

To: Environmental, Agricultural, and Cultural Preservation Committee

From: Albert Perez, Executive Director
Maui Tomorrow Foundation

Date: October 7, 2019

Re: Process Discussion re. Proposed Lease for the Nāhiku, Keʻanae, Honomanū and Huelo License Areas

1. Process
 - a) This document is supposed to discuss the impacts of giving A&B/EMI/Mahi Pono a 30-year lease of about 33,000 acres of state land – stretching from Nahiku to Honopou – “for the purpose of developing, diverting, transporting, and using government-owned waters’ through the existing EMI Aqueduct System, which supplies water to domestic and agricultural water users.”
 - i) NOTE: This process is NOT about whether the lease should be granted. That decision will be made later by the BLNR.
2. Search for “DEIS East Maui Water” and download from:
http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2019-09-23-MA-DEIS-East-Maui-Water-Lease.pdf
3. 2,700 pages. Comments due on or before November 7, 2019 (45 days). Send to:
 - a) They can be sent to the approving agency, the Board of Land and Natural Resources, at 1151 Punchbowl St., Honolulu 96813 or by contacting Ian Hirokawa by phone at (808) 587-0400 or email at ian.c.hirokawa@hawaii.gov.
 - b) Commenters should also copy the applicant, A&B/EMI and the consultant, Wilson Okamoto Corp., by emailing waterleaseeis@wilsonokamoto.com, by calling (808) 946-2277 or by mailing to 1907 S. Beretania St., Suite 400, Honolulu 96826
4. The Maui County Council can submit comments as well.
5. The DEIS is supposed to discuss the impacts of the proposed action, and any mitigation measures that will lessen those impacts.
6. The DEIS must discuss impacts on the environmental setting; rare environmental resources; and historic, archaeological or aesthetic resources. A full listing of the content requirements is contained in Hawaii Administrative Rules Chapter 11-200 (note that A&B/EMI have chosen to process this EIS under the older rules that were in effect prior to August 9, 2019).
7. The DEIS must also discuss alternatives that could attain the objectives of the proposed action.
8. If you don’t think the Draft EIS discusses all of the above requirements, you can submit comments that must be addressed.
9. For those that responded to the February 2017 Environmental Impact Statement Preparation Notice during the comment period, the Draft EIS must respond to your

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comments in a point-by-point manner. If it does not, that can form the basis for some of your comments.

10. The Draft Environmental Impact Statement (DEIS) that has been prepared by A&B/EMI is required by law to contain an explanation of the environmental consequences of the proposed 30-year lease, including direct, indirect and cumulative impacts and mitigation measures.
11. After the comment period closes, A&B/EMI will proceed to prepare a Final EIS. The FEIS must respond in a point-by-point manner to all comments from the DEIS, and both the comments and responses must be included in the FEIS.
12. The Board of Land and Natural Resources (BLNR) is the Accepting Authority in this case, and must make a determination on whether to accept the FEIS within 30 days or it will be deemed accepted. In order them to accept the Final EIS, BLNR must find that the EIS meets the requirements of HRS 343 and HAR 11-200. The BLNR must be satisfied that the FEIS meets three criteria (process, content, and response to comments) to accept it. If the FEIS is accepted, the public will have 60 days from the date of publication in the Office of Environmental Quality Control's Environmental Notice to challenge the acceptance in court.
13. A&B has chosen to submit this DEIS under the old EIS rules, which were in effect prior to 8/9/2019.
14. Once the Final EIS is accepted, BLNR will hold a public hearing on whether to grant the lease, and if so, under what terms.