be revised to 2025 Master Plan Improvements, Kahului Commercial Harbor. The Superferry is a recent (circa 2003) potential specific user of Kahului Harbor, and can use existing or proposed harbor facilities. The following *Kahului Commercial Harbor 2025 Master Plan* statement will be included in the text of the Final EA:

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.

6. Regarding your comment about the Superferry and alien species. Please refer to our response to alien species in comment 4, above.
7. Regarding your concern about the interisland ferry encouraging transport of detrimental illegal drugs like Crystal Methamphetamine (ICE). 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. The interisland ferry will need security as other transportation modes, such as the airlines, under the authority of the U.S. Department of Homeland Security. The public safety concerns (which would include drugs) are addressed in the EA Section 4.18. Currently, the Superferry is working on a security plan. To clarify the 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.

8. Regarding your concerns about terrorism. The public safety issue is discussed in the EA Section 4.18 and is under the jurisdiction of the U.S. Department of Homeland Security. The County Police Department, in association with State and private security services, presently provides security services to the Harbor. With regards to the ferry, please refer to the comments discussed in item 7, above.
9. Regarding your comment about a new roadway constructed between Pier 2C and Puunene Avenue. The Pier 2C and Puunene Avenue improvements will not be constructed under this EA and has been withdrawn from the proposed project.
10. Regarding your comment that the interisland Superferry is not just a single ferry, but rather a statewide system – and the impacts must be studied AS a statewide system. As stated previously, the proposed improvements are for a variety of users and not being proposed or constructed to accommodate the Superferry or any other specific user. The “Superferry” is not part of the proposed project as it will be able to use the existing piers at Kahului Harbor. Therefore a statewide system EA is not needed for the Kahului Commercial Harbor improvements.
11. Regarding your comment that a new and separate Draft EIS, studying the complete impacts of the Inter-Island Ferry System, in total, is required. Please refer to the comments discussed in item 10, above.
12. Regarding your comment that a glaring omission in the Draft EA is the lack of explanation about how the Forecast Ship Schedule was arrived at. As discussed in the EA Section 3.3, the forecast is based on a number of statistical studies and used to develop a reasonable basis for the *Kahului Commercial Harbor 2025 Master Plan*. During the Master Plan, high correlations between the annual weight of all cargo shipped to and from Maui and the per-capita Gross State Product were established and used to project the 2025 estimates of cargo tonnage.

During the master planning process, it was a reasonable assumption that an interisland ferry system may start within the planning period, as there have been other interisland ferries - although none of the previous interisland ferry ventures have been able to become a mainstay in interisland travel. The number and frequency of the ferry calls also would be reasonable to assume at least a one call per day service for an interisland ferry operation to remain viable.

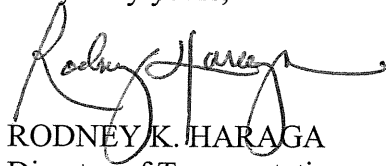
Mr. Jeffrey Parker
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13. Regarding your concern that the project is growth inducing. We respectfully disagree with the commentator that the proposed improvements at Kahului Harbor will cause growth. The amount of cargo is forecast based on the projected growth of the needs of Maui's population. As discussed in the various sections for water supply, solid waste, socio-economic impacts, etc., the forecast maritime demand is independent of the proposed improvements.

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,

A handwritten signature in cursive script, appearing to read "Rodney K. Haraga".

RODNEY K. HARAGA
Director of Transportation

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RS
1:51

SEP 09 2004

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.

First, I am a paddler of 16 years and I started with Hawaiian Canoe Club as a teenager. I have watched the canoe club positively impact the lives of hundreds, if not over a thousand, children and adults of Hawaii. If we lose our vital training area and race venue, our island will be negatively impacted as we lose children to negative activities including drugs, theft, etc. We have witnessed changes in peoples' lives that cannot equate to monetary gain by expanding this pier. It would be a capitalist evil to allow this expansion at the cost of losing the State Sport's premier venue on Maui, home of Hawaiian Canoe Club.

Second, as an avid one man canoe paddler, how will paddlers get to the beach after paddling down the North Shore along with hundreds of recreational kayakers, surfers in the harbor, paddleboarders, windsurfers, etc.

Third, the environment must be addressed. How much new pollutant will go into Kahului Harbor. We have already seen a dramatic increase in peoples' sicknesses and infections, possibly due to these cruise ships invading our harbor?

Fourth, until the Harbor figures out the 9/11 security upgrades and how to involve outrigger canoes, we have already lost the use of nearly 1/3 of the harbor. This is ridiculous as the water lost is typically the only calm water for our childrens' program to use.

We need a larger study to determine how to make this work for everyone. Maui has given away too much recreational space.

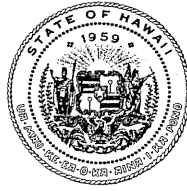
Why not expand out past the old Y Hata Building? That water is used only a fraction of the time and it would also relieve congestion in Kahului as people could enter through Beach Road or directly from Wailuku. This may be a revitalization for Wailuku Industrial.

Thank you for your time and I look forward to hearing back from you and possibly working with you on how to responsibly expand the Kahului Harbor.

Aloha,

John B. Guard IV
Broker in Charge
Coldwell Banker Island Properties
Hawaiian Canoe Club Member
MIL Paddling Coach
808.870.2227

PO. Box 71920, Paia, HI, 96779



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
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RODNEY K. HARAGA
DIRECTOR

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

IN REPLY REFER TO:

HAR-EP 7835.05

November 10, 2005

Mr. John B. Guard IV
Broker
Coldwell Banker Island Properties
P. O. Box 791920
Paiea, HI 96779

Dear Mr. Guard:

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 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) indicate 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 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 this EA.
3. Regarding your concern about the lost of shoreline access. The proposed improvements will not impact shoreline access.
4. Regarding your concern over the level of new pollutants entering Kahului Harbor, possibly from the cruise ships. 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 or discharge of pollutants in harbor waters due to the maritime demand. A spill response team, whose equipment is strategically located within Kahului Harbor, is trained to respond immediately to spills and coordinate its efforts with the U.S. Coast Guard.

5. Regarding your comment about the impact of existing security rules and regulations. Maritime security is under the jurisdiction of the U.S. Department of Homeland Security.
6. 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 opinion¹ 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.

The computed benefit-to-cost (b/c) analysis results are shown in the table below and includes 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

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

Mr. John B. Guard IV
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November 10, 2005


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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 587-2503.

Very truly yours,


s RODNEY K. HARAGA
Director of Transportation

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

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88
C.B.I.

EKNA SERVICES, INC.

Dr. Mr. Ishii,

On November 1, the canoe clubs on Maui first became aware that you had issued a DEA for the Kahului Harbor Improvements. I have been trying to obtain a copy. Apparently the only copy sent to Maui is the bound copy at the Kahului Library Reference Desk. At great time and expense I was able to copy some of the voluminous report but I am not able to review the entire document. On September 1, I visited the Kahului Harbor Office and, strangely enough, they had not received the report either. None of the canoe club representatives mentioned in the DEA were sent a report. I called the Oahu Harbors Division and requested a copy but they had only one and did not send it. I called you on 9/2 and requested a report be sent.

Obviously, the few days of time coupled with the inaccessibility of having only one report on Maui, which can't easily be copied, is adversely affecting the feedback you will get. In light of your failure to send copies to the affected organizations and even your own Harbor Office on Maui, and your lack in adequately notifying the community of its availability, it is clear that the comment deadline must be changed to be at least a month after the report is in our hands (The library is not accessible enough since we making copies is prohibitively expensive and time consuming there.)

I suggest that you extend the deadline to November 30, 2004. I demand that you at least extend it to 30 days after we became aware of its existence or October 1, 2004.

In reading the Draft Environmental Assessment (DEA) for the Kahului Commercial Harbor Improvements dated August 5, 2004, I find there are significant omissions and glaring inaccuracies and what can only be deliberate misrepresentation of the facts.

Section 1.1

"...the Pier 5 improvements, breakwater and channel improvements are on indefinite hold. The proposed Pier 5 improvements will not be constructed within the planning period due to the DOT-HAR budgetary goals and the results of the U.S. Army Corps of Engineers' *Wave Climate and Wave Response, 2025 Plan, Kahului Harbor 2002*. The results of this study indicate that the use of Pier 5 by large vessels will create operational problems, and the Pier 5 improvements will encounter significant wave surge conditions. When and if these ... projects become ripe for decision-making, an environmental analysis will be completed to determine...."

In other words, Pier 5 is physically infeasible **yet you are retaining it in the DEA**. The entire Pier 5 construction, dredging and breakwater needs to be removed from this DEA. This is a sneaky way of getting it past this part of the process without doing a full-scale EIS and without acknowledging that it is unworkable and should not even be considered further.

Recommendation: It is clear that the Pier 5 improvements must be completely scrapped as physically unworkable and eliminated entirely from the DEA.

Alternate Recommendation: If Pier 5 improvements are retained in this DEA, their impacts and mitigations must be thoroughly analyzed

and discussed. Either it is in or it is out. It can't be in as a proposal and not analyzed.

To leave Pier 5 in, is to keep an impossible project alive and to move it ahead by trickery. Once it passes this step, the effect is to accept a DEA on it and it will have escaped analysis.

“In the preparation of the EA, the comments from the pre-assessment consultation, the minutes of the public meetings during the 2025 Master Plan process, and comments on previous Environmental Assessments were reviewed. In addition, information was gathered from field visits, meetings...interviews with various community members and organizations.”

The feedback from your community meetings was universally negative. The impacts that were brought up were ignored or were deliberately modified to seem less severe than they actually are. Deliberate misrepresentation of the effects on surfers, canoe paddlers, fishers and the residents of Maui is prevalent throughout this document. The rest of this discussion delineates the outright lies in this document. The implication that the paddler representatives mentioned as consulted said that these deceptively mild impacts were true is reprehensible. The DEA is supposed to be an objective document. Thus negative impacts should not be minimized, omitted or falsified as they are in this in the DEA. The bias shown by the preparer is obvious.

Recommendation: Go back to community and write their comments accurately.

Section 1.2

“The Pier 1C Mooring Dolphin is an improvement project which is covered under a separate Environmental Assessment, dated March 2004”

It is my contention, that you have separated the projects in order to circumvent the need for a full Environmental Impact Assessment on the entire project.

Recommendation: Pier 1C Mooring Dolphin, even though approved and under construction, needs to be included with the rest of the projects and all of it needs a full-scale EIS.

Section 1.3

“use of ...a practical”: means that it won't be used.

Recommendation: Strike “as practical”.

“Continue tenant-user meetings and communiqués of activities in the Harbor”

Our local Harbor office is very good about communicating the Federal Security regulations and the boat traffic to us. However, Oahu **did not even send our local harbor office a copy of this DEA!** Continue **WHAT** communication? We asked for a copy of the DEA and no one will send it to us. Our own harbors office doesn't even know about it or have a copy. We are referred to the library where we must hand copy a bound version of the DEA at an exorbitant cost in time and money, effectively preventing the majority of people from access in order to comment.

Library hours conflict with work hours thus preventing most interested parties from access to your DEA.

Recommendation: The deadline on comments on this DEA must be continued until such time as the DOT can provide adequate copies of it to interested parties. This means at least until November 30, 2004.

“The construction of Pier 2C will reduce the number of lanes for the canoe paddlers; however is not considered a significant impact.”

This is an out and out lie. The construction of Pier 2C will completely eliminate the ability of the canoe paddlers to hold **any** races and will severely impact their ability to practice in the harbor.

In order to hold a regatta, high school race or Na Opio race we need a rectangular area that is 1452x760 feet (1/4 mile plus 3 canoe lengths of 44 feet) by (9 lanes times 80 feet + 40 on end).

The idea that we can use half the lanes and do twice the number of races is ludicrous and was never a proposed solution. In fact, if we had half the lanes, we'd have to run three times as many races (2 races for half the paddlers and then a race-off of the winners) Considering that regattas already run from 7:30pm to 5:00pm, that would require 28.5 hours of daylight which exceeds the amount available on a weekend. The fact that this ridiculous idea was included as a mitigation shows that there was inadequate information-gathering or that the preparer simply ignored or misrepresented community input.

Recommendation: Go back to the community and get correct facts this time.

Section 3.4:

“...as practical, the design will incorporate low-energy fixture and water saving devices”

Recommendation: Strike “as practical”.

Section 3.5 Pier 2C Preferred Alternative

Recommendation: Include description of where the 10,000 square foot passenger terminal will be built.

Recommendation: Include alternative with smaller passenger terminal.

Recommendation: Include the estimated number of vehicles using Pu'unene due to the ferry.

Recommendation: Include wave study of effect of 800 foot pier (500' + 300') and riprap on currents and whether this will erode the beach.

Recommendation: Include water study on the effect of the stagnant water that will form between Pier 2c and the beach.

Recommendation: Include a diagram showing the area taken up by the ships and their security zones.

Recommendation: Strike "as practical".

Section 3.5 Pier 2C 2010 Alternative

This alternative is not labeled as the preferred one although talks with Kahului staff indicate that it is, in fact, the preferred choice. Less preferred choices are usually included because they have smaller adverse impacts. This alternative has bigger impacts, so why was it included unless it is actually the preferred alternative?

Recommendation: Include effects of 30 ft dredging on beach erosion

Recommendation: Include drawing showing the fill, dock, road boats and their security zones in relation to the Hideaway restaurant, the two canoe hale and the hotels. Include scale.

Include drawing showing maximum ship size and their associated security zones.

Recommendation: Add section with Pier Notching Alternative.

Talks with Kahului Harbor Staff indicate that the most realistic alternative and one they are seriously considering is to notch the existing pier to accommodate the Ferry. The glaring omission of this alternative which is the one that is most likely to occur, makes the information in this DEA highly suspect.

Section 3.6 (No build alternative)

Editorializing does not belong in this section. This is another example of the bias of the DEA preparer. No positive impacts such as continued Hawaiian cultural use, less danger of erosion damaging near buildings, bigger docking fees that can be collected, etc. are mentioned

Recommendation: Remove biased pro-project editorializing or include positive effects of not doing the project also.

Section 4.6.3

Pier 2C Alternatives

What is the basis of the statement that Pier 2C will not have significant impact on the environment? Was a study done of the effect of changing the

currents on creating stagnant water where the tributary enters? On the effect of beach erosion?

Recommendation. Include beach erosion study of effect of pier structure, dredging and fill.

Recommendation: Include stagnant water study

Recommendation: Include traffic study of the impact of the number of cars on traffic for Ka'ahumanu Hwy and Pu'unene. This is a major commute intersection and is already choked with cars so that the intersection is blocked when the traffic backs up and people don't wait outside the intersection.

Page 31:

“The current cultural activities.... Current users include two paddling organizations.”

This paragraph is a glaring example of how the community feedback was ignored or was just plain recorded incorrectly. Note that the canoes are stored on the beach in front of the hale and any erosion of the beach or increase in wave impact will adversely affect both the buildings and the canoes.

Canoe practice at both clubs takes place year round. Additionally, Lae Ula O Kai, the other north shore club, uses the harbor when conditions become too rough outside the harbor.

It should be clearly stated that Kahului Harbor is the **only** safe place on the north shore to practice during the high surf months and that without access to the harbor, all the north shore clubs will be severely impacted on their winter and spring training.

The statement that paddling season usually extends from March to September/October is false. The first 6-man **race** is in March and the last 6-man **race** is in November. Offseason high school and youth paddling takes place from December through February with races in the harbor. Both practice and racing extends year round and the 1-man races occur when the 6-man races are not running. The timing of races will most likely expand in coming years.

There is no mention that Pier 5 will totally eliminate one of Maui's best surfing spots. There is no mention that Pier 5 and Pier 2c and their associated security zones will most likely squeeze canoe racing into such a small area as to be impractical. New security zones have already impacted the canoe clubs so congestion creates problems. To reduce the area more will have a cumulative impact.

Recommendation: Change “Current users include two paddling organizations”

to Current users include two resident paddling clubs comprising of in excess of 500 people.

Recommendation: Replace “The paddling season usually extends from March to September/October” with “All 8 canoe clubs of the Maui County Hawaiian Canoe Association and the Maui Canoe and Kayak organization, comprising several thousand Maui residents use the harbor year round with regattas during the summer and high school races during the winter.”

Recommendation: Change “in back of Hoaloha Beach” to “on Hoaloha Beach”

Recommendation: Change “8 lanes” to “9 lanes including a rectangular area 1452’ x 760’. The ends of this area are marked with flags which have physical requirements which necessitate that the majority be placed in water shallower than 10 feet”

Recommendation: Add: “Kahului Harbor is the only safe place for paddlers to practice during the high surf months. Without access to the harbor and beach, all the north shore clubs will be severely impacted on their winter and spring training.”

Recommendation: Discuss the security zones. Include a drawing of the harbor with the proposed improvements with security zones drawn on it showing the canoe hale, Hideaway restaurant and hotels, drawn to scale with scale shown.

Page 33: Pier 2C Development

“The Pier 2C Preferred Alternative will have an impact on two or three canoe lanes.”

This statement is an out and out lie. Pier 2C will eliminate 3 or 4 outside lanes and the ability to hold any short races (high school or regatta) in the harbor.

“The reduction of racing lanes may require that the regattas be moved to Saturday and Sunday”

This is an infeasible mitigation made up out of thin air using a sarcastic comment that was meant to show the DEA consultant than eliminating even two or three lanes would make racing impossible. It again shows that the consultant was simply listening to community feedback with a selective filter and has rejected or distorted that feedback in order to create a misleading and false DEA.

“However, this impact is considered to be an insignificant impact to the canoe facility”

Another out and out bare-faced lie. This will be a major, huge impact on the canoe clubs and all several thousand MCHCA paddlers. It will not only eliminate 3 of the 7 regattas,

2 of the high school races and several of the Na Opio races which are held in the harbor but it will severely impact the ability of paddlers to practice in the harbor.

“The 2010 Alternative would eliminate the canoe facility at its present location and would force the canoe clubs to find another location for the races.”

Where are the mitigations? Where will the canoe clubs go? Lae Ula O Kai is the only north shore club based outside the harbor and even they need to use the harbor when the surf is big. What other sheltered water exists on the north side? What about the impact on MIL highschool paddling? On Na Opio youth paddling? What about the impact on the north shore kids who don't have transportation to practice elsewhere. There is no discussion of the role the clubs play in the cultural life of our youth especially our at risk youth. Hui Malama holds regular classes at the Hawaiian Canoe Club Hale.

There is no discussion of the “other location” for the races. We tried to hold the races at Kanaha park and had to rescue one of the crews who couldn't get back to shore. There is no other north shore venue suitable for canoe racing.

According to a staffer at the Kahului Harbor office the 2010 Pier 2c plan is actually the preferred plan, yet there is no discussion of the huge cultural impact of eliminating one of the 8 canoe clubs on Maui, the elimination of its Kamehameha Schools high school paddling, the elimination of high school races, regattas and Na Opio races in the harbor.

Recommendation: Include a detailed plan of where the canoe clubs will relocate to, how much it will cost, how this will be accomplished and who will pay for it. Include comments on relative safety of our child paddlers in any nonharbor north shore location.

Page 33 4.9.3 Mitigation Measures

Where is the discussion of relocating the canoe clubs? Although the 2010 Alternative is not listed as the preferred alternative, in my talks with a local DOT employee, that appears to actually be the preferred alternative.

This DEA is incomplete without a detailed plan for relocating the Canoe Clubs, include costs and actual locations approved by the clubs. This will necessitate more community meetings with MCHCA and the individual clubs.

“Although no or insignificant impacts are expected with the preferred improvements...”

Again, this is a lie and the preparer knew it was a lie when it was written. Also the “preferred improvement” of Pier 2c is perhaps the 2010 alternative. Why was this not coordinated with the Kahului office? Why was the 2010 alternative included if it was not the preferred alternative since it has far more negative impacts?

I request a copy of the letter from SHPD dated October 23, 2004 and more time in order to respond in an informed fashion.

The discussion of cruise ship waste and bilge water is inadequate. They may claim that they signed the MOU for discharge of water but what are the fines? These fines need to be substantial (e.g. in excess of 1 million dollars) and there needs to be a fund created to monitor the water so that we can enforce this. I can tell you from personal experience that the cruise ships are not complying with the MOU.

“Except for Pier 2C 2010 alternative, the proposed improvements will have an insignificant impact on marine biota”

What about the stagnant pool formed behind Pier 2c and its impact on health and odor for the adjacent businesses including a restaurant and hotels? This needs to be discussed and mitigation measures designed.

Page 43 section 4.21.2 Alternative Analysis

“The Pier 2C Preferred Alternative will have an impact on two or three canoe lanes”

This entire paragraph is false. It will eliminate regatta racing from the harbor and severely impact the clubs using the harbor for practice, acerbating the congestion caused by the new security regulations.

“The Pier 2C 2010 Alternative would eliminate the canoe facility at its present condition [sic]....”

And where does the State suggest that Na Kai ‘Ewalu go? Or is the state simply going to destroy an entire canoe club and its associated cultural and educational activities and its several hundred thousand dollar hale?

Na Kai ‘Ewalu hosts Kamehameha Schools high school paddling. Where will Kamehameha Schools paddlers go? Where will our at-risk youth paddlers in the Na Opio program go? Who is going to pay to relocate Na Kai ‘Ewalu? And the big question: Where on the north shore of Maui is there a protected water which is safe for our youth to paddle in during the school year when MIL and Na Opio paddling occur?

Page 1c Section 5.0

“(1) Involves in irrevocable commitment to loss or destruction of any natural or cultural resource...”

“While the construction of Pier 2C, preferred alternative, will remove several canoe racing lanes, this is not a significant loss to the use of the area.”

This is inaccurate and an out and out lie. It will mean that we cannot hold any of our regattas, high school races or Na Opio youth races in the harbor and will severely impact the use of the harbor for practice. There is no discussion of the security zone and how far it extends. Since this information was not included on a drawing showing the harbor, canoe hale etc. we can not evaluate whether this might completely eliminate even practice paddling in the harbor.

The 2010 Pier 2c alternative will irrevocably destroy a long-time canoe club and its cultural practices and educational programs including the hosting of the Kamehameha Schools paddling program. Why wasn't this information and its mitigation included?

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

"This action will not curtail the range..."

Another out and out lie. It will eliminate or reduce paddling.

Pier 5 (which, if it is included in this document must be mentioned and discussed) will eliminate surfing at one of Maui's best surf spots. It may also eliminate access to the boat ramp.

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

"...enhancement of the quality of life...it will provide a port that will be able to meet the existing and forecast demand..."

No mention made that this is mostly for the cruise ships and ferry and that it will possibly destroy a canoe club, eliminate a 30 year history of regattas in the harbor, curtail a 1000 year cultural use of the harbor, impact the cultural activities of Kamehameha Schools and cultural and educational practices associated with paddling.

This is so deceptive and false, it makes glaringly obvious the consultant's pro-project bias.

"(4)... The proposed action will provide a positive effect on the economic and social welfare of the community..."

However it will negatively impact the **residents** who paddle and surf and observe Hawaiian cultural practices.

The writer goes on to say "In addition, with the growth in the cruise ship industry, the proposed actions will provide facilities for these activities to continue..."

Hey wait, didn't the writer previously say that this project would **not increase the number of ships**? This inconsistency again points out the writer's pro-project bias and distortions.

"(6)...effects on public facilities"

Traffic? No study. No mention. Writer completely ignores the effect of the ferry and cruise ship traffic on Ka'ahumanu and Pu'unene's already over-congested rush hour traffic. This DEA is glaringly incomplete and once again, deceptive. No mention on the impact of eliminating the boat ramp on other boat ramps if Pier 5 is built.

"(7) degradation of environmental quality"

No mention of the oil from all the traffic going to the ferry on the Pu'unene extension washing into the semi-closed system of Kahului Harbor. No mention of the exhaust from the idling cars waiting for the ferry. No mention of the paving over of Hoaloha park. The finding of no significant degradation is unsubstantiated. The writer simply ignored discussion of anything that could impact.

“(8) ...The proposed action does not involve a commitment to larger actions, nor would the cumulative impacts result inn....”

The writer has ignored the current Pier 1 dolphin extension, the new imposition of security zones and the Pier 5 proposal. This development is already part of a chain of cumulative impacts that are reducing citizen recreational paddling and subsistence fishing in the harbor.

“(10)...water quality....would not be detrimentally affected...long term”

No discussion of stagnant water and concreted waterway behind the Pier 2c extension. This conclusion is reached by ignoring discussion of potentially negative impacts.

“(11)...beach, erosion-prone area...coastal waters..”

DEA does not discuss stagnant water of beach erosion problems. To ignore studying their effects is not the same as saying they have no effect. This statement is unsubstantiated by facts.

Given the short amount of time, my assessment stops at the Executive Summary of the Cultural Assessment. I request that you extend the deadline for comments based on your lack of proper notification and dissemination of the DEA.

I request that the Cultural Assessment be redone so that it is accurate.

I request that a complete discussion of the effects and mitigations for the Pier 5 work be included or that mention of Pier 5 be removed from this DEA.

I request that a full scale EIS be done on these projects as they have been artificially separated so as to go "under the radar".

I request that Oahu and Kahului discuss which Pier 2 alternative is actually the preferred.

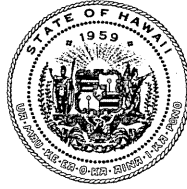
I request that you include mitigation for the destruction of Na Kai 'Ewalu Canoe Club's paddling area.

I request that you include what I am told is the actual plan for the ferry, namely notching the existing harbor.

This document is inaccurate and should be scrapped and redone with truthful, accurate information.

Sincerely

Karen Chun
87 Lac St.
Paia HI 96779
(808) 579-9328



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

IN REPLY REFER TO:

HAR-EP 7836.05

November 14, 2005

Ms. Karen Chun
87 Lae Street
Paia, Hawaii 96779

Dear Ms. Chun:

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 request for a copy of the *Kahului Commercial Harbor 2025 Master Plan Draft Environmental Assessment* (Draft EA), your request to have the deadline extended and your comments regarding the Draft EA. A copy of the Draft EA was mailed to you and pursuant to your request, the deadline for your comments was extended to September 20, 2004. We respectfully disagree with your comment that the document has significant omissions, glaring inaccuracies and misrepresentation of the facts.
2. Regarding your request for the status of the Pier 5 improvements. As stated in Draft EA Section 1.1:

The intermediate- and long-range projects identified in the 2025 Master Plan that are *not* [emphasis added] covered by this EA include the construction of a new Pier 5 and associated dredging for the turning basin.

3. Regarding your opinion that the feedback from the community meetings that was held on Maui was universally negative. We respectfully disagree with your interpretation of the general feeling of the community meetings.
4. Regarding your comments about the Pier 1C Mooring Dolphin and all of it needing a full-scale Environmental Impact Statement (EIS). The Pier 1C Mooring Dolphin project is included in the Environmental Assessment as part of the Pier 1D Improvements to ensure that the cumulative impacts of all of the projects in the Harbor are assessed. An EIS is only required if there is a significant impact. Based on the current analysis, there are no significant environmental impacts associated with the Pier 1C Mooring Dolphin project or with the proposed project, therefore an Environmental Impact Statement will not be prepared.

5. Regarding your request that the word *practical* be removed from the EA Section 1.3: “use of...a *practical*.” We respectfully disagree with your interpretation of the sentence, therefore, the word *practical* shall remain in the document.
6. Regarding the impacts of the construction of Pier 2C. The Pier 2C improvements will not be constructed under this Environmental document and therefore, removed as part of the proposed project.
7. Regarding your suggestion that the word *practical* be removed from the EA Section 3.4: “...as *practical*, the design will incorporate low-energy fixture and water saving devices.” We respectfully disagree with your interpretation of the sentence, therefore, the word *practical* shall remain in the document.
8. Regarding your comment about Draft EA Section 3.5, Pier 2C Preferred Alternative. The Pier 2C improvements will not be constructed under this environmental assessment and have therefore been removed from the proposed project. As far as the Superferry, the notch alternative is specific to the Superferry and is not an alternative considered at this time, due to the operational impacts on Young Brothers’ operations. At this time, the Superferry will use the existing Pier 2 for its operations.
9. Regarding your comments about the Pier 2C 2010 Alternative. As required as part of HRS 343, the document must analyze the proposed project and alternatives. As this alternative was proposed in an earlier Master Plan, it was included in the analysis. We respectfully disagree with your comment that alternatives always have a lesser impact. As discussed, the Pier 2C proposed projects including the respective alternatives were removed from the proposed project and not considered in the Final EA.
10. Regarding your comment about editorializing in the Draft EA Section 3.6. We respectfully disagree with your interpretation that there is editorializing in this section.
11. Regarding your comment on the impact of the Pier 2C Alternatives as it relates to the impact on historical sites. The Pier 2C improvements will not be constructed under this environmental assessment and therefore, removed as part of the proposed project. A copy of the SHPD letter dated October 23, 2003 is included in Appendix A.
12. Regarding your comment on the Draft EA Section 5.0. We respectively disagree with your comments on our determination of the significance of the impacts on the community and environment. As stated above both the Pier 2C and Pier 5 developments are not part of the proposed project and therefore not analyzed in this EA. As stated above, the Superferry will use the existing Pier 2 berth.

Ms. Karen Chun
Page 3
November 14, 2005

HAR-EP 7836.05

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.

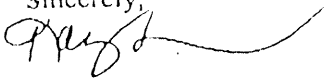
RODNEY K. HARAGA
Director of Transportation

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

Mr. Ishii,

On Tuesday, September 7, 2004 I had just learned about the expansion
Of the Kahului Harbor – Pier2 and was very upset to learned that the deadline
For comments is today – September 7,2004 – I did not hear or read about any
Public hearing on this matter but someone mention it to me that it was about
Two years ago – I would like you to extend the deadline on comments until a receive
A copy of the DEA, based on failure to properly notify involved parties.
The DEA understates and misrepresents the impact on canoe paddlers
We need the harbor so we can have a safe place for all our young paddlers in the
Na Opio program , King Kekaulike, Kamehameha Schools to practice.
Also we hold our regattas at the harbor – which is a safe place for all parties involved
We practice & or race all year long –
I request that they include one of the Pier 2 alternatives (notching) for the ferry.
I request that they include mitigations for the canoe clubs and should include specific
plans for relocating the North Shore canoe clubs, providing them with safe water to
practice and race in.
I request that the drawing include proposed project with ship and security zones drawn to
scale and shown relative existing restaurants,hotels and canoe clubs.

Sincerely,

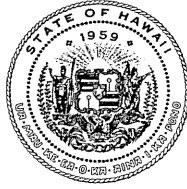


Kay Badayos
17 Ani Street
Kahului, HI 96732
(808) 877-6097

RECEIVED
SEP 07 2004

EKNA SERVICES, INC.

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 7837.05

November 14, 2005

Ms. Kay Badayos
17 Ani Street
Kahului, Hawaii 96732

Dear Ms. Badayos:

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.

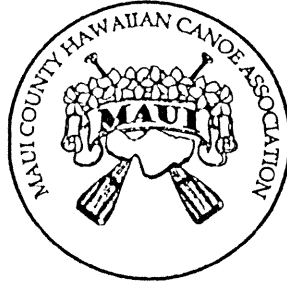
1. Regarding your comment on the lack of a public hearing. There is no requirement to have a public hearing for a draft environmental assessment. A copy of the *Kahului Commercial Harbor 2025 Master Plan Draft Environmental Assessment* is available at the Kahului Public Library.
2. Regarding your concern about the impacts of the proposed improvements on the canoe paddlers and the Pier 2 alternatives (i.e., notching of Pier 2B) for the ferry. The Pier 2C improvements have been withdrawn from the proposed project and will not be constructed under this Environmental Assessment. The notching of Pier 2B is not being considered. The Superferry's operation will utilize the existing Pier 2.

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,

A handwritten signature in cursive script that reads "Rodney K. Haraga".

RODNEY K. HARAGA
Director of Transportation



RECEIVED

SEP 09 2004

EKNA SERVICES, INC.

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

Re: Draft Environmental Assessment for Kahului Harbor

Dear Mr. Ishii:

I write on behalf of the Maui County Hawaiian Canoe Association (MCHCA), a non-profit organization that serves thousands of youth and adult paddlers on the island of Maui. It is my understanding that in addressing and evaluating the impact of modifications to the Kahului Harbor and its piers, you have deemed the impact on the paddling community to be **non-significant**.

This is incredibly discouraging. Although the physical impact to our races and practice area will be significant (i.e. we will not be able to use the harbor for official events), the impact is even more pronounced when you look at what the canoe clubs provide to the community.

Hawaiian Canoe Club has hundreds of members, young and old. Their leadership focuses on Hawaiian culture, education and paddling. As they have several teachers in leadership roles, they are in a unique position to serve the youth members of our island. They have the largest kids program on island and promote healthy living through exercise. They also have a day care facility and run a program that gives our teenagers a place to go to obtain help with homework and tutoring. They also have a computer center available for the youth to utilize. Hawaiian also shares their hale with hula organizations and other groups that promote the Hawaiian culture.

Na Kai Ewalu is a growing club that has been through hard times. They are gaining membership and have in place a strong group of leaders positioned to take them forward. They are dedicated to the preservation of the Hawaiian culture and have begun developing youth and novice programs that reach out to people in the community.

If the harbor changes as you are suggesting, it will not be possible for these two worthy clubs to continue to function at the harbor. Furthermore, Lae Ula O Kai is staged at Kanaha and commonly comes into the harbor during their training runs. This is also true for Maui Canoe and Kayak, the organization that hosts the OC-1, OC-2, kayak and paddleboard competitions. In the event the new facilities are built as suggested, the vessel traffic and secure zones surrounding the vessels and piers would make use of the harbor for any recreational pursuit impossible.

I know that testimony was received from the paddling community. I also know that those who testified were not in favor of the alterations and that many of their comments were modified or taken out of context and used to bolster the Environmental Assessment. I am even more concerned that an Environmental Assessment is all that has been required. Why is there not a full Environmental Impact Report? Why are further hearings not being required and why is only one copy of the draft report available on island? Why, when we call, can we not obtain other copies?

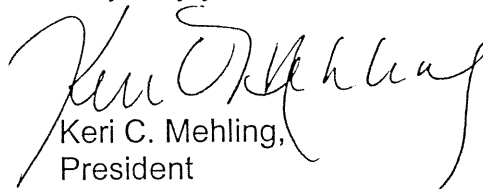
I believe further serious considerations need to be given to the following issues:

1. Environment: What is the impact of the volume of vehicle traffic in the area? What is the potential for further degradation of the water quality in the harbor due to leaks and runoff that now contain more oil, fuel and other hazardous materials? What is the noise impact? What is the impact on air quality?
2. Harbor Use: What is the **real** impact to the non-commercial community? It appears the surf break will be eliminated. It appears that fishing vessels and other recreational vessels will be limited in their use of the harbor due to security zones. It appears that the paddling community will not be able to practice in the harbor nor will they be able to host regattas there as a minimum of 10 lanes are required.
3. Traffic: What is the impact on the traffic flow in the area? Where is all of the staging going to take place? Is the amount of room provided for staging realistic?
4. Future: What are the long term goals for the development of the harbor? As more piers and staging areas are built, are more commercial operators going to be allowed use of the area to the exclusion of non-commercial entities?

I fully understand that change is going to happen and that it is not always pleasant. However, it is not appropriate to proceed with any harbor project without full and adequate consideration being given to all of the concerns. The draft report as presented is not accurate. The draft report takes comments and concerns out of context and presents unrealistic "solutions" (i.e. just hold regattas over several different days). Please reassess this project in an appropriate manner.

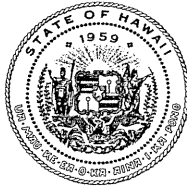
Thank you for your consideration of my concerns.

Very truly yours,



Keri C. Mehling,
President

Maui County Hawaiian Canoe Association



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

IN REPLY REFER TO:

HAR-EP 7838.05

November 14, 2005

Ms. Keri C. Mehling
President, Maui County Hawaiian Canoe Association
c/o Hawaiian Canoe Club
P. O. Box 5053
Kahului, HI 96733

Dear Ms. Mehling:

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 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 Harbor 2025 Master Plan Environmental Assessment (EA)* indicate 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 comment on the lack of a public hearing. There is no requirement to have a public hearing for a draft environmental assessment. A copy of the Draft EA is available at the Kahului Public Library.
3. Regarding your concerns about traffic, noise and air quality impacts, and the potential for further degradation of the water quality in the harbor. 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
Noise	Section 4.4
Air Quality	Section 4.3

4. Regarding your concern about the overall impacts to the non-commercial community. The proposed project will not impact the surf break on the western half of Kahului Harbor. In addition, the Pier 2C improvements have been withdrawn from the proposed project and will not be constructed under this Environmental Assessment. In accordance with Hawaii Revised Statutes (HRS) Chapter 266, the Harbors Division's statutory authority covers 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. Also, the U.S. Coast Guard has the authority for security zones within the Harbor. If the security threat level is high enough, only authorized users will be allowed into Kahului Harbor.

5. Regarding your concern about the impacts on the traffic flow and staging in the area. As stated in the EA Section 4.22, the impact of traffic from the proposed improvements will be insignificant. The staging site for cruise ships is on Pier 1 and is adequate for the cruise ship's operational needs.
6. Regarding your question about the long-term development goals for Kahului Harbor. As stated in the EA Section 3.2, the Harbors Division plans to improve Kahului Harbor with the following objectives in mind:
 - a. Plan the proper development of Kahului Harbor, thereby facilitating maritime shipments of the essential commodities required by Maui County.
 - b. Optimize the utilization of land and water resources committed to marine cargo and passenger operations in an economically responsible manner.
 - c. Provide terminals, other harbor resources, and access to these facilities in locations within Kahului Bay and other locations in a manner that best relates to and serves Maui in an efficient, safe and secure manner.
 - d. Minimize the impact on environmental quality and recreational opportunities contiguous with the Harbor.

Ms. Keri C. Mehling
Page 3
November 14, 2005

HAR-EP 7838.05

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

16156 Haleakala Highway
Kula, Maui, Hawai'i 96790
Phone (808) 878-3642
E-mail enomote002@hawaii.rr.com
September 8, 2004

RECEIVED
SEP 09 2004

EKNA SERVICES, INC.

Mr. Brian Ishii
Noda & Associates
615 Pi'ikoi Street, Suite 300
Honolulu, Hawai'i 96814
Facsimile (808) 593-8551

To whom this may concern,

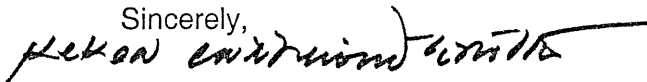
I protest a proposed 500-foot pier and 10,000-square-foot ferry terminal encroaching on the Hoaloha Beach Park recreational area and outrigger canoe practice/regatta site for two reasons. First, building the pier and terminal as proposed would be akin to constructing a two-lane freeway on-ramp through the middle of the Pebble Beach Golf Course: You take a treasured sports venue and, by means of an obtrusive aspect of transportation, pre-emptively wipe out one-fourth of its fairways, i.e., nine of its 36 holes. That is what you are proposing by reducing the 12-lane outrigger canoe regatta course by three lanes.

Secondly, encroachment by the ferry pier/terminal would be the same as desecrating Notre Dame Cathedral by ripping away its nave and half of its buttresses, because off-shore of Hoaloha Park is the site of many Native Hawaiian spiritual and cultural activities, such as the spreading of cremains; regular Sunday morning paddling gatherings affectionately called "Choppy Waters Church"; and lone kayak/meditational runs — all in the lee of emerald green 'Iao Valley and West Maui Mountains to the north, and with the sun breaking over Haleakala crater to the east.

Just as Notre Dame is an irreplaceable symbol of art and architecture, so Hoaloha Park/Kahului Harbor represent a uniquely precious, safe and accessible venue for Maui's ocean athletes, especially the more than 200 youth paddlers who are kept off the streets by traditional, healthful, constructive activities.

Therefore, I object strongly to the proposed 500-foot pier 2C and 10,000-square-foot ferry terminal, and seek an alternative or compromise that would safeguard the "Pebble Beach/Notre Dame" of outrigger canoe paddling to the more than 350 members of the four-time defending state champion Hawaiian Canoe Club and of the neighboring Na Kai 'Ewalu canoe club along with the rest of the paddling/kayaking community on the Valley Isle.

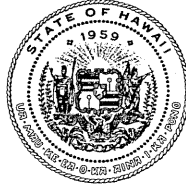
Sincerely,



Kekoa Catherine Enomoto

Copy editor and columnist, The Maui News
Secretary, Keokea Hawaiian Homes Farmers Association
Six-year member, 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 7839.05

November 14, 2005

Ms. Kekoa Catherine Enomoto
16156 Haleakala Highway
Kula, Hawai'i 96790

Dear Ms. Enomoto:


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 disagree with your opinion and offer the following response.

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 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

MARK SHEEHAN
630 E. Kuiaha Road
Haiku, HI 96708

Ms. Iris Ishida Thompson
Dir, Dept. Transportation, Harbors Div.
79 So Nimitz Hwy
Honolulu, HI 96813

Dear Ms. ~~Thompson~~ THOMPSON

Please list me as a consulted party for the EA about the Kahului Harbor improvements.

I am concerned about the potential for importing alien species into Maui as the number of cruise ships increases and as the interisland car/passenger ferry comes into use. There is a point of view that the improvements themselves will not result in an increase in ship arrivals. If so, then why make improvements? If, on the other hand, there may be a tripling of arrivals, an EIS should be required to deal with the tremendous impacts.

Having been a consulted party on the proposed expansion of the Maui airport, I have to ask—as I did with the airport—How many additional agricultural inspectors will be required to inspect departing passengers and vehicles? Where will the funds come from to pay for these inspectors.

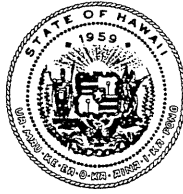
There must be sufficient safeguards taken to prevent catastrophic economic losses when diseases and pests are allowed into the island. Think miconia, kudzu and coqui frogs.

Sincerely,



Mark Sheehan

CC: Ms. Iris Ishida Thompson
Gov. Linda Lingle
Sen. J. Kalani English
Rep. Sol Kaooalahala



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
7840.06

November 10, 2005

Mr. Mark Sheehan
630 East Kuiaha Road
Haiku, Hawaii 96708

Dear Mr. Sheehan:

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. We offer the following responses.

1. Regarding your request to be listed as a consulted party. If an Environmental Impact Statement (EIS) is prepared in the future, you will be listed as a consulting party. However, a Finding of No Significant Impact will be determined in the Final Environmental Assessment and no EIS will be required.
2. Regarding your comment on the alien species issue. The measures for the control of alien species introduction are discussed in the Environmental Assessment (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. A description of HDLNR-DAR's role will be added to 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 hitchhiking on cargo or stowaway 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 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.”*
3. Regarding your comment about maritime demand and improvements. As stated in the EA Section 3.2, “the proposed projects will ensure efficient, safe, accessible and economical harbor operations to meet existing and forecast maritime demands.” In addition, the maritime demand is forecast to rise with or without the proposed improvements and is a function of the project growth of Maui’s population as explained in the EA Section 3.3.
4. Regarding your comments about the number and funding source for agricultural inspectors. As far as departing passengers and vehicles to the continental United States and international destinations, the inspection is a function for the U.S. Transportation Security Agency and is funded by the United States government. As far as interisland vehicles and passengers, they are inspected, if required, by the HDOA and is funded through State General funds. As stated above, for the maritime operations the shipper’s will reimburse the State for the inspector’s cost to inspect the containers during overtime hours. These agencies have jurisdiction on this matter.

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

Very truly yours,


RODNEY K. HARAGA
Director of Transportation

September 7, 2004

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

RECEIVED
SEP 08 2004

E: BI

EKNA SERVICES, INC.

Aloha Mr. Ishii,

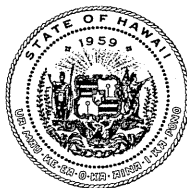
I am writing as a concerned member of the community, regarding the proposed changes to Pier 2. I am a member of the Hawaiian Canoe Club and also represent the club on the Board of Directors under the Maui County Hawaiian Canoe Association. I have been a paddler for the past 16 years, the last 8 years as a member of the Hawaiian Canoe Club. I am sure you will be receiving a lot of letters from the paddling community, so I will keep this short.

To state that the proposed changes to Pier 2 will have a minimal impact to the canoe clubs is a complete understatement. This proposed change will not only affect the only race course on the North shore of Maui, it will also affect the clubs existence. We have over 100 children in our Kamalii Program, which also extends to our paddling program. Our location at Kahului Harbor makes our programs easily accessible to these children and our community. Have you thought about what will happen to the children if the Kamalii Program is not accessible to them? We teach the children more than paddling skills, we instill workmanship and leadership skills that help our children become respectable citizens of our Island. The extension of Pier 2 not only will affect our race course, it will also affect our practice area. What kind of studies have been conducted to reveal the impact of the canoe club being relocated to another location? In my opinion, this will be removing one of this communities greatest assets to developing our children and helping to reinforce our citizens cultural development.

Has there been any research done on the affect the extension will have on the water flow at the corner of the harbor? Will this extension possibly cause the water in that corner to become stagnant? Will the extension cause erosion of the beach adjacent to Pier 2? Isn't it possible that Maui has outgrown the existing Kahului Harbor? Shouldn't the DOT be looking at extending the harbor outward to accommodate the impending growth of Maui? It would seem that this proposed extension is a "band aid" or "quick fix" to accommodate the Inter-Island Ferry addition. What affect is this going to have on the small boat ramp across the harbor? Will that ramp also be eliminated in the future? It would seem with the proposed extension of Pier 5, though it is on hold at the moment, would also jeopardize the ramps existence in the future.

Please feel free to contact me if any additional information is needed to respond to my questions.

Mahalo,
Patty Rycroft
PO Box 5051
Kahului, Hi 96733
808-244-1379
Patty.rycroft@grandwailea.com



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 7841.05

November 10, 2005

Ms. Patty Rycroft
PO Box 5051
Kahului, Hawaii 96733

Dear Ms. Rycroft:

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 comment on the impacts of Pier 2C on the canoe clubs. The Pier 2C improvements will not be constructed under this Environmental Assessment and has been withdrawn from the proposed project.
2. Regarding your comment to extend the harbor outward to accommodate the impending growth of Maui. 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 opinion¹ 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;

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

- 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**

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

3. Regarding your comment about the effect the improvements are going to have on the small boat ramp. As stated in the Section 1.1, the Pier 5 improvements will not be covered in this Environmental Assessment. Also due to unfavorable results from the wave surge analysis, the project is on indefinite hold.

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,


sw
RODNEY K. HARAGA
Director of Transportation

9/4/04

RS
-C:BI

Brian Ishii
Edward Noda + Associates
615 Piikoi St. Suite 300
Honolulu, HI 96814

RECEIVED
SEP 07 2004

EKNA SERVICES, INC.

Brian,

As a member of Hawaiian Canoe Club and a 1 man canoe paddler, I am against the Pier 2C proposals in Kohulei Harbor. Pier 2C affects not just Hawaiian Canoe Club but Na Koa Ewale Canoe Club and all other canoe paddlers on Maui.

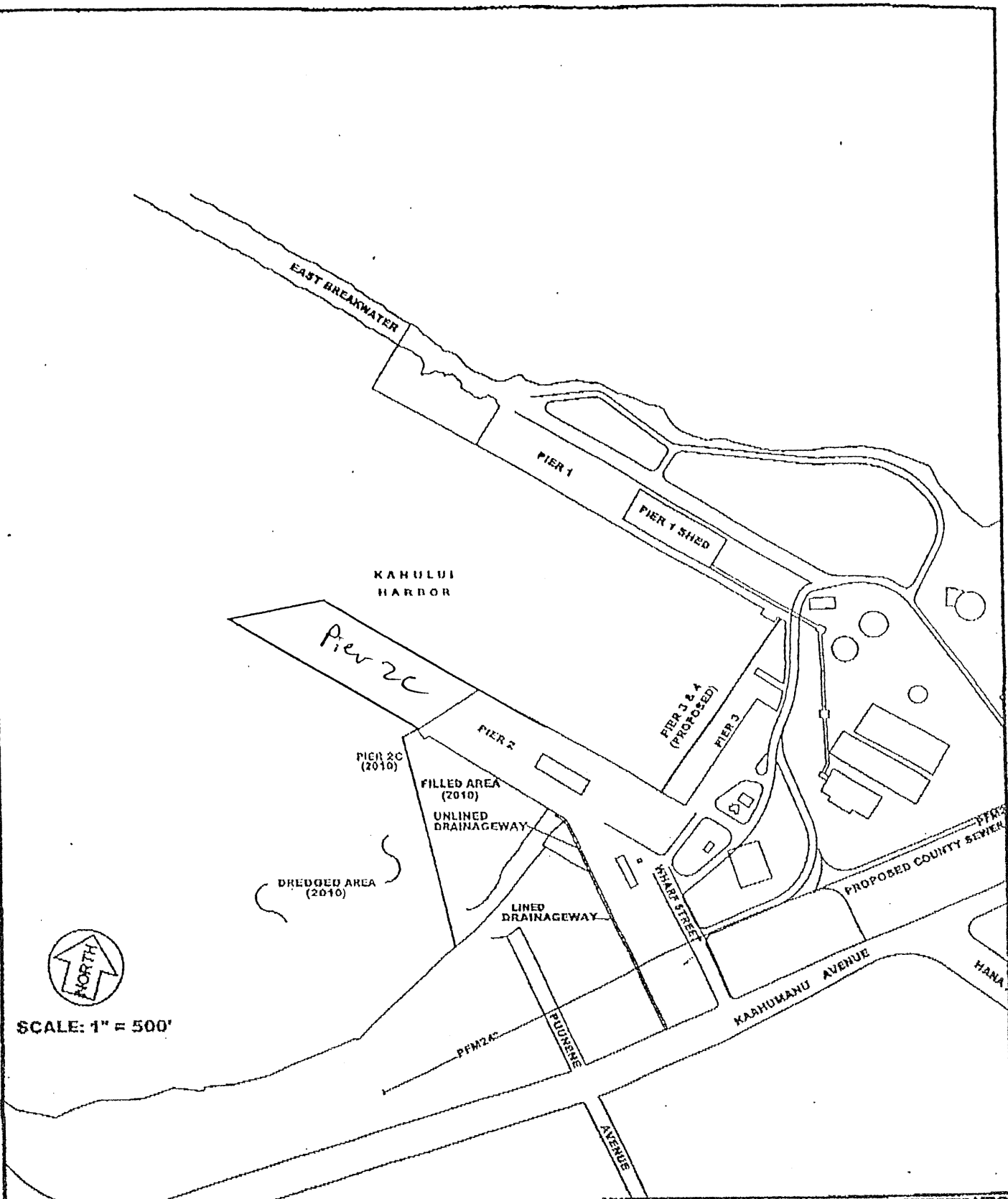
If Pier 2C is built, it will limit training areas in the harbor. Pier 2C will block some of the calmest water in the harbor due to its location in the shadow effect of the East Breakwater (blocking NE trade winds and NE swells). Hawaiian Canoe Club has the top youth program in the state because our training area in the harbor is the only calm water for paddling on the north shore of Maui. Kids feel safe learning to paddle in the area that Pier 2C would eliminate.

Proposed Pier 2C would eliminate 2 to 3 canoe regattas per year in Kohulei Harbor by blocking 3 lanes needed for the races.

Proposed Pier 2C would also interfere with 2 Maliko to Kohulei Harbor 1 and 2 man canoe races (75-100 paddlers) by blocking the established finish line.

I support the expansion of Kohulei Harbor especially to accommodate the new inter-island ferry. I would favor the extension of Pier 2 to be equal in length with Pier 1. This would limit the impacts on the paddling community in Kohulei Harbor (See Map)

Mahalo,
EHL
Roger W. Coorse



**PROPOSED IMPROVEMENTS
OTHER ALTERNATIVES**

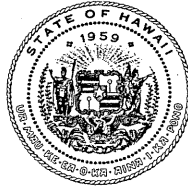
**DRAFT ENVIRONMENTAL ASSESSMENT
KAHULUI COMMERCIAL HARBOR IMPROVEMENTS**

FIGURE 7

Prepared by : Edward K. Noda and Associates, Inc.

APRIL, 2004

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 7842.05

November 14, 2005

Mr. Roger L. Crouse
251 Hololani Street
Makawao, HI 96768

Dear Mr. Crouse:

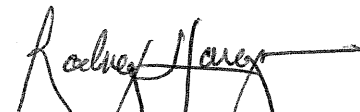
Subject: Response to Comments, Kahului Commercial Harbor 2025 Master Plan
Environmental Assessment – H.C. 3334

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

1. Regarding your concern about the impact of the 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 this Environmental Assessment (EA).
2. Regarding your suggestion to lengthen Pier 2 in a linear fashion. Thank you for your idea, however, this proposed extension would impact the turning basin and make it unusable for the larger vessels using Kahului Harbor. Therefore, this suggestion will not be considered in this EA.

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
e:bj

Rory Frampton
340 Napoko Place
Kula, Hawaii 96790

RECEIVED
SEP 09 2004

September 7, 2004

EKNA SERVICES, INC.

Brian Ishii
Edward K. Noda & Associates, Inc.
615 Pi'ikoi Street, Suite 300
Honolulu, Hawaii 96814

Re: Draft Environmental Assessment – Kahului Commercial Harbor Improvements

I have reviewed the above referenced Draft Environmental Assessment (DEA) and offer the comments below. I am a member of Hawaiian Canoe Club and have been an active paddler (and to a lesser extent surfer) in Kahului Harbor since 1981.

1. The DEA does not adequately describe the extent of uses at Hoaloha Park, especially as it relates to canoe paddling and other accessory uses. For example, the number of boats used on a day to day basis, especially during the regatta season, need to be discussed. High use areas need to be identified. The full range of activities associated with Hawaiian Canoe Club's use of the area need to be thoroughly discussed. The amount of young paddlers who utilize the facility and coastal waters year round is not presented accurately.
2. Surfing sites are not adequately discussed or identified. The document provides no basis for determining that there will be no impacts to surfing sites.
3. Description of uses at Hoaloha park and abutting shoreline and water areas are excluded from the section on surrounding land uses. As such, impacts to surrounding land uses have not been adequately discussed. Other sections in the document also fail to mention canoe paddling activities (e.g. social economic activities).
4. The cultural impact assessment does not follow OEQC guidelines, especially as it relates to interviews with cultural informants. Among the many shortfalls of the cultural assessment is that quotes from informants are provided with no reference to which informant made said statements. There is very poor documentation of the informant interviews and lack of a full discussion of the cultural importance of the paddling activities.
5. The DEA does not discuss impact to water areas available for training purposes. The proposed expansion of Pier 2C combined with the current safety restrictions being enforced by the State Harbors Division will significantly reduce the effective area for

canoe paddling activities. This will curtail or possibly eliminate the ability of the clubs to hold regattas as well as day to day practices.

6. Will Federal funds or approvals be utilized or required for construction of any of the improvements. If so, has a Federal Environmental Assessment been conducted.

7. The document appears to only assess a portion of the improvements contained in the long range master plan. It appears that this assessment may be taking a "piecemeal" approach, in conflict the State's Environmental Laws and Rules.

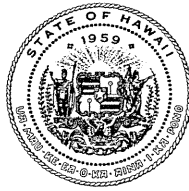
Based on the above shortcomings, there is not an adequate basis upon which to make a Finding of No significant Impact. The document should be amended and republished as a Draft EA for further public input and comment. Absent a republishing of the Draft EA, it would appear as though the proposed undertakings have the potential to have significant impacts, not only to paddling and ocean related recreational opportunities, but also to the overall Maui community, and as an Environmental Impact Statement is warranted.

Sincerely yours,



Rory Frampton

Cc: Hawaiian Canoe Club Board of Directors



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

IN REPLY REFER TO:

HAR-EP 7843.05

November 14, 2005

Mr. Rory Frampton
340 Napoko Place
Kula, Hawaii 96790

Dear Mr. Frampton:

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

Thank you for your comments in your letter of September 7, 2004. We appreciate your efforts in organizing the workshops after the *Kahului Commercial Harbor 2025 Master Plan Draft Environmental Assessment* was released. We offer the following response.

1. Regarding your concern over the impacts of the uses at Hoaloha Park, particularly as it relates to canoe paddling, and other accessory uses. 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 that surfing sites are not adequately discussed or identified. The popular surf site is on the western part of the Harbor, and is neither within the project area nor impacted by the proposed project.
3. Regarding your comment that the description of uses at Hoaloha Park and abutting shoreline and water areas are excluded from the section on surrounding land uses. Hoaloha Park sits partially within Kahului Harbor. The use is covered in various sections of the EA, such as, but not limited to: Section 4.9, Historic, Architectural, Archaeological and Cultural Resources; Section 4.21, Recreational Facilities; and Appendix B, Archaeological and Cultural Impact Assessment of Cultural Resources at Kahului Harbor.
4. Regarding your comment that the cultural impact assessment does not follow OEQC guidelines. We respectfully disagree with the commentator's statement regarding the adequacy of the cultural impact assessment. The cultural impacts were properly addressed in the EA Sections 4.9 and 4.21 and Appendix B, and will not be modified.

5. Regarding your concern that the proposed expansion of Pier 2C, combined with the current safety restrictions being enforced by the Harbors Division, will significantly reduce the effective area for canoe paddling activities. The Pier 2C extension that could have impacted the canoe lanes has been removed from the proposed project and will not be constructed under this EA.
6. Regarding your questions of whether Federal funds or approvals will be utilized or required for construction of any of the improvements, and whether a Federal Environmental Assessment has been conducted. There will be no federal funds used. Federal permits will likely be required and the accepting federal authority will determine whether a Federal Environmental Assessment will be required.
7. Regarding your comment that the document appears to only assess a portion of the improvements contained in the long-range master plan and that it appears that this assessment may be taking a "piecemeal" approach, in conflict the State's Environmental Laws and Rules. 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 and not yet ripe for decision making. The intermediate- and long-term 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:
 - a. The component actions are independent of each other and do not represent a larger total undertaking;
 - b. The individual projects are not necessarily precedent to the larger project;
 - c. The individual projects are not a commitment to a larger project; and
 - d. The individual actions are not essentially identical.
8. Regarding your comment on the need for an Environmental Impact Statement (EIS). We respectfully disagree with the adequacy of the document. 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 Harbor 2025 Master Plan Draft Environmental Assessment* (DEA) indicate that the proposed projects will not create any significant impacts. Therefore, a Finding of No Significant Impact will be determined in the Final Environmental Assessment and no EIS will be required.

Mr. Rory Frampton
Page 3
November 14, 2005

HAR-EP 7843.05

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 line extending to the right.

RODNEY K. HARAGA
Director of Transportation

SALLY RAISBECK
427 Liholiho Street, Wailuku, HI 96793 808-244-9604 sally @maui.net

September 1, 2004

Edward K. Noda and Associates, Inc.
615 Pi'ikoi Street, Suite 300
Honolulu, Hawaii 96814

Gentlemen:

Please list me as a consulted party for the EA about the Kahului Harbor Improvements.

I am concerned about the potential for importing alien species into Maui as the number of cruise ships increases and as the interisland car/passenger ferry comes into use. The Harbor Plan lists the number of cruise ship visits annually as 287 in 2025.

Any expansion of the harbor facilities MUST take into consideration the need for sufficient safeguards, and the proper funding of inspections, to prevent the catastrophic economic loss that results when diseases and pests are allowed to enter the island.

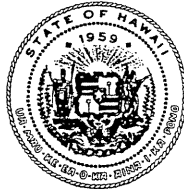
The free interisland movement of cars is probably desired by almost everyone, but it has been shown that mud on car undercarriages can easily import miconia seeds and coqui frog eggs. Coqui frogs are another dire example of pest importation from other islands.

Sincerely yours,

Sally Raisbeck

xc: Sen. Shan Tsutsui
Sen. Rosalyn Baker
Sen. Kalani English
Rep. Bob Nakasone
Rep. Joe Souki
Rep. Sol Kaho'ohalahala
Rep. Chris Halford
Rep. Kika Bukowski
Rep. Brian Blundell
Lynne Woods, Chamber of Commerce
Terryl Vencl, Maui Visitors Bureau

LINDA LINGLE
GOVERNOR



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
7844.06

November 10, 2005

Ms. Sally Raisbeck
427 Liholiho Street
Wailuku, Hawaii 96793

Dear Ms. Raisbeck:

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 8, 2004. We offer the following responses.

1. Regarding your request to be listed as a consulting party. If an Environmental Impact Statement (EIS) is prepared in the future, you will be listed as a consulting party. At this point in time, a Finding of No Significant Impact will be determined in the Final Environmental Assessment and no EIS will be prepared.
2. Regarding your comment on the alien species issue. The measures for the control of alien species introduction are discussed in the Environmental Assessment (EA) Section 4.10.1.4. As stated in the EA, 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 and will be stated 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.*

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

Very truly yours,


RODNEY K. HARAGA
Director of Transportation

RECEIVED

SEP 09 2004

RS
C:BI

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 leading paddler, steersman with Hawaiian Canoe Club on Maui. I commute from O'ahu to paddle with Hawaiian as I love the camaraderie, family feeling and huge childrens' program and everything it stands for.

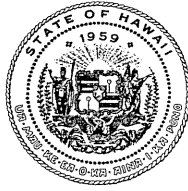
The Club has been a role model for clubs across the State to bring back paddling to the people of Hawaii. How can the State begin to think about having the harbor waters closed off to paddling with security measures, etc. if the new pier is built as planned. IT is wrong. It has a much larger impact than your brief synopsis believes. Please review your facts and realize how many people this will negatively affect.

Thank you for your time and I look forward to hearing back from you and possibly working with you on how to responsibly expand the Kahului Harbor.

Aloha,



Stewart Kawakami
Aloha Airlines Pilot
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 7845.05

November 14, 2005

Mr. Stewart Kawakami
8 Meha Place
Paia, Hawaii 96779

Dear Mr. Kawakami:

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 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* indicate that the proposed projects will not create any significant impacts. Therefore, a Finding of No Significant Impact will be determined in the Final Environmental Assessment 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 Environmental Assessment 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 (808) 587-2503.

Very truly yours,

A handwritten signature in black ink that reads "Rodney K. Haraga".

RODNEY K. HARAGA
Director of Transportation

28
C:BI

To: Brian Ishii
Noda and Associates
615 Piikoi st. Suite 300
Honolulu, HI, 96814

RECEIVED
SEP 08 2004

Sept. 03, 2004

EKNA SERVICES, INC.

From Walter B Quisenberry
1499 W. Kuiaha Rd.
Haiku, HI. 96708

Dear Sir:

I am opposed to the proposed expansion of Kahului Harbor facilities as shown in the EA dated April 2004. My opposition is on the basis of common sense as well as cultural, environmental and recreational concerns. I am a lifelong resident of Hawaii, born in Honolulu, a surfer, canoe paddler and fisherman. My family has used Kahului Harbor for the last 30 years for those pursuits.

First, why expand? I have observed the harbor closely for the last 6 years and have noticed that much of the time there are very few and often no ships in the harbor. The current expansion along the East side would appear adequate for freight and tourist vessels to both berth at the same time. Perhaps more careful scheduling of arrivals would alleviate need to expand altogether.

Second, Kahului Harbor is a cultural center of the island of Maui. So much so that, if you look between the canoe clubs a pohaku embodiment of Kanaloa protects the harbor for all users. The harbor is used by many for subsistence fishing, surfing, canoe paddling and limu gathering. The harbor is flanked by Hoaloha Park, one restaurant, two hotels, housing, and the Maui Cultural Center. The Canoe Clubs provide youth programs with mentoring for at-risk youth, in Hawaiian culture and language, as well as canoe paddling and the associated cultural aspects. The paddling situation is the best on the Island; there is no acceptable alternative site. The expansion as shown would impact all of this.

Third, environmental concerns are many.

A. Kahului Harbor is very close to Kanaha Pond Refuge and its endangered bird population. Can you prove there will be no impact on this?

B. Kahului Harbor is currently home for the protected green sea turtles; also several types of dolphins frequent the harbor. Can you prove there will be no impact on them?

C. Water quality has been improved in the harbor in the last years and it is good now. With the restrictions shown in the plan, I believe circulation will be compromised and the harbor will stagnate. Can you prove this will not happen?

D. The proposed ferry will bring lots of people, vehicles and alien species. The brown tree snake for example is a tremendous concern, hopefully not established yet, but as the pace of life increases, this would be a perfect way of spreading this pest from one island to another. Alien plants and insects, agricultural pests and diseases would have an easy ride in the dirt on a truck's tires. What screening will take place? What is planned to keep this from happening? We are currently overwhelmed with new plant, insect and diseases that affect our everyday lives.

What absolute proof can you give that this won't be an avenue to spread these problems from island to island?

Fourth, recreational concerns. The plan as shown would impact canoe paddling, surfing and fishing as well as open space restrictions.

The expansion of Pier 2 would:

1. Severely restrict canoe paddling which takes place every day of the year. It would impact racing space as well as practice space. The clubs have recently had a large section taken away as practice area (everything on the east side of a line between the existing pier two and the green buoy at the harbor mouth). This was a prime area to use on windy days.

2. Impact water quality on the mauka (sw) side of Pier 2 due to restricting circulation.

3. Create a backwash situation by reflecting waves toward the breakwall and small boat channel causing:

A. a negative impact on surfing and fishing.

B. safety concerns for the small boat users coming and going from the current boat ramp.

C. elimination of a surf break fronting the canoe clubs.

Can you show that this will not happen?

Fishing in the harbor would under this plan be at least more limited. This is the place the young and the old can fish, in safety and for many close to home. Look at the fishers there, mostly old people in calm water, looking for dinner. I am afraid this plan will take that away.

I am also against "breakwater improvements". If they were successful in reducing turbulence, the other result would be:

A. a reduction of wave driven circulation in the harbor itself .

B. stagnation of the harbor would be inevitable and cause unhealthy conditions, severely impact sealife, and possibly ruin recreational use altogether.

C. environmental degradation.

A breakwater deflects the energy of the waves; in contrast, a surf break uses up the energy of the waves leaving calm water inside. I respectfully request the creation of a surfbreak if waves are a problem. Several surfbreaks all over the islands have been created in the past "by accident" four of which are in Kahului harbor, and all would be at least impacted in a negative way; one would be eliminated.

If construction goes on as planned,

A. What will replace all of the current resources?

B. Where will the canoe clubs go, does the plan have provisions to relocate the clubs in an equally good place? Where is it?

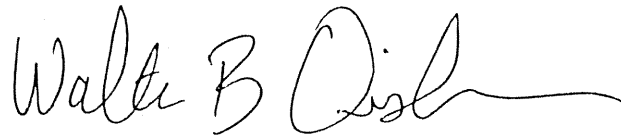
C. What will happen to the fishers that rely on the harbor for food?

I hereby request an environmental impact statement for this project and would like to be listed on your official list to be contacted as this project is discussed.

The changes to Kahului Harbor have the potential to negatively impact many aspects of life in Central Maui, and many questions need to be answered before this project proceeds. I hope that serious efforts are made to address them. We Maui residents do not want to have to live with these irreversible negative consequences.

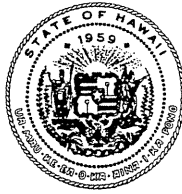
Respectfully submitted,

Walter (Terry) B. Quisenberry

A handwritten signature in cursive script that reads "Walter B. Quisenberry". The signature is fluid and includes a long horizontal flourish at the end.

C.S. - D.E.Q.C., SunFride Foundation, Hawaiian Cancer Club.

LINDA LINGLE
GOVERNOR



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
7846.06

November 10, 2005

Mr. Walter B. Quisenberry
1499 West Kuiaha Road
Haiku, Hawaii 96708

Dear Mr. Quisenberry:

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. We offer the following responses.

1. Regarding your comment about the need for harbor expansion. The purpose of the project is discussed in the *Kahului Commercial Harbor 2025 Master Plan Environmental Assessment* (EA) Section 3.2. Essentially, the master plan recommended improvements are being proposed to meet the existing and forecasted maritime demand expected by 2025 at Kahului Harbor.
2. Regarding your comments about environmental concerns including the proximity of Kanaha Pond with its endangered bird population, green sea turtles, and water quality. These issues are addressed in Section 4 of the EA and the analysis found that there will be no significant impact to the environment
3. Regarding your comment on the alien species issue. The alien species issue is discussed in the EA Section 4.10.1.4. As stated in the EA, 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 added to the Final EA.

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

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.*
4. 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.
 5. Regarding your comment about possible breakwater improvements. The breakwater improvements are not part of the proposed project and may not be constructed, as stated in the EA Section 1.1, as these improvements are not reasonably foreseeable and not ripe for decision-making.
 6. Regarding your request to perform an Environmental Impact Statement (EIS) and to be listed on the contact list. 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 EA indicate 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. There is no requirement under the Hawaii environmental laws for a public hearing for an environmental assessment. You will be listed as a commentator in the EA.

Mr. Walter B. Quisenberry
Page 4
November 10, 2005

HAR-EP
7846.06

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

Very truly yours,


✓ RODNEY K. HARAGA
Director of Transportation

C.B.T.R.

RECEIVED
SEP 08 2004

9/7/2004

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

EKNA SERVICES, INC.

Dear Mr. Ishii,

Re: Draft EA for Kahului Harbor Expansion

Thank you for the opportunity to comment on this EA. I am a paddler with Hawaiian Canoe Club on Maui, based in Kahului harbor. I am also a coastal geologist specializing in beach erosion and sand transport.

It is difficult to convey to persons who do not paddle outrigger canoes, the extent to which this sport is relied upon by paddlers for physical well being, emotional well being, and to carry on Hawaiian cultural traditions. For paddlers, the sport often becomes the center of our lives – that which keeps us healthy, grounded, humble, and keeps alive in us the spirit of Ohana. The canoe hale is a place where people seek friendship, where we look after one another's keiki while we take turns on the water, and where new resolutions for a healthier lifestyle are made. It is a place where children are raised to be respectful of people and the environment, and healthy in body and mind.

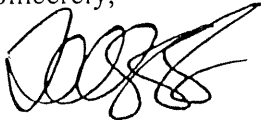
On the whole length of Maui's North Shore, there is only one place that is safe to paddle all year round, and that is Kahului Harbor. The North Shore is churned up in the winter months by north swells, and in the summer months by trade wind swells. Within the harbor, we have an area large enough to train. As the races we train for are up to 42 miles long, we can't accomplish training for our races in a small, restricted area. Several months ago, we were told by the harbormaster that new regulations meant that we could no longer paddle in the eastern section of the harbor where the barges go. This was a serious blow to our training area, as this particular section is the only flat-water section in the entire harbor. It has almost cut our training area in half, and forced us to go outside the harbor into rougher, more dangerous water, often until well past the sun goes down. We will feel the impact of this restriction most strongly in the upcoming winter, when breaking surf cuts off another significant portion of the harbor for training, leaving us with only a narrow strip from the beach to the harbor mouth in which to train – providing that there are no barges or cruise ships coming in and out of the harbor.

We are greatly concerned about the effects of the proposed pier expansion on our training area, as well as effects on the adjacent beach, and impacts to regattas. One of the reasons Hawaiian Canoe Club has been State Champions for the last 4 years is that we have one of the best and safest places in the state to train. Kahului Harbor and Hawaiian Canoe Club is where Lauren Spalding, 2004 Olympic Kayaker, learned to paddle and trained to become one of the world's best. Hawaiian Canoe Club is also a heavily used youth center for local kids from Harbor Lights and other Maui communities, to hang out, get on the water, use the weight room, talk to Kupuna,

learn about their culture, do their homework, and stay out of trouble. We need a safe place to learn about the ocean and develop our ocean skills, and we can't accomplish this if we are crammed into a high-traffic, restricted little area in which to maneuver our 45-foot canoes.

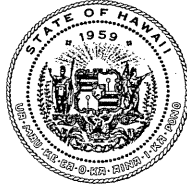
We are asking for an in-depth EIS to be conducted to look more closely at potential impacts to not only recreational and cultural practices that currently take place in Kahului Harbor, but also to air quality, water quality, traffic, and sediment transport issues that we feel were not addressed in enough depth in the EA, that will be impacted by the expansion of Kahului harbor to accommodate the ferry. We would also like to have a public hearing on this matter as it will greatly affect us and our children, as daily users of the harbor for recreational and cultural purposes. Please give our comments due consideration. This was a place where people came to use the ocean long before the first barges arrived. Thank you for the opportunity to provide you with our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zoe Norcross-Nu'u', written in a cursive style.

Zoe Norcross-Nu'u
1500B Kokomo Road
Haiku, HI 96708
(808) 984-3335
norcross@hawaii.edu

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 7847.05

November 14, 2005

Ms. Zoe Norcross-Nu`u
1500B Kokomo Road
Haiku, Hawaii 96708

Dear Ms. Norcross-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. 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 (EA) and has been withdrawn from the proposed project.

Regarding your comments about the need for an Environmental Impact Statement (EIS) and a public hearing. 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 EA indicate 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. There is no requirement under the Hawaii environmental laws for a public hearing for an environmental assessment.

The recreational and cultural impacts are discussed in the EA Sections 4.21 and 4.9, respectively. Likewise the impacts for air quality, water quality, traffic and coastal processes are addressed in the EA Sections 4.3, 4.8, 4.22 and 4.7, respectively. A ferry is anticipated to utilize Kahului Harbor and its operations will be accommodated with or without 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 (808) 587-2503.

Very truly yours,

A handwritten signature in black ink that reads "Rodney Haraga".

RODNEY K. HARAGA
Director of Transportation

