



## THE LANI-KAILUA OUTDOOR CIRCLE

January 22, 2018

Re: **Response to the November 2017 DEIS for the Kawainui-Hamakua Master Plan Project**

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Aloha,

We support the Kawainui-Hamakua Master Plan Project stated goals that provide for:

- Natural Resource Restoration and Habitat Enhancement
- Cultural Practices and Stewardship
- Public Access for Outdoor Recreation and Educational Opportunities
- Resource Management.

We also support the Plan's underlying goal of allowing public/private partnership and stewardship activity to continue and flourish there.

However, The Lani-Kailua Outdoor Circle would like to go on record as opposing the current Kawainui-Hamakua Master Plan Project, as described in the November 2017 DEIS, for the following reasons:

### **Concern #1: Project Scale**

The Project scale, as presented in the DEIS, is too large, and the potential impacts of provisions in the plan would be large as well. We feel:

- The planners' implementation of *"LWCF 6(f) requirements that necessitate increased public access and outdoor recreational activities based upon DSP coordination with the*

*National Park Service*” is too broad. Having to provide public access and recreational activities should not require the installation of miles of trails as provided in the plan. Yes, provision for a minimal trail system with viewing platforms is needed.

- The planners’ implementation providing for educational opportunities and native Hawaiian cultural practices, (as per *Article XII of the Hawaii State Constitution*), is too broad, and ignores public input asking that more environmentally friendly structures and facilities be built. State and Federal regulations do not require that hardscape structures be built in order provide for these practices. Yes, provisions for support facilities are necessary to this stewardship activity, but not the extensive multi-acre multi-structure ‘centers’ provided for in the plan.
- The potential irreparable degradation of this fragile natural resource, due to construction at multiple sites around the marsh perimeter, are just not acceptable. It is troubling to see statements such as “*Design features can be incorporated to minimize site disturbance and reduce erosion potential” p. 8, or “the education center is proposed on a sloped area and is envisioned to be built with post-and-pier construction to minimize ground modification” p. 8. These do not indicate that this is what would/could actually occur, and add to our concern that the cumulative impacts of this multi-site construction will, over time, result in the degradation of this important resource.*
- The projected 20-year phased implementation should not be covered by a single all-encompassing EIS. Further, it appears that the RFP process to select site stewardship proprietors will not have any provision for public input regarding the real nature and scope of any construction that may occur. We are troubled by statements such as the following that are sprinkled throughout the plan: “*Specific best management practices and strategies used would be determined during the design phase of improvements”.*

## **Concern #2: Lack of full examination and consideration of proposed Alternative Plans**

The overwhelming majority of public input (as evident in Appendix A of the DEIS), has been largely ignored. The input that has been considered appears to be confined to a small contingent of private organizations, including those that have been working on design plans and have indicated their readiness to pay for buildings and have the funding to do so. This is not to say that said input is invalid. It is simply to note that the range of alternatives presented in the DEIS, has not been rigorously explored or objectively evaluated, nor has the extent of community support of these alternative ideas been given its due weight and consideration.

Section 1502.14 of NEPA requires the EIS to examine all reasonable alternatives to the proposal. In particular, dismissing our LKOC Alternative Plan at this level of the process, and not including it as an Alternative to be considered for inclusion in the EIS, foregoes the opportunity for a decision maker to consider it over the “preferred alternative”, which we

believe is more environmentally harmful. Section 1502.14(b) specifically requires that each alternative be given “substantial treatment” in the EIS.

As stated in the DEIS (p. 2-108), the two Alternatives considered (from Ho’olaulima and Kailua Neighborhood Board) were eliminated because they were seen as: *“eliminating most if not all reasonable public access and support facilities within the project site, and providing minimal support for cultural practices”*. We object to this conclusion, and **would like to see those proposals (along with ours) given the “substantial treatment” they deserve.**

- The LKOC Alternative Plan was not addressed in the list of “Other Alternatives Considered” (2-108), although its recommendations addressed all of the project’s purpose and need, regarding allowing for cultural activities, public access, and wetland restoration, and were feasible and practical to implement from a technical and economic standpoint. (Note: the LKOC Alternative Plan can be found in Appendix A, pp. 874-886.)

LKOC’s Alternative Plan supports educational research, stewardship activities and service learning projects and would require less financial support from the legislature. When support is available, our Alternative would direct financial resources to DOFAW facility maintenance, restoration of the wetland and rehabilitation of the streams flowing into it. LKOC’s Alternative supports most of the Natural Resource Management Activities listed in the DEIS, including the removal of invasive vegetation covering the wetland and the creation of additional wetland areas. It differs from the agency’s preferred plan in that it only supports facilities that are necessary for maintenance and restoration of the wetland, including the riparian upland slopes surrounding the wetland. It provides for traditional hale and storage sheds that support traditional cultural practices, as well as open-air shelters for educational programs and visitor orientation. Our Alternative proposes trails in designated areas to support recreational uses such as birdwatching, photography and hiking.

- We feel that Ho’olaulima’s recommendations were not given adequate consideration nor any weight given to the scope of their community involvement: 6 community meetings (one in each of Kailua’s neighborhoods that would be impacted by the plan). These meetings were sponsored by State Parks and DOFAW (with resource support from the National Parks Service) and the public told that they had a voice in the outcome.
- The Community Alternative Plan approved by the Kailua Neighborhood Board and other organizations is not identified by name and is wrongly named the “Kailua Neighborhood Board Recommendations”. The Alternative we speak of is entitled, **“Kawainui Marsh Restoration: Priorities, Protocols, Participation, and Plan, Hawaiian Community Perspective”**. It was written by a member of the Hawaiian community and a member of the non-Hawaiian community, in

consultation with other community members, and presented to, and approved by the Kailua Neighborhood in 2013. It was later challenged by some Hawaiians who said it did not represent their position, and they referred to it as “The Kailua Neighborhood Board Alternative”. It should be identified by its original title in the DEIS. This would better reflect the actual extent of community input that went in to developing the alternative, and the weight which it should be afforded.

Additionally, according to the DEIS p. 2-110, this proposed alternative appears to have been dismissed based largely on the following subjective criteria:

- It “*does not provide a reasonable alternative to support cultural practices*” (by whose ‘reasonable’ definition?), and
- It “*conflicts with both DOFAW and DSP core agency mission objectives for protecting and managing cultural resources*” (in what way does limiting new construction of hardscape structures conflict with protecting and managing cultural resources?), and
- It “*does not support traditional and customary rights of native Hawaiian’s for cultural purposes under Article XII of the State Constitution*” (again, how does limiting modern structures, in favor of providing for more appropriate environmentally conscious construction, while still allowing cultural practices to occur, not support the rights of native Hawaiians for cultural purposes?).

Therefore, we feel a proper evaluation of Plan Alternatives was not included in the DEIS.

We feel that the ‘preferred alternative’ given in the DEIS is not the ‘environmentally preferable’ one that best protects, preserves and enhances historic, cultural and natural resources, and is supported by a large contingent in the community, but, rather, it is one slanted to support its own alternative over reasonable and feasible other alternatives.

**We request an opportunity to present LKOC’s environmentally preferable alternative, and subject it to the degree of analysis given to the proposed action.**

### **Concern #3: Lack of full examination and consideration of Community Input**

The current plan, as presented, leaves many of us who favor restoration and protection of the marsh over extensive development questioning whether the process utilized to solicit and evaluate public input was inadequate and/or flawed. The Kailua Neighborhood Board made this same assessment back in 2013. Has anything changed?

As further evidence of the planners’ unresponsiveness to community input, the Plan has not changed significantly, since originally presented in 2014, to be reflective of vast community input in opposition to the damaging effects of structures, parking lots, and trails, and vast

community concern regarding security, on-going maintenance, and management of visitor access. In the currently presented Plan, vis a vis the 2014 Draft Plan, as reflected on pp. 8-12 – 8-13:

- A minimal number facilities or structures were removed, moved, or modified to reduce significant environmental impacts as raised in community input. Six additional 'kauhale concept' structures were added. We propose that only traditional, non-modern structures be allowed to be constructed at any building site. **We feel support facilities can be incorporated into this low impact design concept.**
- Minimal reduction was made to the number, scope, and size of public access trails; Changes were mainly in the Kapaa to Kalaheo Subarea; While attention is given to addressing security and homeless issues, via the statement "*DOCARE officers would be available to respond to suspicious or inappropriate activities, enforce regulations, and ultimately increase security in the area.*" p. 4-88, we still have concerns about illegal activity, particularly at night, on the proposed miles of trails not under individual site jurisdiction. **The number and extent of such trails should be reduced.**
- No attention was given to addressing the restoration of the upstream water sources that supply the marsh; the marsh restoration is futile if that water source is not managed. It is irresponsible to not consider this crucial factor when evaluating a marsh 'restoration' plan. Additionally, the DEIS is incomplete in that it should include flood control analysis of the cumulative impact the project could have on the human environment of people living downslope of the levee. **Please revise the DEIS to include reference to and analysis of these two elements.**

#### **Concern #4: Unprofessional handling of organizations opposing the plan**

We feel there was an unprofessional handling of organizations opposing the plan, as evidenced by:

- Including language criticizing the Kailua Neighborhood Board of "dictating to the native community what type of facilities should be provided to support their traditional policies" p. 2-110. The Marsh is within the public domain, and belongs to all, not just the native Hawaiian community. We all have a right and duty to protect it. By specifically calling out this criticism in the DEIS, it discredits the KNB and their right to speak out and be heard. **This type of wording should be removed from the DEIS.**
- Misrepresentation of the position of "The Outdoor Circle" by inserting language suggesting their concern for visitor impact on the natural, historic and cultural resources of Kawainui is only in opposition to visitors to Kailua. (Appendix A, p. 887). For the record, LKOC has never been opposed to visitors to Kailua. We are opposed

to illegal visitor-related activity only, such as unlicensed commercial beach activity.  
**We would like a correction to that misrepresentation.**

- Misrepresentation of the position of “The Outdoor Circle” (p. 4-81) by inserting an erroneous statement regarding our press release in which Hanauma Bay and Polynesian Cultural Center were mentioned. What we said in that press release was simply a query as to whether, in order to provide funding for the project, might DLNR consider a visitor destination modelled after the two named sites? We never stated the project would be modelled after Hanauma Bay or the Polynesian Cultural Center. **We would like this reference to The Outdoor Circle removed from the DEIS.**
- Misrepresentation of valid public concerns raised as being based on “*misinformation*”, “*out of context*”, and due to “*not bothering to read the plan*” (p. 4-81). These kinds of statements do a disservice to all those individuals and organizations that have done their research, and voiced their opposition to the plan based on the potentially detrimental effects that certain actions proposed will have on this fragile resource. **We feel that this type of phrasing, which appears to minimize valid community concerns as baseless and not worth considering, does not belong in the DEIS, and should be removed.**

For the above reasons, we feel the DEIS is incomplete, inadequate and inaccurate, and we would like to see it revised, as stated above, before final approval. Thank you for your attention. We look forward to your response.

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