

From: [Moises, Dustin](#)
To: "Mahealani Krafft"
Subject: RE: DHHL Comments & preliminary DEA draft comments
Date: Wednesday, April 10, 2019 11:13:00 AM

Dustin Moises, P.E.

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Managers do things right, Leaders do the right thing. – Warren Bennis



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From: Mahealani Krafft [mailto:mkrafft@kauai.gov]
Sent: Wednesday, April 10, 2019 10:58 AM
To: Moises, Dustin <dmoises@kauaiwater.org>
Subject: FW: DHHL Comments & preliminary DEA draft comments

From: Moises, Dustin <dmoises@kauaiwater.org>
Sent: Monday, July 31, 2017 4:09 PM
To: Michael Dahilig <mdahilig@kauai.gov>
Cc: bill@kodani.com; Kirk Saiki <ksaiki@kauaiwater.org>; Aoki, Keith <KAoki@kauaiwater.org>;
Krafft, Mahealani <mkrafft@kauaiwater.org>; Mahealani Krafft <mkrafft@kauai.gov>
Subject: RE: DHHL Comments & preliminary DEA draft comments

Howzit Mike,

I'm not typically involved with EA reviews anymore since I only oversee construction but I have done EA's in past so here's my comments per your request to help you evaluate the situation. I wanted to get you my comments today so you can prep for Wednesday accordingly.

First, the DHHL letter dated June 30, 2017 is by procedure, in response to the preconsultation letter

sent in May 2017 by KAE. The general scope and map of the preconsultation letter doesn't detail much about the project so a response like this would likely come from someone with history to the project or they are referencing the old DEA that got cancelled. Also, the draft EA I received last week doesn't include a response to this letter because KAE said the letter actually came last week after DEA was submitted to DOW although the date of DHHL letter is June 30, 2017. Regarding the DEA, this letter should be addressed before the DEA is published. That being said, here's my comments related to DHHL letter.

Comment #1 – There are administrative criteria for significance. Of the 13, this comment could be related to “Conflicts with the State’s long-term environmental policies or goals and guidelines as expressed in HRS 344” & “substantially affects the economic or social welfare of the community or State”. The DEA should be addressing DHHL’s concern related to their projects in the State Water Projects Plan as it relates to CWRM approvals. The original SWTP was rated for 3 MGD + train expansion. The May 6, 2003 Final Engineering Report states plan can go from 3.0 MGD to 4.0MGD with plant capacity firm rates of 3.35 mgd to 4.46 mgd. The new pipeline will allow transmission of more water from the Waiahi Treatment Plant expansion from where it is now. Being that it is known this pipeline will allow expansion (increased withdrawal from Kapaia Reservoir) of SWTP, the argument could be made to that point. The DEA should provide a narrative related to this to ensure the pipeline project will not have a significant impact regarding CWRM source since having the water available is much different than DHHL being able to provide the infrastructure to get the water to their development. Again, this goes back to the flow that was approved with initial plant build in 2005 and capacity by DOH.

Comment #2 – Their comment is right out of the OEQC guide to implementation of HEPA. Similar to item 1, the new pipeline will allow more water transmission from the Reservoir if/when SWTP expanded. I did not do the engineering calcs but if the 18” main can transmit more (increase capacity for water delivery) than the original SWTP MGD approval, then this would be a valid comment since it would be increased withdrawal of Wailua fork water that goes to Waiahi reservoir. That being said, is it necessary to examine the tributaries above the SWTP reservoir? I would say that if the surface water feeding the reservoir will not be changed with expansion (reservoir will have lower level at equilibrium), then maybe not but the safer route would be to study the situation and verify with the DEA. KDOW has no control over diversions but if the 18” allows for more transmission than the current SWTP capacity, I would say the significance should be studied and a conclusion derived in the DEA regarding any impact to tributaries feeding the existing reservoir. Finally, I think their statement “No environmental assessment or statement was prepared for Grove Farm SWTP operations and the DEA should include this assessment within its scope.” is the biggest one of this comment. The original treatment plant did not have an EA done and since the very first trigger for HEPA is use of “county funds”, one could question validity of the existing SWTP development since KDOW paid 2/3 of the cost with GF and will own it. It would have been helpful to have that done then to fall on now but without one that I am aware of, I would say that should be revisited now with pipeline DEA. From there, the 13 administrative criteria for significance should be evaluated which basically overrides everything I said earlier had you separated STWP from transmission line. This poses a big issue for KDOW a decade later. This is something that should be considered to protect the Board’s current and future interests/liabilities at Waiahi.

Comment #3 – Similar to comment #1 as it relates to DHHL planned developments. The DEA can address detailed description of the proposed uses for the increased water delivery (Water Resource & Planning) could help with determining what the 18" main will allow (DHHL and non DHHL planned developments) and work with KAE if they haven't already. I think the comment related to public trust is very broad and something I wouldn't feel needed to be addressed if an EA was conducted a decade ago. With no EA, I question whether or not it should be dealt with now.....see response to next comment.

Comment #4 – I think this is more of a CWRM item and anything related to water use/permits, etc. is CWRM. First, on the engineering side of things, if the 18" waterline capacity is calculated to allow more than the original SWTP design intent, then "proposed increase water withdrawals" should be evaluated with DEA. However, CWRM is the body that deals with the original 3MGD usage. Assuming (with emphasis), the 3 MGD was approved by CWRM a decade ago, I don't see any issues with the 3 MGD or anything approved by CWRM back then if in line with the PER done in early 2000's.....but then I keep coming back to my comment in #2 above. Since no EA was ever done for original SWTP construction, do we address it now? Outside of that, KDOW has no control of diversions. I would say we stay out of that as related to the 18" main.....but goes back to what I said in comment #2. If you increase transmission capacity, which will increase reservoir withdrawals, you need to assess that you can do it without increasing flow into reservoir which should be addressed by confirming yes or no in DEA.

Comment #5 – the cultural impact should be assessed but whether it should be "extensive" or what is deemed "extensive" is in question. Regarding the 18" main construction itself, I would say the area should be evaluated during DEA via guidance for assessing cultural impacts by OEQC. At a glance, I would agree that the project is located in a relatively developed area and one would assume that the waterline construction itself will likely not affect cultural resources but the only way to assure that is to conduct a cultural assessment with a qualified cultural expert. That being said, you it goes back to what I've been saying all along. If the 18" waterline increases capacity which relates to increased SWTP flow, then you would have to do a more "extensive" study upstream of the new waterline is my take.

I have not read the DEA in detail yet but based on DHHL letter and a skim of the DEA provided to me on Friday, I would recommend the approach below.

1. Define the project clearly. What is the pipeline for? What development will it serve (Hanamaulu Triangle, Grove Farm developments, ADU, ARU, etc.)? Is it a pipeline that will increase the capacity (backed up by engineering calcs) above the original SWTP flows that were approved in 2003? If yes, I think you have to evaluate upstream of the pipeline and possibly upstream of the SWTP. If no, then you stay within the pipeline area and it is easy.

[This is the most important task. Verbage can be used to say both but in the end, use the engineering calcs. Private water system or not, if you increase the size of the pipeline and it allows more transmission capacity, you allow the increase of transmission of water for development. From there, if you know the SWTP will be expanded and will not be able to without the 18" main here (Maalo Road deemed insufficient), I think you have to connect

the dots and draw correlation as I stated above to disclose everything.] If SWTP expansion within original approved limit, I wouldn't worry about the 18" main upstream but it should be confirmed and disclosed.

The draft DEA page 3 states "The capacity of the Waiahi SWTP will not increase due to the installation of the 18-inch water transmission main.". Is this a true statement? If the 18" main were to not occur, could Waiahi SWTP be expanded beyond current flows to anticipated flows with current infrastructure? There is a paragraph right after the statement about Waiahi SWTP being modified in the future. There are modifications that are known at this time such as expansion (going above 3 MGD under existing foot print per Final engineering report 5/6/2003) and potentially outside of existing footprint which should be disclosed now in the DEA. If you are not doing with this EA, does that mean expansion under existing footprint and/or future expansion will be done with a separate EA even if KDOW does not expend funds? I think this should be clearly narrated so it is not a play on words. "Any future expansion of the SWTP is not a necessary action for the proposed 18-inch water transmission main as the proposed project provides the needed transmission capacity for the existing KDOW with or without future SWTP expansion." Okay, but what about reverse? Can future SWTP that is known to be happening occur without the 18" main? If so, this is fine and KDOW is protected in the long term. If not, I think it should be disclosed clearly regarding at minimum the upcoming train expansion being designed by ATA via recent PER.

The natural/cultural impacts should be evaluated by someone deemed knowledgeable. I don't see who did it in section 7.1 & 7.8

Section 7.3, 7.4 , & 7.6 should be addressed to deal with DHHL letter

Section 7.9. – Will the 18" main not involve a commitment (allowance) to larger actions development wise? The project itself will not but do you correlate to bigger developments as a domino? Just be clear on this one.

7.10 – I had to do a Nene study for DOW building. Being this is near Waiahi, how did you determine this? (Bill check numbering)

2. How do you address the EA not being done a decade ago as related to DHHL comment #2 when DOW funds were used the same way the EA was triggered for this pipeline? SWTP is a private system so we have to separate ourselves from that and diversions but we can't separate from the 2/3 DOW \$. I think this is the biggest issue related to the EA comments. We don't have anything to stand on from a decade ago to help us now.
3. KAE in drafting it with KDOW should be transparent to the community and disclose anything that could be an issue related to EA whether involves GF, County or KDOW. In doing so, evaluate the 13 administrative criteria for significance and determine CWRM vs KDOW vs others responsibilities during the process. Utilize the OEQC guide for HEPA implementation.

I know this might have made things more confusing but item 1 is really what sets the framework moving forward. Then how you deal with item 2.....then just do by item 3. Let me know if any questions.

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"You're never wrong to do the right thing", Mark Twain



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-----Original Message-----

From: Michael Dahilig [<mailto:mdahilig@kauai.gov>]
Sent: Friday, July 28, 2017 11:53 AM
To: Krafft, Mahealani <mkrafft@kauaiwater.org>; Mahealani M. Krafft <mkrafft@kauai.gov>
Cc: bill@kodani.com; Saiki, Kirk <ksaiki@kauaiwater.org>; Moises, Dustin <dmoises@kauaiwater.org>; Aoki, Keith <KAoki@kauaiwater.org>
Subject: DHHH Comments

Howzit Mahea,

[Redacted]

[Redacted]

[Redacted]

Thanks,
Mike