

Appendix A

Public Involvement

- Public Notice of Preparation of an Environmental Assessment, May 17, 2021

- Public Notice of Availability of Draft Engineering Documentation Report and Draft Environmental Assessment for Review, August 12, 2021

- Responses to Public Comments

- Comment Letters
 - County of Maui (Mayor and Planning Department)
 - Hui o Nā Wai 'Ehā

Public Notice of Preparation of an Environmental Assessment, May 17, 2021



US Army Corps of Engineers
Honolulu District
BUILDING STRONG®

Public Notice of Preparation of an Environmental Assessment

Civil and Public Works Branch
Building 230
Fort Shafter, Hawaii 96858-5440

Public Notice Date: May 17, 2021
Expiration Date: 30 days
Corps Project: **Iao Stream Flood
Control Project**

Interested parties are hereby notified that the Honolulu District, U.S. Army Corps of Engineers (Corps) is preparing a Supplemental Environmental Assessment (EA) to assess the significance of the potential impacts of the proposed action on the quality of the human environment in accordance with the Council on Environmental Quality's National Environmental Policy Act (NEPA) Implementing Regulations at 40 CFR Parts 1500 to 1508, as amended, and the Corps' NEPA regulations at 33 CFR 230. The Corps has preliminarily determined that the proposed action is not likely to result in significant impacts on the human environment and an Environmental Impact Statement will not be prepared.

With this notice, the Corps seeks to involve the public as it prepares the draft EA for proposed repairs to an existing federal project, as a matter of due diligence. In addition, and in accordance with 33 CFR 230, the Corps will again seek public involvement and solicit comment on the completed draft Supplemental EA in July 2021. The Corps will consider comments received during the public comment period for the draft Supplemental EA in making a determination on a finding of no significant impact. Concurrent to involving the public, the Corps will pursue interagency coordination on the proposed action.

ACTION AGENCY: Ms. Rhiannon Kucharski, Chief, Civil and Public Works Branch, Honolulu District, U.S. Army Corps of Engineers, Building 230, Fort Shafter, Hawaii 96858-5440

LOCATION: River Station (RS) 55+50 to 48+50 and RS 91+50, Iao Stream Flood Control Project, Wailuku River, Wailuku, Island of Maui, Hawaii (Center coordinates: 20.899867N, -156.494564W and 20.893229N, -156.502358W, respectively.) See map attached to this notice.

DESCRIPTION OF THE FEDERAL PROJECT: The Iao Stream Flood Control Project (FCP) is located within the Wailuku River (formerly Iao Stream) in Wailuku, Hawaii and

was authorized in 1968 at a cost of \$1.68 million. Construction of the project was completed in October 1981 and consists of a debris basin located 2.5 miles upstream of the stream mouth, a 3,500 feet (ft) long lined channel downstream from the debris basin, and levees along the left and right banks. The Iao Stream FCP was turned over to the County of Maui as the Non-Federal Sponsor, to operate and maintain.

DESCRIPTION OF THE PROPOSED ACTION: The Corps proposes discrete repairs at two locations wholly occurring within the lateral limits of the Iao Stream FCP channel, to improve public safety and reduce future maintenance requirements for the County of Maui, Department of Public Works. River Station (RS) 55+50 to 48+50 requires removal of the existing left bank revetment, "Revetment X", to allow the Wailuku River to meander and naturally slow velocities. Further upstream, at RS 91+50, construction of a "pre-formed scour hole" is required to rehabilitate the channel invert. See figures attached to this notice.

Removal of Revetment X. In this reach of the Iao Stream FCP, the natural channel was straightened and narrowed with boulder-concrete (grouted riprap) lining of the banks and a buried toe, to provide the congressionally authorized level of flood protection. The bed of the channel remains unlined.

Under the proposed action, the Corps will remove approximately 200 linear feet of the reinforced left bank of Revetment X, widening the channel to within the lateral limits of the FCP and reducing streamflow velocity. Further stabilization of the left bank is not proposed. No action is proposed along the right bank.

Note that the proposed action at Revetment X (in addition to other previously proposed actions) was previously evaluated in 2017 under the Corps' EA, including required interagency coordination and public involvement, and concluding in a finding of no significant impact. The currently proposed action, herein described, is identical to the description of the same proposed action in the 2017 EA (See Alternative F). The EA for the proposed action will supplement the 2017 EA. The 2017 EA is available for reference online at: <https://poh.usace.army.mil/Missions/Civil-Works/Civil-Works-Projects/Iao-Stream/>.

Pre-formed scour hole. In this reach of the Iao Stream FCP, located downstream of Market Street Bridge and vertical drop structure, the transition from the upstream boulder concrete lined invert to the downstream unlined channel has eroded and undermines the structural stability of the FCP at this location. Under the proposed action, the Corps will excavate the eroded channel invert and construct a "pre-formed scour hole" i.e. engineered stabilization of the scoured invert consisting of a boulder-concrete sloped toe with buried key using material consistent with the existing channel. The proposed channel invert rehabilitation will repair existing erosion and prevent future, imminent erosion.

Detail regarding construction means, methods and sequencing, best management practices and staging and access requirements is currently unavailable, pending

authorization to fund the repairs and proceed to the design phase, wherein construction detailing will become available. The lao Stream FCP was constructed with maintenance accessways intended to facilitate maintenance repair to and within the channel. The Corps assumes use of existing maintenance accessways to complete the proposed repairs.

ALTERNATIVES: The reasonable alternatives under consideration by the Corps at this time include the following: 1) No Action, 2) Removal of Revetment X only, 3) Pre-formed scour hole only, and 4) the Proposed Action, as described above.

AUTHORITY(S): The lao Stream FCP was authorized under Section 203 of the Flood Control Act of 1968 (Public Law 90-483). No further congressional authorization is required for the proposed action.

COMMENT AND REVIEW PERIOD: The Corps is soliciting initial comments from the general public, Federal, State and local agencies and officials, and other interested parties in order to consider and evaluate the impacts of the proposed action on the human environment. Any comments received will be considered. Only those comments received during the designated comment and review period will be considered by the Corps in preparation of the draft EA. All comments received will become a part of the administrative record.

Written comment on this public notice must be submitted via conventional mail or electronic mail (e-mail).

Comments sent by conventional mail should include your name, return mailing address, phone number, and reference to "lao Stream Flood Control Project" and be sent to:

U.S. Army Corps of Engineers, Honolulu District
Civil and Public Works Branch (CEPOH-PPC)
Attn: Jessie Paahana
Building 230
Fort Shafter, Hawaii 96858-5440

Comments sent by e-mail may be sent to: CEPOH-Planning@usasce.army.mil. If using email, you must include reference to "lao Stream Flood Control Project" in the subject heading of the email along with your name, mailing address and phone number. In order to be accepted, e-mail comments must originate from the author's e-mail account.

To be accepted, all comments, whether transmitted by conventional mail or e-mail, must be received by our office within **30 days** of the date of this notice.

VIRTUAL PUBLIC INFORMATION EVENT: The public is invited to attend a virtual information event hosted by the Corps on either of the following dates:

May 22, 2021 at 9:00am – 10:00am HST, and
May 29, 2021 at 9:00am – 10:00am HST.

The Corps will present the proposed action, accept public comment and answer questions to the best of our ability during this event. The same information will be presented at both meetings.

Access Information:

Join online webinar via Cisco WebEx platform at
<https://usace1.webex.com/meet/jessie.k.paahana>.

Access via this platform is interactive and includes both visual and audio transmittal.

Join by phone, toll free at 1 (844) 800-2712. Access code: 199 533 9315.

Access via this platform is not interactive and includes audio transmittal only.

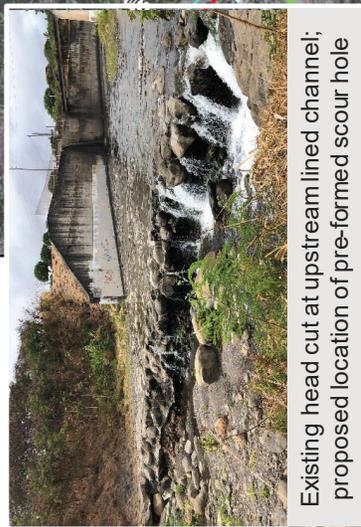
This event coincides with the comment and review period; comments received at this event will be considered in the preparation of the draft EA and will become a part of the administrative record. Comments submitted in response to, but not at this event, must follow the submittal procedures described above for written comments.

This public notice is issued by the Chief, Civil and Public Works Branch.

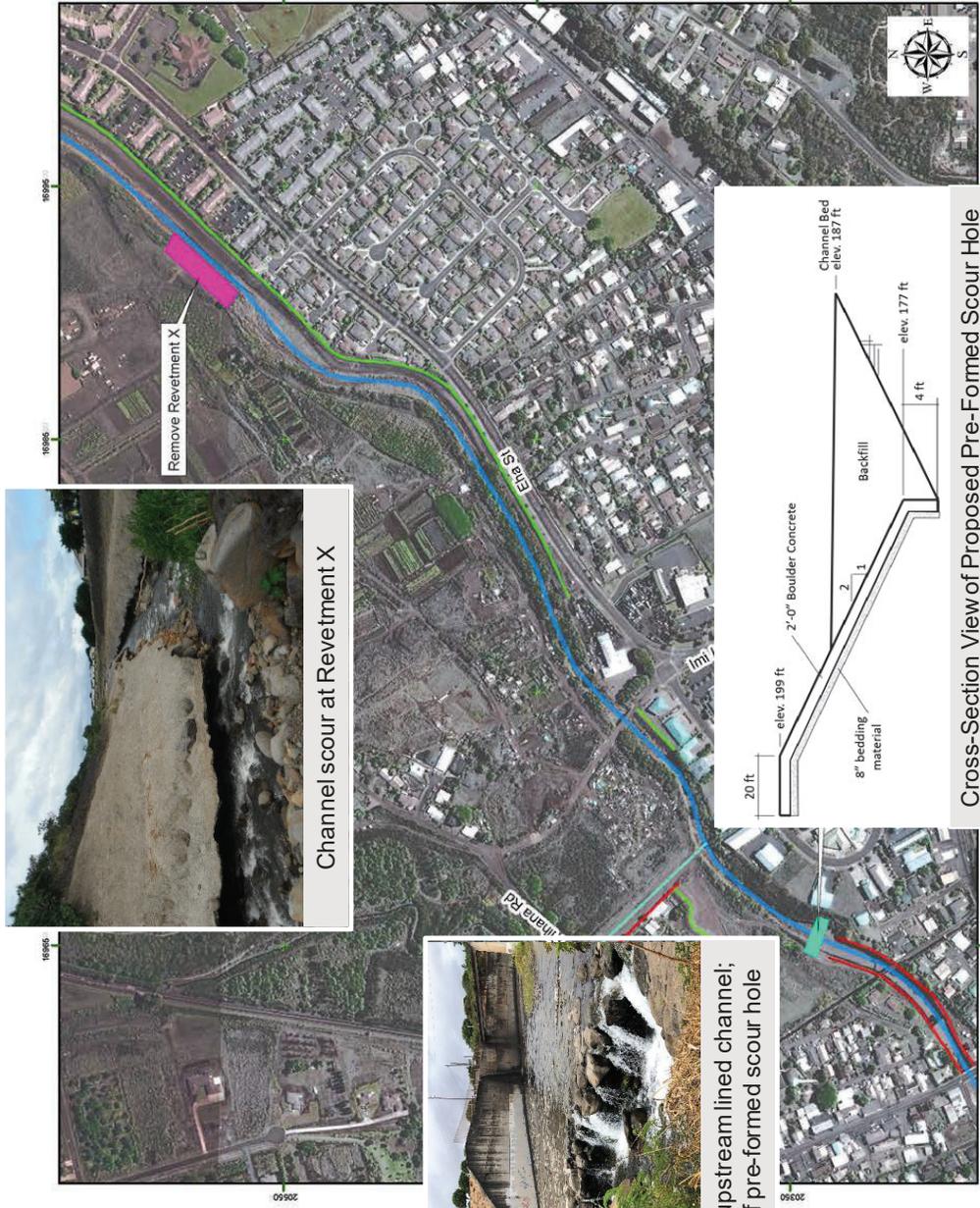
Attachment



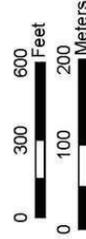
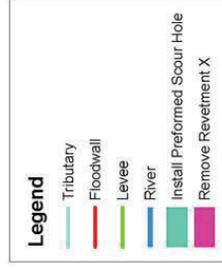
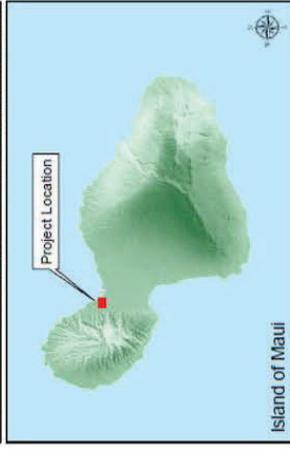
Channel scour at Revetment X



Existing head cut at upstream lined channel; proposed location of pre-formed scour hole



Cross-Section View of Proposed Pre-Formed Scour Hole



**Tentatively Selected Plan, General Site Plan
Iao Stream Flood Control Project
Wailuku, Island of Maui, Hawaii**



U.S. Army Corps of Engineers
Honolulu District

Iao Stream Flood Control Project EA Preparation Public Notice

Page 1/1

Notes:
1. Map is for conceptual purposes only and all areas are approximate.
2. Coordinate System: Hawaii State Plane Zone 2.
3. NAD 83 HARN, Zone 2, Source: DDDO 18625.
4. Map prepared by the Civil Works Technical Branch (CWP/HECT) on March 8, 2021.

Public Notice of Availability of Draft Engineering Documentation Report and Draft Environmental Assessment for Review, August 12, 2021



US Army Corps of Engineers
Honolulu District
BUILDING STRONG®

Public Notice of Availability of Draft Engineering Documentation Report and Draft Environmental Assessment for Review

Civil and Public Works Branch
Building 230
Fort Shafter, Hawaii 96858-5440

Public Notice Date: August 12, 2021
Expiration Date: September 13, 2021 (32 days)
Corps Project: **Iao Stream Flood Control
Project**

Interested parties are hereby notified that the Honolulu District, U.S. Army Corps of Engineers (Corps) has prepared a draft Environmental Assessment (EA) to assess the significance of the potential impacts of the proposed action on the quality of the human environment in accordance with the Council on Environmental Quality's National Environmental Policy Act Implementing Regulations at 40 CFR Parts 1500 to 1508, as amended. In addition, the Corps has prepared a draft Engineering Documentation Report (EDR) Amendment to evaluate and recommend repairs required to address a design deficiency at an existing federal project. With this notice, the Corps seeks to involve the public and solicit feedback on the proposed repairs to an existing federal project in accordance with 33 CFR 230. Concurrent to involving the public, the Corps will pursue interagency coordination of the proposed action.

ACTION AGENCY: Ms. Rhiannon Kucharski, Chief, Civil and Public Works Branch, Honolulu District, U.S. Army Corps of Engineers, Building 230, Fort Shafter, Hawaii 96858-5440

LOCATION: River Station (RS) 55+50 to 48+50 and RS 91+50, Iao Stream Flood Control Project (FCP), Wailuku River, Wailuku, Island of Maui, Hawaii (Center coordinates: 20.899867N, -156.494564W and 20.893229N, -156.502358W, respectively.) Tax Map Keys 234030888 and 234031001.

DESCRIPTION OF THE FEDERAL PROJECT: The Iao Stream FCP is located within the Wailuku River (formerly Iao Stream) in Wailuku, Hawaii and was authorized in 1968 at a cost of \$1.68 million. Construction of the project was completed in October 1981 and consists of a debris basin located 2.5 miles upstream of the stream mouth, a 3,500 feet (ft) long lined channel downstream from the debris basin, and levees along the left

and right banks (See Figure 1, Attachment 1). The Lao Stream FCP was turned over to the County of Maui as the Non-Federal Sponsor, to operate and maintain.

Extremely high channel velocities and debris flows produce significant scour and erosion of the channel invert and banks, increasing risk to community safety during a flood event. The County of Maui's maintenance requirements and emergency repair costs continue to increase beyond what was originally anticipated, as channel damage repeatedly occurs, resulting in increased frequency of repairs to mitigate for erosional effects. The Corps has concluded that the Lao Stream FCP is not functioning as intended and a design deficiency of the Federal project exists. Addressing design deficiency of a Corps project is the Corps' responsibility to ensure continued flood risk reduction for the Wailuku community.

DESCRIPTION OF THE PROPOSED ACTION: The Corps proposes discrete repairs at two locations wholly occurring within the lateral limits of the Lao Stream FCP channel, to restore public safety and reduce future maintenance requirements for the County of Maui, Department of Public Works. Additionally, the Corps proposes to install a stream or other climate gage as part of a public flood warning system. These three components comprise the Corps' preferred alternative.

River Station (RS) 55+50 to 48+50 requires removal of the existing left bank revetment, "Revetment X", to allow the Wailuku River to meander and naturally slow velocities. Further upstream, at RS 91+50, construction of a pre-formed scour hole is required to repair structural damage and prevent further erosion. The Corps is considering two different locations for the stream gage within the Lao Stream FCP. Additional detail regarding the Corps' recommend plan is described in the draft EA and draft EDR Amendment.

Detail regarding construction means, methods and sequencing, best management practices and staging and access requirements is currently unavailable, pending authorization to fund the repairs and proceed to the design phase, wherein construction detailing will become available. The Lao Stream FCP was constructed with maintenance accessways intended to facilitate maintenance repair to and within the channel. The Corps assumes use of existing maintenance accessways to complete the proposed repairs.

ALTERNATIVES: Several iterations of alternatives were evaluated to address the design deficiency. Details regarding eliminated alternatives are described in the draft EA and draft EDR Amendment. The final array of alternatives being considered by the Corps includes the following: 1) No Action, 2) Removal of Revetment X only (Alternative 2), 3) Pre-Formed Scour Hole only (Alternative 6), 4) Non Structural Plan (Flood Warning System), and 5) the Preferred alternative (Combination Alternative 2, Alternative 6 and Alternative 11), as described above.

NEPA COMPLIANCE: In 2017 the Corps proposed several measures that comprised the recommended plan to address design deficiency of the Lao Stream Flood Control

Project. The Corps documented compliance with NEPA and evaluation of environmental effects of the 2017 recommended plan in a final EA and FONSI dated July 2017. Based on updated modelling, the Corps modified its approach to addressing the design deficiency and the only component carried forward to the currently proposed action for final consideration was the removal of Revetment X under Alternative 2. This action was a component of the recommended plan or Alternative F.

The currently proposed action includes Alternative 2 (formerly a component of Alternative F) and Alternatives 6 and 11, not previously evaluated for environmental effects. The purpose of the subject draft EA is to document the Corps' evaluation of environmental effects anticipated to result from implementation of Alternatives 6 and 11 and supplements the Corps' past evaluation in the 2017 final EA with updated information, where relevant. The current draft supplemental EA notes where the data or evaluation remains consistent with the Corps' 2017 final EA and where new or updated information is presented.

OTHER ENVIRONMENTAL COMPLIANCE:

ENDANGERED SPECIES ACT

Pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan would have no effect on federally listed species or their designated critical habitat. The Corps has satisfied statutory requirements for the proposed federal action under Section 7 of the ESA.

NATIONAL HISTORIC PRESERVATION ACT

INCOMPLETE Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that the recommended plan would have no effect on historic properties including cultural resources. USACE consulted the State Historic Preservation Division and interested Native Hawaiian Organizations to seek concurrence on this determination. *INCOMPLETE, PENDING CONSULTATION*

CLEAN WATER ACT SECTION 404(B)(1) COMPLIANCE

INCOMPLETE, PENDING USACE EVALUATION

CLEAN WATER ACT SECTION 401 COMPLIANCE:

INCOMPLETE, PENDING STATE REVIEW. A water quality certification pursuant to section 401 of the Clean Water Act will be obtained from the State of Hawaii Department of Health, Clean Water Branch prior to construction.

COASTAL ZONE MANAGEMENT ACT COMPLIANCE:

INCOMPLETE, PENDING STATE REVIEW. A determination of consistency with the Hawaii Coastal Zone Management (CZM) program pursuant to the Coastal Zone Management Act of 1972 will be obtained from the State CZM Office prior to construction.

AUTHORITY(S): The lao Stream FCP was authorized under Section 203 of the Flood Control Act of 1968 (Public Law 90-483). Per Engineering Regulation (ER) 1165-2-119, Water Resources Policies and Authorities - Modifications to Completed Projects, works proposed to correct a design or construction deficiency may be recommended for accomplishment under existing project authority without further Congressional authorization. The Corps has determined the proposed repairs meet the eligibility criteria at ER 1165-2-119. No further congressional authorization is required.

The Corps will comply with all applicable environmental regulations at and in accordance with the procedures prescribed at ER 1105-2-100, Appendix C: Environmental Evaluation and Compliance.

EVALUATION FACTORS: Works proposed to correct a design or construction deficiency may be recommended for accomplishment if the proposed corrective action is required to make the project function as initially intended, is not required because of changed conditions, is generally limited to existing project features, is justified by safety or economic considerations, and is not required because of inadequate local maintenance.

The decision whether to pursue the proposed action or any of the final array of alternatives, including the no action alternative, will be made pursuant to the evaluation factors summarized above. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the proposed action. Requests for public hearings must state clearly and concisely, the reasons and rationale for holding a public hearing. The District Engineer will then decide whether a hearing should be held.

COMMENT AND REVIEW PERIOD: The Corps is soliciting comments on the draft supplemental EA and draft EDR Amendment from the general public, Federal, State and local agencies and officials, and other interested parties in order to consider and evaluate the impacts of the proposed action on the human environment. Any comments received will be acknowledged. Only those comments received during the designated comment and review period will be considered by the Corps in preparation of any final NEPA document. All comments received will become a part of the administrative record.

The draft EA and draft EDR Amendment are available for public review, and the 2017 final EA and 2017 EDR are available for reference on the Honolulu District website at <https://poh.usace.army.mil/Missions/Civil-Works/Civil-Works-Projects/lao-Stream/>

Comments on this public notice must be made in writing and submitted via conventional mail or electronic mail (e-mail).

Comments sent by conventional mail should include your name, return mailing address, phone number, and reference to “Iao Stream Flood Control Project” and be sent to:

U.S. Army Corps of Engineers, Honolulu District
Civil and Public Works Branch (CEPOH-PPC)
Attn: Jessie Paahana
Building 230
Fort Shafter, Hawaii 96858-5440

Comments sent by e-mail may be sent to CEPOH-Planning@usasce.army.mil. If using email, you must include reference to “Iao Stream Flood Control Project” in the subject heading of the email along with your name, mailing address and phone number. In order to be accepted, e-mail comments must originate from the author’s e-mail account.

All comments, whether transmitted by conventional mail or e-mail, must be received by our office by 5:00 p.m. Hawaii Standard Time on **September 13, 2021**.

VIRTUAL PUBLIC INFORMATION EVENT: The public is invited to attend a virtual information event hosted by the Corps on either of the following dates:

Wednesday, August 18, 2021 at 12:00PM - 1:00PM HST, and
Saturday, August 21, 2021 at 9:00AM - 10:00AM HST.

The Corps will present the proposed action, accept public comment and answer questions to the best of our ability during this event. The same information will be presented at both meetings.

Access Information:

Join online webinar via Cisco WebEx at <https://usace1.webex.com/meet/jessie.k.paahana>. Access via this platform is interactive and includes both visual and audio transmittal.

Join by phone, toll free at 1 (844) 800-2712. Access code: 199 533 9315. Access via this platform is not interactive and includes audio transmittal only.

This event coincides with the comment and review period; comments received at this event will be considered in the preparation of the draft EA and draft EDR Amendment and will become a part of the administrative record. Comments submitted in response to, but not at this event, must follow the submittal procedures described above for written comments.

This public notice is issued by the Chief, Civil and Public Works Branch.

Attachment

Response to Public Comments

**Summary of Public Comments
lao Stream Flood Control Project Modifications
Wailuku River, Wailuku, Maui, Hawaii'i
Draft Supplemental EA Public Review Period: August 21, 2021 - September 13, 2021**

Name/Affiliation	Date/Source	Comment	USACE Response
<p>Public Meeting Attendees: Erin Derrington – County of Maui Planning Department, Hokuao Pellegrino – Hui o Na Wai Eha, Skippy Hau – State Division of Aquatic Resources</p>	<p>8/26/21 Public Information Meeting via Oral Communication</p>	<p>In summary, commentors requested clarification regarding the previously proposed Alternative F in comparison to the currently proposed Removal of Revetment X, a component of the former Alternative F,</p> <p>-opposed any alternative that hardens natural areas of Wailuku River,</p> <p>-recommended expanded stakeholder engagement to address concerns regarding native anadromous fish species such as life cycle information to inform construction windows, ensuring continuous flow to facilitate fish passage and accommodating cultural practices such as harvesting for consumption,</p> <p>-recommended further coordination with resource agencies and community members to develop BMPs that incorporate lessons learned such as requiring retrieval of construction materials washed downstream by storm events,</p> <p>-requested continued engagement with Hui O Na Wai Eha as a community organization that is often queried for up-to-date information to relay project information to the community,</p>	<p>-Clarification regarding rationale for down scoping the proposed action from the former Alternative F to the currently proposed preferred alternative that carried forward a single component of the former Alternative F and proposed one additional structural modification and non-structural component to comprise the proposed action was provided at the meeting. Additional clarification regarding the differences and similarities between the previous and current proposed action was also discussed at the meeting. Where appropriate within the final supplemental Environmental Assessment (EA), additional clarification, as noted above, was incorporated.</p> <p>-USACE acknowledged that new proposals for new hardening is not supported by the community at large. USACE reiterated that no new hardening is proposed under the preferred alternative, with the exception of Alternative 6 that expands the current fill footprint to bring the project up to current engineering and construction standards.</p> <p>-USACE took note of information shared by State Division of Aquatic Resources and Hui o Na Wai Eha regarding anadromous fish species and other aquatic biota. USACE will continue to engage local stakeholders and resource agencies for information regarding aquatic biota to develop and incorporate best management practices into the design phase.</p> <p>-USACE will continue to engage local stakeholders and resource agencies for information regarding construction best management practices to incorporate into the design phase.</p> <p>-USACE acknowledges this request, and will add Hui o Na Wai Eha to the project stakeholder list for engagement on this and future projects.</p>

	John Duey Public Citizen Adjacent Landowner	9/1/21 Voicemail and Follow-Up Phone Call	<p>-requested direct coordination with the County Emergency Management Department to identify existing public flood warning system to inform necessary improvements, and</p> <p>-requested sharing of hydrologic/hydraulic and sediment modelling data to inform community planning decisions.</p>	<p>-USACE Will coordinate further development of Alternative 11 with the County Emergency Management Department and community stakeholders to identify opportunities to improve and/or expand upon the existing public flood warning system.</p> <p>-USACE modelling efforts are partially complete and partially ongoing. USACE will continue to share the modelling results with the non-federal sponsor who may distribute the information and incorporate into future planning decisions.</p>
	9/1/21 Voicemail and Follow-Up Phone Call	<p>Change name of project from "lao Stream Flood Control Project" (FCP) to "Wailuku River FCP". Waterway name was formally restored in November 2015 to Wailuku River. Continued use by USACE of term lao Stream FCP causes confusion and challenges ongoing efforts to get community and local government to use the restored name: Wailuku River.</p> <p>Opposes any new hardening</p>	<p>Congress authorized federal funding to construct the flood control project with the name "lao Stream Flood Control Project" [in 1968] prior to restoration of the waterway's legal name. While Honolulu District acknowledges the name change and deliberately refers to the project location as "Wailuku River" in all project documents, Congress has not formally received request to change the name of the federal project. The Honolulu District will look into Mr. Duey's request to correct the name of the lao Stream Flood Control Project to the Wailuku River Flood Control Project. Any request to formally change the federal project name will be made independent of the proposed action.</p> <p>USACE described the components of the proposed action to Mr. Duey and highlighted that no new hardening was proposed. USACE explained that Removal of Revetment X proposes to remove hardening and restoral natural bank and Install Pre-Formed Scour Hole would construct engineered toe to address current and prevent further erosion of channel lining. Minimal expansion of fill footprint is necessary to reinforce existing channel lining and prevent imminent erosion consistent with current engineering standards. Mr. Duey responded positively to USACE description of the proposed action.</p>	
		<p>Commentor requests notification of any future meetings concerning this project</p>	<p>USACE informed Mr. Duey that there are no more planned public meetings concerning the currently proposed action. However, as requested, the Honolulu District will add Mr. Duey to the project stakeholder list for future engagement.</p>	
County of Maui Planning	9/13/21 Letter transmitted via email	<p>USACE should consider revising this Environment Assessment and Federal Consistency Determination request in order to:</p> <p>-clarify the current project scope and discussion of direct, indirect, and cumulative impacts including complementary project components or reasonably foreseeable future projects;</p> <p>- demonstrate alignment with existing plans and policies;</p>	<p>- The current environmental assessment is intended to supplement the analysis documented in the 2017 EA, document evaluation of the current project scope and has been updated with additional information regarding alternatives analysis, resource information, agency coordination, public engagement and relevant impact analyses in accordance with the September 14, 2020 NEPA rule.</p> <p>- This NEPA environmental assessment documents the federal action and compliance with federal laws and regulations. Additionally, the Corps completed the State of Hawaii Office of Planning C2M Federal Consistency</p>	

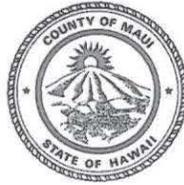
<p>Hokuao Pellegrino, President Hui O Na Wai Eha (Hui) Native Hawaiian Organization</p>	<p>9/5/21 Letter Received 9/13/21 via email</p>	<p>-improve impacts analysis with clear definitions of significance and commitments to mitigation measures; and</p> <p>-expand public engagement and information sharing efforts.</p>	<p>Assessment Form to document the Corps' analysis of consistency with the State Coastal Zone Management Plan and concluding that the proposed modifications to the Iao Stream FCP are consistent with the enforceable State's policies and objectives.</p> <p>-The Corps has completed an evaluation of environmental effects that is commensurate to a rehabilitation project. The Corps' analysis is documented in its Environmental Assessment. The Corps conducted all required analyses and evaluations pursuant to all applicable federal laws including, but not limited to the Endangered Species Act, the Fish and Wildlife Coordination Act, the National Environmental Policy Act, the Coastal Zone Management Act and Clean Water Act. The individual and combined conclusion of all of those analyses is consistent with anticipated conclusions of a rehabilitation project of this scope and scale. Pursuant to each of these analyses, no extraordinary circumstances or potentially significant impacts were identified. The Corps will incorporate standard industry best management practices intended to avoid and/or minimize adverse impacts to natural and cultural resources, incorporating comments and recommendations received to date and which will be developed with greater detail in the design phase and prior to construction. The Corps' commitment to these best management measures will be incorporated into any contract as specifications.</p> <p>-Based on the Corps' knowledge of the community, its stakeholders and general concern for activity in the Wailuku River watershed the Corps approach to public engagement expanded upon the Corps' NEPA implementation regulations in the following ways (as documented in Section 1.4 of the Environmental Assessment): 1) the Corps issued a public notice to notify the public and solicit comments on the Corps' intent to prepare an environmental assessment for the proposed action, and 2) hosted two public informational meetings during that review period, in addition, 3) the draft supplemental EA and Engineering Design Report Amendment was released for public review and comment and 4) the Corps hosted three public informational meetings during the draft EA review period. The Corps will continue to engage the local sponsor, the County of Maui, and other community stakeholders to promote information sharing through the design phase and into construction.</p>
	<p>Hui opposes any proposal to cement, harden, cover over, channelize and/or further modify the natural riverbed of Wailuku River. Hui acknowledges the proposed action does not propose new hardening but wants to make this concern a part of the public record.</p>	<p>As acknowledged by the Hui, no new hardening is proposed.</p>	

		<p>Hui requests archaeological monitor on-site during construction due to known pre-western and historic resources in the location of the project. It is important to protect historic and cultural resources</p>	<p>USACE will continue to coordinate this project, in particular the construction specifications with the USACE archaeologist to determine whether an on-site archaeological monitor is warranted based on the USACE evaluation of effects to historic properties including cultural resources pursuant to Section 106 of the National Historic Preservation Act. If warranted, such a requirement will be codified in the contract specifications. Contract specifications regarding inadvertent finds are standard conditions of any USACE construction contract.</p>
	<p>Hui requests USACE coordinate this project with the State of Hawaii Department of Land and Natural Resources Division of Aquatic Resources to identify any management measures, e.g., construction work windows, etc. to conserve and protect native aquatic biota and their habitat. In-water construction has the potential to adversely affect native biota, so care should be taken to insure the species' survival.</p>	<p>USACE will coordinate with the local sponsor, DLNR-DAR and any other subject matter expert with information necessary to assist the Corps in developing best management practices to avoid and minimize to the greatest extent practicable adverse effects to fish and wildlife resources, including native aquatic biota and their habitat. At a meeting on April 19, 2021, the U.S. Fish and Wildlife Service discussed the need to incorporate into the design passage for anadromous fish species known to occur in Wailuku River. At the August 27, 2021 public informational meeting concerning the draft supplemental environmental assessment review, "Skippy" Hau, DLNR-DAR attended and indicated availability to coordinate with USACE on native biota and habitat. USACE will continue to develop in greater detail best management practices to be incorporated into the proposed action that consider conservation of fish and wildlife resources in the design phase, prior to construction.</p>	<p>USACE will coordinate with the local sponsor, DLNR-DAR and any other subject matter expert with information necessary to assist the Corps in developing best management practices to avoid and minimize to the greatest extent practicable adverse effects to fish and wildlife resources, including native aquatic biota and their habitat. At a meeting on April 19, 2021, the U.S. Fish and Wildlife Service discussed the need to incorporate into the design passage for anadromous fish species known to occur in Wailuku River. At the August 27, 2021 public informational meeting concerning the draft supplemental environmental assessment review, "Skippy" Hau, DLNR-DAR attended and indicated availability to coordinate with USACE on native biota and habitat. USACE will continue to develop in greater detail best management practices to be incorporated into the proposed action that consider conservation of fish and wildlife resources in the design phase, prior to construction.</p>
	<p>Hui opposes any request by USACE to the Commission on Water Resources Management at the State to alter or otherwise reduce Instream Flow Standards for any period of time during this project to ensure continuous mauka to makai stream flow.</p>	<p>USACE does not propose or anticipate the need to propose temporarily halting or otherwise reducing instream flow standards. As construction details are further developed, USACE will ensure this concern is considered in the design phase.</p>	<p>USACE does not propose or anticipate the need to propose temporarily halting or otherwise reducing instream flow standards. As construction details are further developed, USACE will ensure this concern is considered in the design phase.</p>
	<p>Hui wants to see USACE propose BMPs that go above and beyond to ensure protection of natural and cultural resources in and below the project area.</p>	<p>USACE will develop in greater detail the design plans and contract specifications, which include BMPs that avoid and/minimize natural and cultural resources to the greatest extent practicable and consistent with industry standard during the design phase, prior to construction. USACE will ensure contract specifications are developed to incorporate lessons learned from past malpractice involving in-water work and downstream impacts in Wailuku River.</p>	<p>USACE will develop in greater detail the design plans and contract specifications, which include BMPs that avoid and/minimize natural and cultural resources to the greatest extent practicable and consistent with industry standard during the design phase, prior to construction. USACE will ensure contract specifications are developed to incorporate lessons learned from past malpractice involving in-water work and downstream impacts in Wailuku River.</p>
	<p>Hui requests to be apprised of the project timeline as the project progresses, and in particular of construction start. Hui is looked to by the community to inform the community of ongoing projects. Ensuring the Hui is informed will help to ensure the greater Wailuku community is informed.</p>	<p>USACE acknowledges this request, and the Honolulu District will add Hui o Na Wai Eha to the project stakeholder list for engagement on this and future projects.</p>	<p>USACE acknowledges this request, and the Honolulu District will add Hui o Na Wai Eha to the project stakeholder list for engagement on this and future projects.</p>

Comment Letters

MICHAEL P. VICTORINO
Mayor

SANDY K. BAZ
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

September 28, 2021

LTC Eric S. Marshall, PE, PMP
District Engineer
U.S. Army Engineer District
Honolulu District
Building 230
Fort Shafter, Hawaii 96858

LTC Eric S. Marshall:

SUBJECT: IAO STREAM FLOOD CONTROL PROJECT

The County of Maui ("County") has partnered with the U.S. Army Corps of Engineers Honolulu District ("Corps") to address an identified design deficiency and develop the recommended plan in the EDR Amendment Report for the Iao Stream Flood Control Project ("FCP"), Maui, Hawaii. The County concurs with the recommended plan that includes removal of Revetment X, installation of a pre-formed scour hole, and implementation of a flood warning system.

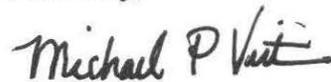
Staff from both Maui County Departments of Planning and Public Works will coordinate directly with the Corps to ensure consistency with local plans and policies integral to the development of this project's design. We appreciate the due diligence being applied to maximize project features that support the reduced risks to the community as well as reducing the operations and maintenance burden the County has been forced to endure as a result of the identified design deficiency.

It is our understanding that the County will be responsible for the acquisition of property necessary to implement the project, in compliance with federal and local laws. Use of the property would include but not be limited to the following: temporary and permanent easements, rights of way for construction, rights of entry, and staging areas. It is also our understanding that depending on the final cost share allocation, costs associated with real estate acquisition, including nominal administration fees can be credited back to the Sponsor, namely the County of Maui, during construction. The exact amounts will be determined during design in a final real estate plan and notice to acquire.

Finally, we understand that the County will continue to be responsible for operations and maintenance of the project into perpetuity and such obligations will be outlined in the partnership agreement executed in the next phase. We understand that this letter of support in no way obligates the Corps or the County to financial or legal commitments.

For further information please contact Rowena M. Dagdag-Andaya, Director of the Department of Public Works for the County of Maui at (808) 270-7845.

Sincerely,

A handwritten signature in black ink that reads "Michael P. Victorino". The signature is written in a cursive style with a horizontal line underlining the name.

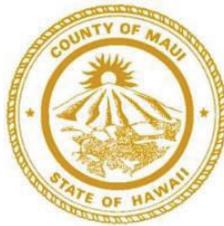
MICHAEL P. VICTORINO
Mayor, County of Maui

cc: Rhiannon Kucharski, U.S. Army Corp of Engineers
Michele McLean, Department of Planning
Rowena M. Dagdag-Andaya, Department of Public Works

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

September 13, 2021

John Nakagawa
Hawaii Coastal Zone Management Program
Transmitted via email: john.d.nakagawa@hawaii.gov

U.S. Army Corps of Engineers, Honolulu District
Civil and Public Works Branch (CEPOH-PPC)
Attn: Jessie Paahana
Building 230
Fort Shafter, Hawaii 96858-5440
Transmitted via email:
CEPOH-Planning@usasce.army.mil
Jessie.K.Paahana@usace.army.mil

Dear Mr. Nakagawa and Ms. Paahana:

SUBJECT: COMMENTS ON FEDERAL CONSISTENCY AND DRAFT ENVIRONMENTAL ASSESSMENT FOR MODIFICATION TO THE IAO STREAM [SIC] FLOOD CONTROL PROJECT (RFC 2021/0139 CZMA FEDERAL CONSISTENCY REVIEW)

The Maui County Department of Planning (Department) is in receipt of your July 27, 2021 email requesting comments regarding the state Office of Planning and Sustainable Development's (OP) pending Federal Consistency Review under the Coastal Zone Management Act (CZMA) and transmission of the Draft Environmental Assessment (DEA) for the Proposed Iao Stream [sic] Flood Control Project (FCP). Thank you for this opportunity to comment on this DEA and its consistency with coastal zone management regulations and policies from the perspective of the Department, and for the comment extension you provided when additional materials including the amended Engineering Documentation Report (EDR) and revised DEA were made available on August 17, 2021.

As detailed in OP's transmittal, the proposed action pertains to proposed repairs and alterations to the Wailuki River / Iao Stream [sic] Flood Control Project (FCP) by the U.S. Army Corps of Engineers (USACE). This DEA proposes to implement combined alternatives that reflect engineered solutions to address localized erosion that is occurring at the transition between the lined stream channel and the unlined stream channel upstream of the Market Street Bridge.

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 2

USACE has proposed the installation of a pre-formed scour hole, i.e., an engineered stabilization of the scoured invert consisting of a boulder-concrete sloped toe with buried key and backfilling with natural material consistent with the existing channel bottom to repair existing erosion and prevent future “imminent erosion” thereby reducing downstream erosion and risk to community safety. This project will also include the installation of a public flood warning system at either the Iao Valley Road Bridge or at the existing USGS gage between the Iao Stream [sic] FCP debris basin and the Market Street Bridge. OP’s transmission indicates this improvement will occur at TMK (2) 3-4-30-888. That lot is owned and operated by the County of Maui and is zoned “Agricultural” and “Open Space”.

As it is currently written, it is unclear how the proposed project alternative and reasonably foreseeable related actions will not result in potentially significant impacts to sensitive environmental systems including coastal resources of concern. Specifically, the Department has concerns with the approach and content reflected in this DEA and federal consistency determination request, and suggests revisions to ensure consistency with CZMA enforceable policies, National Environmental Policy Act (NEPA), and Hawaii’s Environmental Policy Act (HRS 343). Specifically, it is suggested that to improve project outcomes, reflect enhanced consistency with the letter and spirit of CZMA enforceable policies and NEPA itself, and to facilitate improved understanding and review by agencies and the public, USACE should consider revising this Environment Assessment and Federal Consistency Determination request in order to:

- (1) clarify the current project scope and discussion of direct, indirect, and cumulative impacts including complementary project components or reasonably foreseeable future projects;
- (2) demonstrate alignment with existing plans and policies;
- (3) improve impacts analysis with clear definitions of significance and commitments to mitigation measures; and
- (4) expand public engagement and information sharing efforts.

The Department provides these additional comments for further consideration:

1. **Clarification of project purpose and scope in relationship to all related proposed stream improvements would support project review and anticipated “no effects” determination.**

The July 2017 Final Environment Assessment for Modification to the Iao Stream [sic] Flood Control Project (2017 FEA) outlined that the purpose and need for that undertaking was to “address ongoing flood hazards caused by design deficiencies and long-term damage to the existing flood control structures suffered during repeated floods since their original construction in 1981 and to provide the authorized level of reduced flood risk to the town of Wailuku” (2017

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 3

FEA, pg. 1-15). The stated purpose and need of the 2021 Draft EA is to “correct the design deficiency” (2021 DEA, pg. 8). It would be helpful if revisions to the current DEA clarify whether or not the proposed project will provide the same level of flood risk reduction to the town of Wailuku as the preferred alternative identified in the 2017 FEA. The analysis that follows in the 2021 DEA includes what appears to be regulatory or appropriations-specific jargon that is difficult to interpret. If the purpose and need has changed and a less comprehensive management measure is more prudent than the previously proposed approach, further plain English clarification in the DEA would provide important context for the analysis that follows in the revised 2021 environmental assessment.

The Revised 2021 DEA incorporates by reference the environmental analysis of the USACE’s 2017 FEA. The 2017 FEA assessed numerous alternatives that are not detailed in the 2021 EA and identified “Alternative F – Floodplain Reconnection” as the preferred alternative. As described in great detail in the 2017 FEA, “Alternative F” includes removing “Revetment X” in addition to comprehensive ecological restoration efforts that would reconnect the main channel with the existing floodplain on the left bank of the Wailuku River and revegetate the floodplain to reduce damaging flows along the main channel and right bank levees. The 2017 Final EA described “Alternative F” as a design that “incorporates public and agency concerns regarding biological resources in the stream, including input provided by USFWS regarding biological function of the stream” and “also incorporates designs that minimize channel hardening within the stream, which in turn minimizes potential impacts to groundwater recharge” (FEA, 2-8). That design aimed to replicate natural hydrological patterns of an alluvial floodplain to the extent practicable, including proposed reconnection to the floodplain on the left bank of the stream in addition to vegetation that together were anticipated to reduce erosion and associated sedimentation in the main channel, resulting in water quality improvements to downstream areas including Kahului Bay (Id.). Through the selection of Alternative F the 2017 FEA addressed numerous concerns raised by stakeholders regarding water quality at Wailuku River and the receiving waters of Kahului Bay, impacts of proposed channelization in relation to the natural streambed and adjacent floodplain, as well as encouragement to support stream restoration for ecological and cultural resources including “spiritual values” of this stream system.

The USACE’s Revised 2021 DEA and EDR reflect a significantly limited project scope compared to the 2017 FEA’s Preferred Alternative F. This proposal reflects a combination of proposed alternatives as follows: Alternative 2, removal of “Revetment X”; Alternative 6, installation of pre-formed scour hole; and Alternative 11, the installation of a stream gage and warning system that would install a new gage at one of two locations and link to a field station or control center to be established in an existing building. The removal of “Revetment X” outlined in Alternative 2 in this DEA appears to be a limited component of the previously identified preferred alternative, “Alternative F” from the 2017 FEA.

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 4

As it is currently written it is unclear how the proposed project components will achieve comprehensive sustainable management goals for this flood-prone stream system, or how the determination to install discrete engineered solutions rather than the preferred intervention identified in the 2017 FEA “Alternative F – Floodplain Reconnection” was made. The DEA states that the USACE Honolulu District was directed to complete a General Reevaluation Report (GRR) as the mechanism to receive Congressional authorization on a project with new flood management features; that the GRR was initiated in October 2018 by execution of a Feasibility Cost Share between USACE and the County, and that “updated modeling and engineering data found the previously recommend plan was no longer economically justified” (2021 DEA, pg. 7). As such, “USACE has reformulated alternatives with the objective to address the design deficiency justified based on safety and economic considerations” in this proposal. It would seem including additional narrative regarding changes to the modeling and engineering data referenced here and attaching the referenced GRR and associated benefit cost analysis modeling would be appropriate to provide further context and support for this reformulation of alternatives. Additional analysis of why environmental and cultural project elements were de-scoped and what non-USACE funding mechanisms might have been considered to further support the comprehensive flood management goals reflected in the engineered and nature-based solutions proposed in the 2017 FEA would be beneficial in the revised EA narrative as well. A simplified clarification of the purpose, extent, and motivation of the change in preferred alternatives and a table summarizing these changes would be appropriate to support alternatives analysis and substantiate the revised purpose of the modified project proposal.

The EDR that was made available on August 17, 2021 does provide some discussion of project history and includes limited benefit cost analysis of structural alternatives, but does not appear to include analysis of the previously developed “nonstructural measures” included in “Alternative F” in the 2017 FEA. In EDR Section 4.3 alternatives that were discussed in the 2017 FEA were listed and interventions that were “cost prohibitive”, “not feasible”, or “not recommended in prior reports” were screened out. As described in section 4.5, “Alternative 9 – Overflow Basin and Floodplain Reconnection” that appears to be similar to the previously assessed but more extensive “Revetment X” removal was screened out due to the assessed cost of \$60.68 million being “cost prohibitive” (see 2021 EDR, pg. 32). However, no cost assumptions were detailed, and because this proposed project seems smaller in scale than the total project costs estimated for Alternative F in the 2017 FEA which reported a first project cost of \$18.64 million (2017 EDR, pg. 87). That project was also assessed to yield a positive benefit cost ratio of 2.46, suggesting considerable net benefits despite the relatively higher project cost of “Alternative F” compared to 2021 DEA “Alternatives 6 and 12” which would have a first project cost of \$5.429 million and a benefit cost ratio of 1.11 (2021 EDR, pg. 16). The limited discussion of alternatives that follows notes that “Alternative 9” envisioned construction of a concrete diversion weir to

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 5

redirect channel flow below the Ima Kala Street Bridge as opposed to the 2017 “Alternative F” approach which would have focused diversion and floodplain reconnection efforts at an upstream location. Clarification of why an alternate site was identified and assessed for flood protection in a proposal that nearly tripled the initial assessed project cost is necessary in the alternatives analysis provided in the body of the 2021 DEA.

Further clarification of potential impacts of the currently proposed alternative area are also needed, as removal of “Revetment X” and additional hardening of the “scour hole” were not analyzed previously. Specifically, although the revised DEA incorporates the 2017 FEA by reference (2021 DEA, pg. 19), it does not appear that the effects of the removal of Revetment X without the supporting ecological restoration described in the 2017 FEA have been fully detailed in this DEA. Because the Revetment X removal component of “Alternative F” was not assessed as a stand-alone measure, it is not possible to rely on environmental effects analysis from the comprehensive intervention assessed in the 2017 FEA. Without supporting models and analysis it is unclear if additional sedimentation, erosion, and flooding may occur due to the removal of only this component without associated floodplain restoration and structural improvements, or if is the intention of USACE that the entirety of Alternative F be implemented in the future in order to stabilize the floodplain that would be exposed with the removal of the current structure. Without discussion of changes to impacts due to the limited implementation of the previously identified preferred alternative, or inclusion of referenced “updated studies” which appear to be ongoing, it is not clear how the proposed implementation of this DEA’s preferred alternative is consistent with and ecologically similar to the analysis provided in the 2017 FEA. It is also unclear how these components are “hydrologically independent of each other” (2021 DEA, pg. 16), particularly when they are occurring in close proximity to each other and other proposed improvements to flood control structures and the river bank within the same project area. Clarification of the project scope that is proposed for implementation, revisions to potential impacts assessed in the 2017 FEA, and discussion of reasonably foreseeable complementary projects and likely impacts based on referenced and publicly available “updated studies” are necessary to result in an adequate analysis of significance of potential impacts.

Similarly, discussion of climate impacts would benefit from more robust analysis to support analysis of the significance of project impacts and consistency with planning policies to implement sustainable and climate adaptive resource management interventions. The DEA notes limited data does not reflect significant changes in flow trends despite projections that high intensity rainfall events are likely to increase. The engineering report provided in Table 5-3 (2021 EDR Design Appendix at pg. 58-59) outlines a list of features or measures and anticipated hazard, harm, and likelihood of impact. Table 5.3 indicates that the “Removal of Left Bank Revetment X” is “likely” to cause “increases in flood discharge and frequency” (EDR Design Appendix, pg. 58) and the “Pre-formed Scour Hole” is also “likely” to cause “increased possibility of structural

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 6

failure” (EDR Design Appendix, pg. 59) due to increases in the frequency and magnitude of precipitation. The two lines of analysis that follow state:

Although the effects of climate change on the project features is likely, the effect on project performance would be unlikely. In addition, the nonstationary detection tool did not detect a trend so there is a lack of evidence to reject the thought that the flow and frequency are stationary. (Id.).

It is not clear how the conclusion that likely climate-driven effects to the project would not affect project performance is supported nor how the lack of a detected trend using a relatively limited data-set reflects best available science and projections. Particularly in light of the discussion of expected climate impacts included in the preceding section that acknowledge that the strength of El Niño-Southern Oscillation related patterns in the short term can make it difficult to detect the more gradual, long-term trends of climatic change (EDR Design Appendix, pg. 47), it would seem additional precautionary modeling and analysis would be beneficial to ensure the longevity and cost effectiveness of the proposed preferred alternative. With daily peak flow being reintroduced to the Wailuku River combined with indicators suggesting that long-term climate impacts are likely to include more extreme rainfall and thus flood events, additional discussion of likely climate impacts to the proposed project and resulting flood management implications would result in more robust analysis of potentially significant risks and necessary risk reduction opportunities in the environmental assessment.

As such, it seems this project proposal and supporting analysis would be more consistent with requirements of NEPA, CZMA, HRS 343, and other relevant state and local regulations and plans if the assessment were revised to clarify the limitations of the current project scope compared to the previously discussed 2017 FEA preferred alternative. Where the proposed activities are significantly different, or where new data is available, that information should be clearly indicated and included to support the 2021 environmental analysis, which appears different enough from the 2017 FEA that incorporation of that FEA by reference is not appropriate. While it is understood that regulations and NEPA guidance from the Council of Environmental Quality support incorporation by reference of prior environmental assessments, clear summaries of such information and relevant changes in the supplemental environmental analysis is necessary to provide adequate understanding of the project elements being proposed by this action and therefore the review of this project proposal. Given the substantial differences between the 2017 FEA and the 2021 DEA, a stand-alone EA that duplicates relevant sections of the prior publication may be easier to navigate and would clarify the differences in the two sets of environmental analysis documents.

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 7

2. Environmental analysis would benefit from discussion of alignment with relevant plans, policies, and regulations.

As reflected in Chapter 4 of the 2017 FEA, there are numerous regulatory requirements as well as planning considerations that aim to ensure implementation of projects that result in improved outcomes for environmental resources, the built environment, and our communities as a whole. Although the 2017 FEA does provide some discussion and analysis of planning policies and specific components of the proposed action that would address these policies, such discussion is limited to state level plans. The 2021 DEA does not provide such assessment. In addition to being within the coastal zone, the proposed project is in Maui County, on Maui Island, and within the area covered by the Wailuku-Kahului Community Plan. Consistency with relevant county, island, and district-level plans should be detailed. Analysis should include discussion of how the proposed project will reflect best management practices and preserve or enhance functions of the stream system that align with planning objectives and policies for open space, natural resources, and cultural resources at state, county, and local levels as well as with relevant functional plans. This includes the Hawaii State Planning Act, Hawaii State Environmental Policy, Maui County Plan, Maui Island Plan, and Wailuku-Kahului Community Plan, with consideration of some of the following components:

Hawaii State Planning Act HRS §226. The 2017 FEA discusses consideration of objectives and policies for the physical environment in HRS 226 sections 11 and 13. Analysis in this DEA would be improved if it directly included such analysis and also assessed §226-12, historic resources, particularly with consideration of historic and cultural uses and use values. Additional analysis relevant to §226-104 goals for open space and enhanced shoreline access, relevant here due to the area’s state and county-level land use designations as well as district planning that identifies the area as a “protected area” and future trail corridor, §226-108, which outlines sustainability guidelines, and §226-109 which emphasizes the importance of climate change adaptation planning, is critical to demonstrating consistency with relevant state and county-level resource management policies.

Larger flood control and risk reduction planning efforts for the Wailuku River, concurrent and cumulative flood management efforts should be discussed together in the context of relevant planning objectives, rather than identifying “hydrologically distinct” flood control components and limiting the associated analysis. Sustainable resource management analysis should be supported by project-specific models in the context of the larger watershed and stream system. The DEA notes that in addition to addressing flood risk reduction this project aims to reduce erosion and allow for less sediment to be directly transported within the stream and to the nearshore marine environment, and states that

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 8

improved water clarity and reduced sedimentation would have positive impacts on the aquatic environment. While it is understood additional studies are ongoing, supporting documentation and monitoring plans that will likely result from water quality certification requirements would further substantiate such statements. As such, the revised, supplemental, or final EA should provide system-wide and project-specific modeling data and resulting analysis that reflects comprehensive management efforts and the relationship of the proposed action to furthering economically and ecologically sustainable management interventions for the Wailuku River. Furthermore, emphasis on how this project will support comprehensive ecosystem level management efforts and ensure cost effective management interventions are implemented and maintained for the life of the proposed built structure would be relevant to this discussion, and would further be supported by cost benefit analysis including discussion of alternatives assessed in the 2017 USACE FEA as well as related and concurrent project proposals.

Similarly, discussion of climate change impacts and adaptation opportunities should reflect comprehensive assessment and management efforts that align with state, county, and district-level policies and objectives. HRS §226-109 provides guidelines that encourage the preservation and restoration of natural landscape features, which includes streams, floodplains, and wetlands, that have the inherent capacity to avoid, minimize, or mitigate the impacts of climate change. Discussion of how this and related comprehensive management projects are furthering preservation and restoration goals may demonstrate additional consistency with this priority guideline. Furthermore, it is noted that current design specifications aim to address the 100-year flood event. Given that recent climate assessments indicate storm events and flood extents are likely to become more intense as climate impacts increase, some discussion of costs and benefits of planning for a larger flood event such as the 500-year recurrence interval that was observed in 2016 will further support robust analysis of cost-effective alternatives that would result in sustainable management measures to protect people as well as the built and natural environment in the face of a changing climate.

Hawai'i State Land Use Law. This project involves use of lands within the Agricultural and Urban State Land Use Districts. Although the 2017 FEA included floodplain connection and restoration components that would hydrologically reconnect the adjacent “prime” agricultural lands to this culturally and historically significant water source, these project components have been descoped from the 2021 DEA. It does not appear the costs and benefits of “no action” compared to the previously selected preferred alternative that included the enhancement to existing and reasonably foreseeable future agricultural activities was considered in the cost-benefit analysis that led to the current proposal. While the cost of the 2017 FEA preferred alternative was higher, it appears that

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 9

proposal was more consistent with resource management goals relevant to agricultural and open space land uses. Discussion of how this proposal alternative has considered and addressed these priority uses would reflect efforts to ensure that this proposal action is as consistent as practicable with relevant resource management goals at the state level.

Maui County General Plan. The Maui County General Plan is a long-term, comprehensive guide for the physical, economic, environmental development and cultural identity of the county. Analysis of relevant goals, objectives, policies, and implementation actions should be reflected in the environmental assessment. This includes but is not limited to elements of the Maui Countywide Policy Plan (2010), Maui Island Plan (December, 2012), and the Wailuku-Kahului Community Plan (2002).

The Maui Countywide Policy Plan (2030 General Plan) is guided by the vision that Maui County will be an innovative model of sustainable island living, that Maui County will be a leader in the creation of self-sufficient communities and environmentally sound economic development and land stewardship, and “that which makes Maui County unique in the world will be preserved, celebrated, and protected for generations to come.” This vision is framed by core principles that include commitments to excellence in stewardship and the natural environment and cultural resources, engagement and empowerment of Maui County residents, sustainability principles, and “thoughtful, island-appropriate innovation”. It is within this context that Section III of the 2030 General Plan outlines key strategies and Section IV details goals, objectives, and policies. Discussion of relevant sections as they relate to ongoing comprehensive flood management, watershed and water flow restoration, and other complementary and reasonably foreseeable projects that aim to achieve multiple use values within this high value preservation area should be included in the planning consistency analysis provided in the revised environmental assessment for this project.

Relevant components of the Maui Island Plan include goals to ensure watershed and coastal zone management are integrated to protect the island’s critical marine resources because these systems are hydrologically connected, as well as a directed growth plan that identifies this area of the Wailuku River as preserved protected area. Long-range goals for this area include reestablishing traditional access from the upper stretches of the Wailuku River to the shoreline. Analysis of these planning goals and objectives including discussion of past and present scoping and alternatives analysis that reflects alignment with these plans would demonstrate consistency with state coastal resources management policies and local planning actions. Such analysis would also highlight efforts to achieve the purpose and need of this project in the comprehensive watershed management planning context envisioned in the “Directed Growth Plan” detailed in Chapter 8. Relevant guiding land use

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 10

principles including #5 “protect open space and working agricultural landscapes” and #6 “protect environmentally sensitive lands and natural resources” should be discussed further.

Please include consistency details regarding the Maui Island Plan’s policy 2.4.3.c, to “promote innovative environmental-planning methods and site-planning standards that preserve and re-establish indigenous flora and fauna habitat, to preserve and restore connected habitat coordinators, and open space”. Given the emphasis the Maui Island Plan places on encouraging enhancement of open spaces to serve multiple use objectives that include providing educational and recreational opportunities as well as supporting and enhancing ecological functions, additional discussion and assessment of costs and benefits of acquiring the vacant lots and commercial properties threatened by the Iao Stream / Wailuku River adjacent to the project area may support a more robust discussion of site interventions that could expand long-term ecological and social benefits that are more consistent with environmental as well as socio-economic planning goals. Further discussion of the numerous benefits and potential impacts or avoided impacts achieved by this project and reasonably foreseeable related projects would further demonstrate consistency with important state, regional, and local planning objectives.

Similarly, the 2002 Wailuku-Kahului Community Plan, which designates the Wailuku River as “Open Space”, includes the following objectives and policies that would warrant further discussion in the FEA:

- ENVIRONMENT - Objectives and Policies No. 3. – “Protect shoreline wetland resources and flood plain areas as valuable natural systems and open space resources. These natural systems are important for flood control, as habitat area for wildlife, and for various forms of recreation. Future development actions should emphasize flood prevention and protection of the natural landscape”.
- CULTURAL RESOURCES – Objectives and Policies No. 4, 5, & 8 – “Ensure that the proposed projects are compatible with neighboring historic, cultural, and archaeological sites or districts. Such projects should be reviewed by the Cultural Resources Commission, where appropriate”; “Require development projects to identify all cultural resources located within the project area as part of initial project studies. Further, require that all proposed activity include recommendations to mitigate potential adverse impacts on cultural resources” and “Preserve and restore historic roads, paths, and water systems as cultural resources, and support public access.”

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 11

- URBAN DESIGN - Objectives and Policies No. 5 – “Integrate stream channels and gulches into the region’s open space system for purposes of safety, open space relief, greenways for public use and visual separation. Drainage channels and siltation basins should not be used for building sites, but rather for public open space. Drainage channel rights-of-way and easements may also be used for pedestrian and bikeway facilities.”
- RECREATION – Objectives and Policies No. 15 – “Establish a linear park, with bicycle and pedestrian facilities where practical, from the Paukukalo oceanfront along ‘Iao Stream to Kepaniwai Park.”
- LAND USE – Objectives and Policies No. 5 – “Encourage traditional Hawaiian agriculture, such as taro cultivation, within the agricultural district, in areas which have been historically associated with this cultural practice.”
- DRAINAGE - Objectives and Policies No. 5 – “Encourage the incorporation of drainageways, setbacks, and flood protection areas into greenways consisting of open space, pedestrian way and bikeway networks.”
- PLANNING STANDARDS – CULTURAL RESOURCES – “Require development projects to identify significant cultural resources located within the project area as part of initial project studies. Further require that all proposed activity include recommendations to mitigate potential adverse impacts on cultural resources.”

In summary, discussion of planning policies and state and local laws should be expanded. This project proposal would reflect improved analysis and enhanced consistency with relevant enforceable policies discussed in the CZMA application with the inclusion of discussion of project components and best management practices that will be implemented to further achieve these and other relevant regional goals, objectives, and policies. The Wailuku-Kahului Plan also identifies “‘Iao Stream”, “taro lo’i in ‘Iao Valley” and “habitation and burial sites along Lower Main Street corridor” as Wahi Pana (Significant Traditional Places) that are listed in the State inventory of Historic Places and on file with the State and National Registers of Historic Places (see Wailuku-Kahului Plan, pg. 17-18, 2002). This proposal and supporting environmental analysis would be more consistent with HRS 343 and supporting regulations, plans, and policies if these cultural and natural resources of significance were acknowledged and potential positive or negative effects are discussed relevant to requirements and planning goals in the supporting documentation. This analysis is necessary for compliance with HRS 343, and should be considered to support this federal consistency determination request.

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 12

Relevant local requirements and functional planning considerations and best management practices should also be identified as considerations and addressed. Particularly relevant to the Department’s review of this proposed project, the Maui County Code Section 19.62.100 states that the “Director shall not issue or recommend issuance of any permit or approval involving modification, construction, lining, or alteration of any drainage facility, river, or stream unless such modification, construction, lining, or alteration does not reduce the capacity of the drainage facility, river, or stream, or adversely affect any downstream or adjacent property”. This environmental assessment fails to establish that the proposed action will not adversely affect any downstream or adjacent property. Inclusion of modeled extents of the pre-action and post-action flooding anticipated for the 100-year storm event would be helpful, as would discussion of currently assessed alternatives in the context of ongoing flood management efforts underway with DPW. To reflect compliance with NEPA requirements and substantiate an anticipated FONSI, consideration of direct and cumulative impacts including potential spillover effects that are reviewed to be addressed under CZMA should be included the revised narrative. Supporting documentation that describes how hydrogeomorphic impacts of the revised project have been assessed, avoided, minimized, and mitigated if necessary should be clearly summarized and provided in appendices. Revised sediment studies and hydrological models that reflect current conditions and assess the impacts of proposed improvements would provide enhanced support for this critical management consideration. Lacking these components, a conditional CZMA concurrence should establish a timeline and process to facilitate development of these documents with ample time for coordinated local agency and community engagement and review.

To further demonstrate consistency with state, regional, and local plans, please also include specific discussion and analysis of whether proposed hardening at Parcel 888 would constitute conversion of “open space” and “agricultural” land and address that issue further as needed in assessment of consistency with plans and potential impacts regarding the Hawai’i State Plan and the Maui Island Plan. Specifically, please review and consider revising the assessment provided regarding the Hawai’i State Plan Chapter 226’s policy 7-10, which seeks to “assure the availability of agriculturally suitable lands with adequate water to accommodate present and future needs”, policy 23-4, which aims to “promote the recreational and educational potential of natural resources having scenic, open space, cultural, historical, geological, or biological values while ensuring their inherent values are preserved”, guideline 104(b)(2) which prioritizes land use that makes available “marginal or nonessential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district” and guideline 104(b)(13) to “protect and enhance Hawaii’s shoreline, open spaces, and scenic resources”. Such analysis could be provided in a supporting chapter or appendix in the revised or supplemental EA to demonstrate consideration and incorporation of critical planning principles and consistency with land use and development requirements.

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 13

3. CZMA Assessment and EA would be more consistent and reflect improved analysis if clear definitions of significance and commitments to mitigation measures were detailed and supported by additional documentation.

The supporting CZMA Federal Consistency Application (CZMA Application) provided by USACE provides several statements and conclusions that require substantiation through inclusion of additional information and analysis, including reference to the planning goals and policies outlined above. As detailed further here, the CZMA Application would provide a sufficiently persuasive showing of consistency by expanding on details relevant to historic resources, scenic and open space resources, coastal ecosystems, economic resources, coastal hazards, development, public participation, and marine resources.

Regarding historic resources, the CZMA Application indicates that the project site has previously been surveyed for historic or archaeological resources, and acknowledges the cultural significance of river rock or “pohaku”, but indicates that the site is not within or adjacent to a Hawaiian fishpond or settlement area. However, as noted previously, the Wailuku River and the surrounding area are identified in the Wailuku-Kahului plan as Wahi Pana (Significant Traditional Places) that are listed in the State inventory of Historic Places and on file with the State and National Registers of Historic Places. The CZMA Assessment for Cultural Resources restates the intent for Revetment X removal but does not appear to address the other proposed project components such as the installation of the pre-formed scour hole or emergency warning system that are under review here. As such, the CZMA Application and supporting DEA would reflect improved consistency with local, regional, and state plans and policies if the significance of these resources and potential impacts to these resources – both positive and negative – as well as efforts to avoid and mitigate negative impacts through best management practices that *will* be implemented (rather than “may be implemented”) were identified and discussed further in the CZMA Application and revised Supplemental or Final Environmental Assessment.

In discussing consistency with “scenic and open space resources”, the CZMA Application notes that the “proposed action would have negligible long-term impacts to visual and aesthetic resources within the stream channel and no impact on coastal scenic or open space resources.” The analysis that follows is limited to the scour hole construction. It would seem appropriate to also describe the location and potential positive and/or negative impacts of the new “stream or other climate gage as part of a public flood warning system” in the CZMA Application and supporting environmental assessment. The DEA indicates two locations for the gage are being considered but does not appear to select a preferred alternative, limiting the ability of reviewers to further comment on a proposed location. To support further

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 14

analysis it would be helpful to discuss both sites further if no preferred location can be identified. As discussed in the August 26, 2021 public hearing, coordination with local emergency management systems is critical for the success of an expanded early warning system and public participation and information sharing opportunities should be leveraged. It is also noted that the implementation of the removal of Revetment X and other flood reconnection project components may result in benefits to open space resources – as well as other significant coastal resources and relevant plans and policies – that could potentially also be referenced and discussed further in the revised EA and revised CZMA Application if necessary to demonstrate consistency with local, regional, and state plans and regulatory requirements.

Discussing impacts to coastal ecosystems, the CZMA Application notes that the proposed action does involve dredge and fill activities that will involve some form of discharge or placement of material in the water, require earthwork, grading, clearing, or grubbing, within a perennial stream. The form indicates the project site does not provide habitat for endangered species or plants, birds, or mammals, however, this analysis does not appear to include discussion of state listed species of concern or environmentally sensitive habitats. Discussion of potential impacts to native fish (o’opu), shrimp (opae), and snails (hihiwai) as well as potential impacts of hardening to the riffle and pool segments of the stream is lacking in the CZMA Application, supporting DEA, and 2017 FEIS that is incorporated by reference. Coordination on project design and timing with the state Department of Land and Natural Resources’ Division of Aquatic Resources as well as other engaged stakeholders such as Hui o Na Wai ‘Eha, a group working to restore and protect Central Maui streams and rivers including Wailuku River, would ensure improved consistency with local species and habitat management efforts and reduce potential significant impacts to coastal ecosystems and resources of concern.

Regarding “coastal hazards”, the project is identified as within a flood hazard area. The supporting discussion notes that the “proposed action would not involve structures or buildings that are subject to development requirements for flood prone areas and would not be related to prevention of coastal flooding from inland projects.” However, no support for this analysis is provided. Given that additional scouring will likely increase flow velocity and may contribute to downstream scour, flooding, and associated water quality impacts, additional discussion of impacts of proposed hardening would be beneficial. Similarly, potential positive and negative impacts specific to the removal of “Revetment X” without supporting floodplain reconnection and restoration activities that were previously envisioned should be further detailed in a supplemental CZMA Assessment and federal consistency determination request and in the FEA.

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 15

Relevant to “managing development”, the CZMA Application states that the proposed action conforms to state and county land use designations as “Agricultural”. Parcel 888 is identified as “Prime Agricultural Land” by the Department of Agriculture’s Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system and “Agricultural” land by Maui County Zoning, and is identified as “Open Space” in the Wailuku-Kahului Community Plan. The ALISH “prime” classification indicates agricultural lands that have soil quality, growing season, and moisture supply needed to produce sustained crop yields economically, and management of prime agricultural land is addressed in supporting plans and policies. The CZMA Application also indicates that the public has been informed of the proposed action, a conclusion that is addressed further in the following section. A revised EA or a condition of a CZMA concurrence should reflect commitments to outlining and demonstrating alignment of this project with relevant plans and policies.

When detailing “public participation”, the CZMA Application notes that a Public Notice for Environmental Assessments was published on May 17, 2021 for a 30-day public comment period and that two virtual public meetings were held on May 22 and 29, 2021 with no comments received. It would be helpful if the FEA detailed where meeting notices were published. Lacking that, it appears that the notice included in “Appendix A – Public Involvement” reflects the notice that was posted on the USACE website. It is not reasonable to expect the average citizen to regularly visit the USACE website to see if public notices are published. In the future it is suggested that USACE work with local partners to initiate early stakeholder meetings including notifying individuals residing or owning property in areas of flooding effect and post notices at proposed project sites and in the local paper to improve public engagement moving forward. The inclusion of a listserv option on the USACE website that would enable stakeholders to sign up and receive notifications when new public comment opportunities or materials are posted may also be helpful and improve public participation in important resource management planning and decision-making procedures as NEPA, CZMA, and other state and local policies envision.

Although it is understood that USACE has held the requisite public meetings, limited participation and lack of responsiveness to questions raised at the recent public meeting do suggest that improved communication and coordination would support enhanced public awareness, engagement, and understanding of this proposal. At the public meeting held on August 26, 2021, representatives from the USACE indicated that additional sediment and hydrological models were underway but are not currently available. Best management practices that may be implemented were also discussed and the three non-USACE attendees at the meeting – two of whom were county employees – were told standard BMPs would be shared to support review and comment. As of September 9, 2021, this supplemental information has not yet been provided. Lack of commitment to specific BMP implementation

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 16

makes it impracticable for agencies and members of the public alike to understand what potentially significant impacts will be mitigated through BMPs or what BMPs specifically will be implemented. Without inclusion of referenced information that is not yet available for public review and lacking specific mitigation commitments, conclusions that this project will not result in significant impacts are not sufficiently justified.

The small community turn-out at public meetings is also concerning, particularly given the past comments and extensive engagement that occurred relevant to the 2017 FEA. It is understood dissemination of meeting information is especially challenging in the days of the COVID19 pandemic, however, posting notice on the USACE website alone to announce meetings scheduled at lunchtime, dinnertime, or a Saturday morning may not reflect best practices in community engagement. To ensure community awareness of and public engagement in scheduled meetings for proposed actions, it is encouraged that notice be coordinated in advance with local media outlets so it can be posted in the newspaper, on county websites, and perhaps even on printed notices in the surrounding area. In the future it may be worth considering open forums that provide for more than a one-hour window that may conflict with typical mealtimes. Particularly given the cultural and environmental sensitivity of the Wailuku River, documentation of engagement efforts with relevant agencies and stakeholders would further demonstrate consistency with the CZMA objective to “stimulate public awareness, education, and participation in coastal management” and supporting policies of this federal consistency objective.

In summary, it is recommended that the supplemental or revised EA clearly identify and discuss current direct, indirect, and cumulative impacts. This analysis should be supported by additional information regarding modification of past planning efforts, currently proposed projects that would be implemented at this site, and the relationship of this proposed improvement with other reasonably foreseeable projects. Data-driven discussion of reasonably foreseeable direct, indirect, and cumulative effects of these activities should be detailed and the narrative should indicate how identified impacts of concern including potential impacts to stream processes and water quality were analyzed. Analysis of impacts across resource categories should include consideration of future climate impacts and increased in-stream flow, and clear discussion of how potentially significant impacts were identified avoided, minimized, and mitigated. With these revisions, such revisions are necessary for the DEA to be consistent with the requirements of NEPA and HRS 343 and to provide an adequate basis for assessment of the significance of potential impacts of the proposed preferred alternative.

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 17

4. Ensure consistency and participation through ongoing coordination with state and local agencies and community stakeholders through ongoing engagement.

The draft EA reviewed by the Department did not include details “regarding construction means, methods and sequencing, best management practices, and staging and access requirements” which were not provided and classified as “currently unavailable” as the project is pending authorization to fund repairs and proceed to the design phase. While environmental compliance will be ensured through permitting and approval processes including Clean Water Act Section 401 and 404(B)(1), as well as Section 106 of the National Historic Preservation Act. However, revisions to the supplemental EA or reflected in the FEA would be necessary to achieve consistency with NEPA and HRS 343, and to reflect meaningful public engagement. This includes providing details of best management practices that will actually be implemented and documenting stakeholder outreach and engagement efforts and responses to feedback. To further demonstrate ongoing coordination and consistency with relevant plans and policies, and considering the cultural and ecological sensitivity of the project area, USACE should work with Maui County Department of Public Works to coordinate additional community meetings regarding this and other complementary projects being proposed to address design deficiencies and improve outcomes of the Iao Stream [sic] Flood Control Project. Additional discussion with community members regarding management priorities and changes to instream flow may be prudent and timely given the recent June 28, 2021 Decision and Order from the Commission on Water Resources Management relevant to restoring flow and surface water rights. Given that USACE has ongoing sediment transport and hydrological studies for the Wailuku River underway, incorporating that information into a revised or FEA or into a full draft environmental impact statement may be worth considering further to ensure impacts are fully assessed and alternatives are well vetted and supported by relevant stakeholders. Given the tremendous federal appropriations being allocated to supporting nature-based solutions to reduce flood risks while providing benefits to ecosystem services, if cost alone was the driving motivation to descope the 2017 FEA preferred alternative, perhaps alternative funding mechanisms could be discussed further and pursued in order to achieve the significantly higher benefit cost ratio identified for “Alternative F”.

To further reflect consideration of best available data and address community concerns raised at public meetings and comments documented in the 2017 FEA, the Department requests that additional sources of information on water quality as well as freshwater and reef ecosystem health be included in the baseline assessment in the revised or final EA. Rather than deferring to pending water quality certification permits or waiver requests to demonstrate the project will not result in significant impacts to water quality and stream systems, the Department recommends expanded discussion of current water quality measurements available from the Hawaii Department of Health (DOH) as well as incorporation of habitat observations and management recommendations which include construction timing and flow diversion considerations from the Department of Land and

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 18

Natural Resources' Division of Fish and Wildlife. Additional discussion and analysis would be helpful to support conclusions that short- and potential long-term water quality changes that may result from this project and associated projects will not result in significant impacts to these high value environmentally sensitive areas. To further establish baseline conditions to support your revised models and analysis, please consider incorporating current data from the 2020 State of Hawaii Water Quality Monitoring and Assessment Report, available at <https://health.hawaii.gov/cwb/files/2020/06/DRAFT-202-303d-305b.pdf>.

To support public participation, understanding, and engage in ongoing efforts to gather and share robust data on this significant stream system, the Department suggests that USACE and the project sponsor consider developing water quality and benthic monitoring plans for this and related flood management projects in coordination with the University of Hawaii and/or locally-based expert groups during and after implementation of proposed project improvements. Previous flood control and riparian restoration projects have been criticized for a perceived lack of independent or impartial monitoring. There is an opportunity to draw upon a wealth of locally based expertise from groups such as the Hui o Na Wai 'Eha, the Nature Conservancy, local land trusts and cultural groups, and other engaged stakeholders who are active in this area. It may even be possible for these groups to be engaged in the implementation of the pre- and post-construction monitoring, as well as to support comprehensive management efforts to achieve ecosystem and socio-economic benefits for the surrounding Wailuku community. Such outreach and engagement would further reflect meaningful commitments to ensuring public participation and information sharing that are also important resource management goals at federal, state, and local levels.

In conclusion, as it is currently written, it is unclear how the proposed project alternative and reasonably foreseeable related actions will not result in potentially significant impacts to sensitive environmental systems including coastal resources of concern. It is also unclear how this proposed alternative will not be significantly impacted by climate change and increased flood events that the analysis in the Design Appendix of the 2021 EDR indicated were "likely". As such it is not evident how the identified preferred solution will sustainably and cost effectively achieve the stated project purpose and align with federal, state, county, and district-level management objectives. It is suggested that a revised or supplemental analysis include robust discussion of the logic behind the selection of the 2021 proposal alternative rather than the 2017 alternative, including cost assumptions and analysis of total economic valuation of benefits of these approaches. Inclusion of robust modeling that reflects anticipated changes in in-stream flow and accounts for extreme flood events such as the 2016 "500-year return interval" disaster event is further recommended to demonstrate this considerable undertaking is indeed the most cost-effective and beneficial project to protect people, property, and the environment. If such analysis cannot be included in a revised or supplemental environmental assessment, it would seem to be appropriate and more consistent with NEPA and HRS 343 to pursue a full environmental impact

Mr. Nakagawa / OP
Ms. Paahana / USACE
September 13, 2021
Page 19

statement to provide sufficient level of detailed analysis to demonstrate that this project proposal will not result in significant impacts to the Iao Stream / Wailuku River system and will achieve the desired level of sustainable, cost-efficient flood risk mitigation for the Wailuku community and the people of Maui County.

As such, the Department requests substantive revisions and is not supportive of the anticipated FONSI as the DEA is currently written. The Department encourages OP to include conditions that reflect the need to incorporate consideration of ongoing proposed projects that DPW has previously shared with USACE, discussion of complementary planning and project implementation efforts, and best available data and projections regarding this and reasonably foreseeable related projects into a supplemental or revised environmental analysis or commit to conducting an environmental impact statement to allow for additional coordination, review, and public comment before project construction moves forward.

Thank you for your consideration of these comments and for this opportunity to comment on this Draft Environmental Assessment and Federal Consistency Determination. The Department looks forward to the inclusion of additional project details in the Final Environmental Assessment. Should you need clarification on the above comments or would like to discuss further, please contact Coastal Resources Planner Erin Derrington at erin.derrington@co.maui.hi.us or (808) 270-5537.

Sincerely,

for MICHELE MCLEAN, AICP
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Jeffrey P. Dack, Current Planning Supervisor (PDF)
Erin Derrington, Coastal Resources Planner (PDF)
Diego Sanchez-Gomez, ZEAD Floodplain Administrator (PDF)
Tara Miller Owens, U.H. Sea Grant Extension Program (PDF)
Wesley Crile, U.H. Sea Grant Extension Program (PDF)
Sam Lemmo, Department of Land and Natural Resources-Office of Conservation and Coastal Lands (PDF)
U.S. Army Corps of Engineers, Honolulu District, Civil and Public Works Branch (CEPOH-PPC), Attn Jessie Paahana
(Letter, PDF)
Project File

MCM:CIY:JPD:EMD

K:\WP_DOCS\Planning\RFC\2021\0139_CZMAFedConsistReview\RFC20210139_DEA-Iao_FedCon_0913_rev.doc



Hui o Nā Wai 'Ehā

Ola i ka wai WWW.HUIONAWAIEHA.ORG

Hui o Nā Wai 'Ehā Board of Directors

September 5, 2021

Hökūao Pellegrino
(President)

Koa Hewahewa
(Vice President)

Lani Eckart-Dodd
(Treasurer)

Lucienne de Naie
(Secretary)

Duke Sevila
(Founding Board
Member)

Miki'ala Pua'a-Freitas
(Board Member)

Ikaika Nakahashi
(Board Member)

Kōnane Awo DelaNux
(Board Member)

Mariana Löwy-
Gerstmar
(Board Member)

Ka'apuni Aiwahi
(Board Member)

Kamalani Uehara
(Board Member)

Maui Tomorrow (Collaborator)

Albert Perez
(Executive Director)

Legal Counsel

Isaac Moriwake
(Earthjustice)

Pamela W. Bunn
(Dentons)

Re: Army Corps of Engineers 'Īao Flood Control Project Modifications – Wailuku River

Aloha e Kākou,

On behalf of the Board of Hui o Nā Wai 'Ehā, including myself Hōkūao Pellegrino as Board President, we would like to extend our gratitude to you for allowing us to comment on the 'Īao Flood Control Project Modifications – Wailuku River. As mentioned during your presentation in August, our organization takes all projects that involve our streams very seriously, especially if they are intended to alter, divert, modify stream flow or impact natural and cultural resources. Please accept our testimony based on the background information you provided. We would like to request the right to further expand and or even change our comments as more details are provided to us through the review and permitting process.

Although this project may be small in size compared to many other projects we review and provide comments on, we have experienced firsthand in recent years after the massive 2016 flood in Wailuku River, that even small projects can have serious consequences and impacts to our native and culture resources. In fact, a project literally feet away and just mauka from the proposed project on October 25, 2017, there was a major incident in which over fifteen massive 3 foot by 20 foot black corrugated pipe got washed down the river and ended up in the ocean and reef system, many of which could never be recovered. We were able to document the entire issue and to our disappointment, even with BMP's in place, it completely failed and caused irreparable damage to our ocean resources. The contractor, project team and company tasked with that project were from the mainland and knew very little to nothing about the characteristics and nature of our streams, especially around flash flooding events. Therefore, it is imperative that we request to be kept in the loop throughout the duration of the project, especially knowing that we are the eyes and ears on the ground with the Nā Wai 'Ehā and Wailuku community members. The Nā Wai 'Ehā and Wailuku community is very sensitive when it comes to seeing machines and other materials in our rivers and lot of times, they look to the Hui for answers and immediate responses to things that are out of the ordinary happening in our rivers and streams.

Hui o Nā Wai 'Ehā (501c3) · 213 West Waikō Road, Wailuku, Maui, Hawaii 96793
(808) 430-4534 · Huionawai4@gmail.com · www.huionawaieha.org ·  

The Mission of Hui o Nā Wai 'Ehā is to advocate for the restoration and stewardship of mauka to makai streamflow in Waikapū, Wailuku, Waiehu, Waihe'e Streams (Nā Wai 'Ehā), to protect cultural and natural resources pertaining to traditional and customary practices of Native Hawaiian kuleana kalo farmers and to engage the Maui community in water resource management education outreach programs.

Please see the numbered points below regarding concerns that we have.

1. Hui o Nā Wai ‘Ehā opposes any work that is meant to cement, harden, cover over, channelize, and/or further modify the natural riverbed of Wailuku River. While we understand this won’t be occurring on this particular project, we need to state that loud and clear because there have been numerous attempts by other governing agencies to further channelize the lower reaches of the Wailuku River. There are well-known and documented historical springs (Kawaiola) downstream from this proposed project that irrigate the pre-western wetlands/fishpond and lo‘i kalo of Ka‘ehu O Ka Moi, which are known as both naturally and culturally protected resources. Research has made it clear that former channelization work in the Wailuku River beginning in the 1960s has severely and negatively impacted the springs and other important water/cultural resources in the lower reaches of the Wailuku River. As more details come out for this project, we would like to take the opportunity to further review exact locations of the embankment stabilization work.
2. Hui o Nā Wai ‘Eha requests that there be an archaeological monitor on-site due to the known pre-western and historic resources of Wailuku River in the location of the project. Following the massive 2016 flood in Wailuku, the proposed project area that is being discussed had numerous plantation era relics become exposed such as train tracks, train engine and car wheels and other things. The Wailuku Sugar Mill was located in the neighboring vicinity and the area close to the river was used as a dumping site. There may likely be other cultural layers beneath and/or adjacent to the proposed work area and therefore, we would request a monitoring plan in place as well as having an archaeologist on site to ensure that area is protected. The Pihanakalani and Hale Ki‘i Heiau are not that much farther downstream and it is important that all areas in and around the project area are protected, especially relating to Native Hawaiian cultural resources.
3. Hui o Nā Wai ‘Ehā requests that the project contractors notify DLNR Aquatics Division about this project and to have an aquatic biologist conduct a native biota survey. This study is to better understand periods of native aquatic species spawning as well as upstream migration. A Project like this will likely require equipment in the stream as well of the possibility of making the stream turbid in the lower reaches when work commences. This most definitely has the potential to cause irreparable damage to native aquatic species habitat and survivability. Our organization has fought and advocated for over two decades to re-establish native aquatic habitats and since the Interim Instream Flow Standards were established in 2014 for Wailuku River, we have seen new and healthy native aquatic species recruitment occurring on a regular basis. If DAR is unable to

Hui o Nā Wai ‘Ehā (501c3) · 213 West Waikō Road, Wailuku, Maui, Hawaii 96793
(808) 430-4534 · Huionawai4@gmail.com · www.huionawaieha.org ·  

The Mission of Hui o Nā Wai ‘Ehā is to advocate for the restoration and stewardship of mauka to makai streamflow in Waikapū, Wailuku, Waiehu, Waihe‘e Streams (Nā Wai ‘Ehā), to protect cultural and natural resources pertaining to traditional and customary practices of Native Hawaiian kuleana kalo farmers and to engage the Maui community in water resource management education outreach programs.

conduct this task, Hui asks that the County of Maui hire someone to conduct research on this.

4. Hui o Nā Wai 'Ehā opposes any request by the Army Corps of Engineers and Contractors to request CWRM to temporarily halt or alter Instream Flow Standards for any length of time that this project is being executed on. This is to ensure that mauka to makai flow is continual and natural flows undisturbed. This also includes any diversions of natural stream flows away from the project area. In, 2019, CWRM built a 'O'opu Ladder with the intent of protecting native species, however in the construction of this ladder, thousands of 'o'opu, 'ōpae and hīhīwai species were killed off because Wailuku Water Co. was allowed to "shut off" off the river via their diversion. Hui o Nā Wai 'Ehā condemned these acts of "playing god" by turning on and off rivers and would like to make this crystal clear that we do not support any and all attempts to reduce stream flow prior, during and/or following whatever work is conducted.
5. Hui o Nā Wai 'Ehā would like to see the BMP's for this project go above and beyond, especially knowing there may likely be heavy machinery, equipment and material in the riverbed. Paying close attention to daily whether guides. Knowing weather patterns as wells as the characteristics of the river will be super important not just for the safety of the crew but also the protection of our natural and cultural resources below the project area. (i.e. washing down of materials/equipment into the ocean and reef system).
6. Communication is key and the Hui requests that we be notified about the progression of the planning and entitlement process however, even more so, is when the project starts. We need to know details as to ensure when the community reaches out to us with concerns, we will be able to address their concerns. If and when plans for this project are approved, we request that we are notified on the exact scope of work, timeline, planed dates for work and communication plan.

Our streams and rivers deserve the utmost respect, protection and enforcement, a kuleana we don't take light. Mahalo nui for your time and ability to provide comments on this reject. Should you have any questions, please don't hesitate to reach out.

Me ka ha'aha'a,



Hōkūao Pellegrino
(President)

Hui o Nā Wai 'Ehā (501c3) · 213 West Waikō Road, Wailuku, Maui, Hawaii 96793
(808) 430-4534 · Huionawai4@gmail.com · www.huionawaieha.org ·  

The Mission of Hui o Nā Wai 'Ehā is to advocate for the restoration and stewardship of mauka to makai streamflow in Waikapū, Wailuku, Waiehu, Waihe'e Streams (Nā Wai 'Ehā), to protect cultural and natural resources pertaining to traditional and customary practices of Native Hawaiian kuleana kalo farmers and to engage the Maui community in water resource management education outreach programs.

WAI Committee

From: Paahana, Jessie A CIV USARMY CEPOH (USA) <Jessie.K.Paahana@usace.army.mil>
Sent: Thursday, February 15, 2024 3:08 PM
To: WAI Committee
Cc: Moore, Jennifer R CIV USARMY CEPOH (USA); Jordan Molina; Pevey, C Ryan LTC USARMY CEPOH (USA); Kucharski, Rhiannon L CIV USARMY CEPOH (USA); Wharry, Stanley W (Stan) CIV USARMY CEPOA (USA); Williams, Rachel C CIV USARMY CENWO (USA); Kristi Ono
Subject: RE: E-CORRESPONDENCE | RE: WAI-18 US Army Corps of Engineers Response to
Attachments: 20210930_lao Stream_EDR_Amendment FINAL_Appendix A Excerpt of SEA.pdf

You don't often get email from jessie.k.paahana@usace.army.mil. [Learn why this is important](#)

Aloha WAI Committee Members:

In an effort to address concerns raised at the January Committee meeting regarding public engagement for this project, I would be remiss if I did not share with you relevant information from the prior planning phase of this project for your information and consideration.

Please find attached the Public Involvement Appendix to the September 2021 Supplemental Environmental Assessment. In it, you will find documentation of the Corps' public engagement to include public notices (May 17, 2021, August 12, 2021), public meetings (5/22/21, 5/29/21 and 8/18/21 and 8/21/21) and public review of the draft Environmental Assessment from 8/12-9/13/21. During that phase, we consulted state, county and federal resource and regulatory agencies, the following Native Hawaiian Organizations/affiliates: Aha Moku o Maui, Hui o Na Wai Eha, OHA, Janet Six and the Central Maui Hawaiian Civic Club. As described in our letter, we are drafting our communications and outreach plan to continue to engage the public and interested parties moving forward.

We are at a crossroads that will solidify our continued partnership with the County into the next design phase and are willing to provide any necessary information to help garner the County Council's support.

The entire document can be found online here:
<https://www.poh.usace.army.mil/Portals/10/docs/Civil%20Works/2021%20Final%20Engineering%20Documentation%20Report%20Amendment.pdf>

Mahalo for your time and attention,
Jessie

From: Paahana, Jessie A CIV USARMY CEPOH (USA)
Sent: Thursday, February 15, 2024 2:29 PM
To: WAI.Committee@mauicounty.us
Cc: Moore, Jennifer R CIV USARMY CEPOH (USA) <Jennifer.R.Moore2@usace.army.mil>; Jordan Molina <Jordan.K.Molina@co.maui.hi.us>; Pevey, C Ryan LTC USARMY CEPOH (USA) <Christopher.R.Pevey@usace.army.mil>; Kucharski, Rhiannon L CIV USARMY CEPOH (USA) <Rhiannon.L.Kucharski@usace.army.mil>; Wharry, Stanley W (Stan) CIV USARMY CEPOA (USA) <Stanley.W.Wharry@usace.army.mil>; Williams, Rachel C CIV USARMY CENWO (USA) <Rachel.C.Williams@usace.army.mil>; Kristi Ono <Kristi.Ono@co.maui.hi.us>
Subject: E-CORRESPONDENCE | RE: WAI-18 US Army Corps of Engineers Response to
Importance: High

Aloha, Chair Cook:

Please find advanced e-copy of LTC Ryan Pevey's response to your January 31, 2024 letter regarding the USACE-COM Design Agreement for the Iao Stream Flood Control Project Improvements. You will note in our letter the Corps' commitment to engaging stakeholders and the Wailuku Community regularly and as is needed to ensure transparency for the greater public during both the design and construction phases. A hard copy will be sent via postal mail.

For your information, LTC Pevey will be in (virtual) attendance at tomorrow's Committee meeting as a resource for the Council, alongside myself, Jessie Pa'ahana, lead environmental and Mrs. Jessica Brunty, lead engineer.

If you have any questions, comments or concerns related to this correspondence, please contact me by email or by phone at 808-500-1121.

Mahalo,

Jessie

Jessie Pa'ahana
Environmental Coordinator
Environmental Justice Coordinator
Senior Biologist
Honolulu District, U.S. Army Corps of Engineers
230 Otake Street, Building 230
Fort Shafter, HI 96858-5440
(c): 808-500-1121

From: Paahana, Jessie A CIV USARMY CEPOH (USA)
Sent: Tuesday, February 13, 2024 8:50 PM
To: WAI.Committee@mauicounty.us
Subject: WAI-18 US Army Corps of Engineers Response to
Importance: High

Aloha,

Please accept this email acknowledging receipt of the attached letter dated January 31, 2024 and addressed to LTC Ryan Pevey of the U.S. Army Corps of Engineers. Our formal response to the WAI Committee is currently routing within our agency for signature. E kala mai for not getting the formal letter to the Maui County Council by February 13, 2024.

Mahalo,
Jessie Pa'ahana
Environmental Coordinator
Civil and Public Works Branch
Honolulu District
US Army Corps of Engineers
(m): 808-500-1121
(e): Jessie.k.paahana@usace.army.mil

From: WAI Committee <WAI.Committee@mauicounty.us>
Sent: Thursday, February 1, 2024 7:13 AM
To: CEPOH-PA Public Affairs Office <cepoh-pa@usace.army.mil>
Cc: Michelle Santos <Michelle.Santos@co.maui.hi.us>; Zeke Kalua <Zeke.Kalua@co.maui.hi.us>;
Jordan Molina <Jordan.K.Molina@co.maui.hi.us>; Wendy Taomoto
<Wendy.Taomoto@co.maui.hi.us>; Summer Enfield-Carlos <Summer.Enfield-Carlos@co.maui.hi.us>; WAI Committee <WAI.Committee@mauicounty.us>
Subject: [Non-DoD Source] RE: PLEASE READ attached letter re: (WAI 18); reply by 02/13/2024. . .

Lieutenant Colonel Pevey: I am Resending this email with attached letter. Your confirmation of this is email is appreciated.

Thank you,

WAI Committee

From: WAI Committee <WAI.Committee@mauicounty.us>
Sent: Wednesday, January 31, 2024 3:02 PM
To: cepoh-pa@usace.army.mil
Cc: WAI Committee <WAI.Committee@mauicounty.us>; Michelle Santos
<Michelle.Santos@co.maui.hi.us>; Zeke Kalua <Zeke.Kalua@co.maui.hi.us>; Jordan Molina
<Jordan.K.Molina@co.maui.hi.us>; Wendy Taomoto <Wendy.Taomoto@co.maui.hi.us>; Summer
Enfield-Carlos <Summer.Enfield-Carlos@co.maui.hi.us>
Subject: PLEASE READ attached letter re: (WAI 18); reply by 02/13/2024. . .

Lieutenant Colonel Pevey: Please refer to the attached letter from the Water and Infrastructure (WAI) Committee Chair, dated January 31, 2024. Please respond by **February 13, 2024**.

Mayor's Office (attention: Michelle Santos and Zeke Kalua): Please forward the attached letter to Mayor Bissen for his information.

Mr. Molina: FYI

Thank you,

