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beautiful.*

## Comments and Recommendations for Changes to: "Kawainui-Hāmākua Complex Draft Master Plan: May 2014" Helber Hastert & Fee Planners

June 30, 2014

### INTRODUCTION

The "Kawainui-Hāmākua Complex Master Plan" posted at <http://hhf.com/kawainui/> on May 22, 2014, where the word "Marsh" is missing from the title, as well as the primary focus of the plan, warrants further review and change to meet the preservation responsibilities of the Department of Land and Natural Resources.

There are many aspects of the Master Plan that are admirable, particularly in the areas of wetland restoration, the use of the marsh by Hawaiians for traditional cultural practices, and the outdoor education and stewardship programs. These proposals should remain in the plan. The Outdoor Circle (TOC) acknowledges and supports Hawaiian rights to traditional cultural practices protected by Hawai'i's constitution.

TOC's primary criticism of the draft Master Plan is that it is biased in favor of development and that this bias resulted, in large part, from decisions that excluded suggestions offered by community groups and individuals who expressed opposition to modern buildings, parking lots, causeways, and other construction that compromises the health of this irreplaceable public trust resource.

In response to criticism of the size and extent of the development proposed in this plan, DLNR representatives argued that it would only be 1% of the land area. Yet, this 1% is within the crucial buffer zone for the marsh and development in this area will have a major impact on the entire marsh. The development plan includes 17 modern structures, 13 parking lots, an unidentified number of restrooms, 5 pavilions, 8 viewing decks, 4,155 feet of boardwalks, approximately 5.7 miles of perimeter trail and extensive pathways, 10 program areas and open lawns, 9 maintenance access roads, 3 bridges (2 causeways over Maunawili and Kahanaiki Streams), 10 interpretive sign areas and miscellaneous structures including 4 plant nurseries and a canoe launch. Taken together, this is too much development that is too close to an endangered natural public trust resource that already lacks adequate DLNR oversight and protection.

Given that DLNR has little funding to protect the marsh from over-use and is short of staff to enforce existing laws, it is foreseeable that the developments proposed in this plan would usher in a new era of human-caused damage, including commercial uses.

It is imperative that DLNR fully analyze the extent of these foreseeable consequences before adopting a plan that would introduce them. This has not been done.

Because of this fundamental shortfall, this draft of the Master Plan lacks a realistic 'management plan' for the area based on an analysis of existing and future traffic problems, illegal activities and vandalism, and the pollutants already in the wetland. To date, no management plan has been proposed to prevent unintended disturbances to endangered water birds or the removal of historic artifacts. In this plan, there appears to be little understanding of the damage unregulated access can do to a historic district, endangered water bird sanctuary and a flood control area. We, therefore, urge DLNR to supervise the consultants in the revision of this draft of the Master Plan and ask that they remove modern structures and parking lots in favor of less invasive forms of use, and broaden the plan's emphasis on maintenance and restoration, especially in the perimeter buffer zone. We also would like to see more restricted and managed access at sensitive sites.

Unfortunately, the Lani-Kailua Outdoor Circle's (LKOC) long-standing criticisms of the plan and recommendations for improvement are not reflected in this draft of the Master Plan. In February 2011, LKOC passed a resolution opposing "overnight housing, food service, commercial activities, (and) building construction"; recommending instead that access to the marsh be limited to "wetland restoration, archaeological study, public education, maintenance, flood control and security". This form of managed access allows place-based education of students and adults; stewardship programs; self-guided nature walks and bird watching, for example; and scheduled events under the sponsorship of DOFAW and State Parks, such as the informational tours offered to the public during World Wetland Days. The TOC resolution also supports DLNR's maintenance and restoration efforts.

However, DLNR can still improve this plan and ensure protection of this imperiled public trust resource in the following areas:

- Water quality
- Flood control function of the wetlands
- Endangered wildlife habitat
- Historical and archaeological sites

#### **THE OUTDOOR CIRCLE'S RECOMMENDATIONS FOR REVISION OF THE DRAFT MASTER PLAN**

**1. Hydrology and Water Quality.** The Master Plan should include a description of the hydrology of the marsh including an explanation of the role of the Kailua and Kapa'a watersheds and the rates of water supplied by them that are necessary for the continuing existence of our wetlands. Engineers and developers have changed the hydrology of the marsh over the years. This hydrology description would be added to the "existing conditions" section of the Master Plan and should include:

- Identification of all streams flowing into Kawainui from the Kailua and Kapa'a watersheds.
- Assessment of the present conditions of these streams.

- A recommendation to update baseline studies on stream conditions for studies done prior to 2008. (Baseline studies would include an analysis of sediment loads, measurement and source of heavy metals; 50 year precipitation data, etc.).
- Assessment of the impact of the levee on the flow of water and its role in flood control.
- The history and location of water diversion devices, specifically the Maunawili Ditch and the amount of water it removes from the Kailua watershed to support Waimanalo agriculture.
- The history of the change in the flow of water (the building of Oneawa canal and the cutting off of the flow to Ka'elepulu Stream; the building of the levee and the U.S. Corps of Engineer Ponds), all of which altered the hydrology of the wetland.
- The history and location of "fill" placed within the Master Plan district, e.g., across from the Transfer station; at Kahanaiki etc.
- An estimate of the average amount of groundwater needed to be pumped in order to sustain the 11 U.S. Corps of Engineer Ponds.

**Comment:**

The failure to include a description of watershed functions, and to identify water pumping activities and water diversions, creates an information gap in the Master Plan. It is only through an understanding of marsh hydrology that knowledge-based decisions can be made to assure its continuing health and productivity.

This exclusion of baseline information is difficult to understand given DLNR's watershed initiative and its public position on the role the watershed plays in groundwater recharge and water quality — key factors in the healthy operation of a wetland. When asked at the June 16, 2014 Ho'olaulima meeting why a study of the hydrology of the marsh was not proposed, the reply was that it was beyond the scope of their study. Given the critical role hydrology plays in the health of a wetland, an understanding of the "plumbing" of the wetland is a necessary component in planning for the future health of the marsh and the safety of those who live downstream from it and must be included in the Master Plan.

**2. Flood Control.** The Master Plan should include a description of the geology the marsh in order to understand the caldera formation and its shape and depth. These factors impact the collection of water and the growth of the vegetative mat, which in turn determine whether or not the marsh will overflow during storm events.

This would include:

- A brief geologic history of the formation of the wetland.
- A description of the formation of the water table, flow patterns and storage capacity.
- A description of the vegetative composition and soil types generated by geology, topography and climate.
- The Master plan should also recommend that core samples be obtained to understand the history of past floods.

**Comment:**

Understanding of the geology of the marsh would facilitate decisions such as those made by the U.S. Army Corps of Engineers on where to drill their wells and what modifications, if any, could be made to the levee to allow the managed release of water into Kawainui canal.

**3. Endangered Wildlife Habitat.** The Master Plan should provide information on factors known to impact endangered water birds and aquatic species, such as loss of wetlands habitat, urban encroachment, development, and sound and noise pollution.

**Comment:**

The impacts of development within the Marsh boundary are well understood and the consultants should have factored this information into their plan. This is a major oversight that must be corrected before the plan is accepted.

**4. Historical and Archaeological Sites.** The Master Plan should provide for the protection of archaeological sites and recommend an updating of the archaeological record.

**Comment:**

Since all of Kawainui marsh is a federally protected historic district, thought to be one of the oldest Hawaiian settlements in the Hawaiian Islands, the plan should recommend strong protective measures and strategies to manage the public's access to sites as well as ways to rehabilitate the wetland with minimum soil disturbance.

**5. Access and Development on LWCF Lands.** The Master Plan should identify the full range of options under Land Water Conservation (LWCF) rules, particularly in regard to access and development.

**Comment:**

The Master Plan states that public access and recreation are required at sites purchased with financial support from the federal Land Water Conservation Fund (LWCF). The reality is that LWCF purchased lands, including wetlands and historic sites, can be afforded special protections such that access is limited and there is no development. LWCF does not require modern buildings, parking lots, etc. They are optional, and can and should be removed from the draft Master Plan (except those necessary for maintenance and restoration of the marsh).

**6. Commercial Activity.** The Master Plan should prohibit commercial buses and all commercial activity within Kawainui-Hāmākua wildlife sanctuaries.

**Comment:**

All visitors should be welcome to come to the marsh to enjoy the out-of-doors and learn about this special place. However, Kawainui marsh must be managed in order to avoid over use and the potential for harm to resources. The Master Plan should indicate that all commercial activity will be prohibited, including commercial sightseeing, biking, segways, sales of T-shirts, crafts, etc., with a specific provision banning commercial tour buses.

In addition, the Master Plan should include a recommendation to revise "Exhibit C" of the Hawai'i Administrative Rules, Title 13, Chapter 126: "Rules Regulating Wildlife Sanctuaries", to remove the 100 commercial visitor per day allowance for Kawainui, and the 100 commercial visitor per day allowance for Hāmākua, from the "List of Wildlife Sanctuaries in which Commercial Activities may be permitted".

We note that, in the past, pressure from commercial interests has led DLNR to allow such activity at sites formerly protected from exploitation, e.g., the Mokulua Islets. Commercial activity in protected areas like these has increased detrimental human pressure on the natural resources in these areas.

The suggestion that commercialization "will never happen" is unfounded. Given that LWCF regulations allows for commercial leases to vendors on its properties, and that Ulupō, Nā Pōhaku, Cash Ranch and Kahanaiki were all purchased with LWCF funds, commercial use of these lands is reasonably foreseeable – if not inevitable. A well-written Master Plan for the long-term health of a sensitive wetland would outline stringent restrictions on such activity in order to protect the resource; the current version of this plan is silent on this topic.

**7. Cultural Practices and Modern Structures.** The draft Master Plan contains many worthwhile proposals for the future of Kawainui-Hāmākua marshes in the areas of wetland restoration, the use of the marsh by Hawaiians for traditional cultural practices, and outdoor education and stewardship programs. These proposals should remain in the plan. However, drawings of modern buildings for educational and cultural complexes, e.g., those including offices, classrooms, overnight accommodations and parking lots, should be removed from the Master Plan.

**Comment:**

- Kawainui-Hāmākua is not a typical park. It is a federally protected historic district, perhaps the earliest Hawaiian settlement in the islands. Any land disturbance could damage the historic record or uncover as yet unidentified artifacts, exposing them to theft and vandalism. The marsh is a one-of-a-kind public trust resource that the DLNR is obligated to protect for the benefit of the resource and the people of Hawai'i.
- Kawainui-Hāmākua is not a typical wetland. It is an endangered water bird habitat, providing shelter and nesting sites to 4 of Hawai'i's endangered water bird species as well as a stopover haven for migratory birds. Wetlands world wide are being lost to the type of encroachment and development proposed in the draft Master Plan. We need to expand rather than diminish this habitat.
- Kawainui-Hāmākua is not a typical wetland flood plane with occasional stream bank overflow. It functions as a major flood control mechanism holding back water that has in the past flooded down slope neighborhoods during extreme storm events. The risk to life and property damage is real, and the U.S. Army Corps of Engineers has spent federal dollars raising the levee to its present height. Development and extensive trail use creates sediment that in time, would compromise the capacity of the marsh to buffer Kailua town from flooding.
- Kawainui-Hāmākua is an exceptional natural, historic and cultural resource, and its future is in our hands. The community has clearly voiced its opposition to the development of modern structures and parking lots within the plan's boundary. The consultants, under DLNR leadership, should modify the draft plan by removing non-maintenance buildings and parking lots from the plan.

**8. Federal Protections.** The Master Plan should identify the full range of protections provided under federal law and how they apply to Kawainui-Hāmākua - including but not limited to the Environmental Protection Act (EPA): Clean Water Act of 1972; the National Historic Preservation Act of 1966; and the Endangered Species Act of 1973. The federal government also protects wetlands through regulations under Section 404 of the Clean Water Act and the Flood Control Act administered by the U.S. Army Corps of Engineers, and investigates when state agencies fail to live up to their responsibilities to protect public resources.

**9. Causeways.** Boardwalks and bridges should be removed from the plan, especially the causeways over Kahanaiki and Maunawili Streams.

**Comment:**

A causeway is generally a raised road across a broad body of water or wetland that is primarily supported on earth or stone whereas a bridge is supported by free standing columns. Either form of construction in the marsh would require dredging and alteration of the natural flow of water. An interior maintenance road would be a convenience to DOFAW in accessing areas of the marsh, however, the alteration of stream flow and the impact on the hydrology of the marsh could do more harm than good.

**10. Continuing Consultation.** The Outdoor Circle requests continuing consultation with all state and federal agencies with jurisdiction over the Kawainui-Hāmākua Marsh planning process.

The Outdoor Circle is concerned about the harm that could be done to the natural, cultural and historic resources if modern buildings, parking lots, causeways etc. are built in Kawainui-Hāmākua. We wish to continue as a consulting party in the Master Plan process and look forward to further discussions with you, the Department of Land and Natural Resources (DLNR) and all those who work to protect this beloved and imperiled public trust resource.

Thank you for this opportunity to comment on the draft of Kawainui-Hāmākua Complex Master Plan.