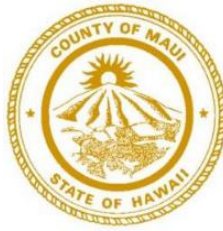


MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
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DEPARTMENT OF PLANNING
COUNTY OF MAUI
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2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

October 13, 2021

Governor David Y. Ige
415 S Beretania Street
Honolulu, Hawaii 96813

Sam Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources (DLNR-OCCL)
1151 Punchbowl Street
Honolulu, Hawaii 96813

Transmitted digitally to: sam.j.lemmo@hawaii.gov

Dear Honorable Governor Ige and Administrator Lemmo:

SUBJECT: COMMENTS ON FINAL ENVIRONMENTAL IMPACT STATEMENT, KAA NAPALI BEACH RESTORATION PROJECT, TAX MAP KEYS: SEAWARD OF (2) 4-4-013:007; (2) 4-4-013:006; (2) 4-4-013:008; (2) 4-4-013:013; (2) 4-4-013:002; (2) 4-4-013:001; (2) 4-4-008:022; (2) 4-4-008:019; (2) 4-4-008:001; (2) 4-4-008:002; (2) 4-4-008:003; (2) 4-4-008:005; (2) 4-4-008] LOCATED AT LAHAINA, ISLAND OF MAUI, HAWAII (RFC 2021/0165)

The Maui County Department of Planning (Department) is in receipt of your October 7, 2021 transmission requesting comments regarding the subject Final Environmental Impact Statement (FEIS) for the Kaanapali Beach Restoration and Berm Enhancement Project. Thank you for this opportunity comment on this FEIS.

The Department has reviewed the Draft and Final EIS reports and supporting documentation including "Volume IV" of the FEIS which presents public testimony and the Department of Land and Natural Resources' Office of Conservation and Coastal Lands (DLNR-OCCL) responses.

The Department finds that the FEIS fulfills the requirements of HAR 11-200.1-28, and complies with HRS 343; and is supportive of a determination of Acceptance.

The Department agrees with DLNR-OCCL's thorough analysis of this beach-cell level restoration approach as well as the development of supporting fact sheets and other communications materials to supplement the environmental impact review requirements of Hawaii Revised Statutes (HRS) Chapter 343 and Hawaii Administrative Rules (HAR) § 11-200 et seq. Read together, HRS 343 and HAR § 11-200 (environmental impact statement (EIS) Rules) establish a system of environmental review at the state and county levels that ensures a broad range of physical, economic, cultural, and social conditions, addresses potential concerns, and highlights benefits of a proposed project. These aspects must be thoroughly identified, assessed, and given appropriate consideration in decision-making along with support of technical considerations.

Chapter 343 and the EIS Rules direct agencies to develop clear documentation regarding potentially significant impacts of a proposed action as early in the planning process as practicable in order to inform decision making. Section 2 of the FEIS details current environmental conditions. Consistency with federal requirements is outlined in Section 3.1 while compliance with state laws and regulations is comprehensively demonstrated in Section 3.2. County plan consistency is discussed in Section 3.3, and a summary of additional permits and approvals that will be needed is provided in Section 3.4. Consistency with County of Maui planning goals and objectives is also provided in Section 4, reflecting efforts to assess and meet environmental management requirements and standards and ensure alignment with county long-term planning goals. Project alternatives were explored in Section 5, which provides a reasonable basis for selecting the preferred alternative proposed. Read together with Section 6, which identifies unavoidable potentially significant impacts and impact mitigation detailed in Section 7, the analysis provided in the DEIS, and revisions reflected in the FEIS, demonstrate a robust and thorough assessment of environmental impacts, consideration of public comments, and commitments to mitigate significant impacts, and resolve remaining management concerns through the forthcoming permit processes.

DLNR's project website and supporting fact sheets exemplify the tremendous effort that was dedicated to not only amassing environmental data and analysis but also to communicating key elements of the Draft EIS and FEIS to decision makers and the public at large. The FEIS reflects focus on key issues that were identified in project scoping and in feedback provided during the public comment period. Commitments to continuing to address "unresolved concerns" discussed in Section 8 of the FEIS and listed in the Executive Summary further demonstrates two-way communication and meaningful engagement and participation of agencies and the public in this impact assessment and mitigation planning process that promises to yield improved results once the project receives all required permits and moves into the implementation phase.

Volume IV of the FEIS documents the comments received and the responses DLNR provided to questions raised and feedback provided by the community. DLNR's responses and revisions demonstrate significant efforts to resolve conflicts or inconsistencies in information and address specific environmental concerns identified by

the commenters. The FEIS itself reflects numerous modifications reflecting these efforts. Section 8 of the FEIS further acknowledges commitments to conducting additional surveys for coastal seabirds, vegetation, and submerged resources, as well as engaging in ongoing coordination with resource management specialists and community stakeholders at large. While not a requirement of HRS 343 and HAR 11-200 et seq., the Department suggests publishing a summary fact sheet compiling comments thematically and then providing page- or topic-specific citations to show commenters how their questions or comments were addressed in the FEIS.

Additionally, as was discussed at stakeholder meetings and reflected in the documentation, the Department is supportive of the continued leveraging of local subject matter experts to support water quality monitoring and restoration implementation to further ensure community engagement and support before the project is implemented, through execution and completion.

FEIS Section 7.1 includes discussion of potential changing conditions and Section 8 lists “unresolved issues” that will be further addressed when developing permit applications and supporting implementation plans. This includes addressing managed retreat and dune management best practices that can be resolved through the Special Management Area and Conservation District use permitting processes, in collaboration with stakeholders and the state of Hawaii following the acceptance of this FEIS.

We further encourage DLNR to highlight timelines and next steps for permitting and upcoming public engagement on the project website at dlnr.hawaii.gov/occl/kaanapali/. Such ongoing communications and coordination efforts would be further supported by scheduling additional community project briefings and listening sessions as well as cross-posting key dates on community events calendars. This addition to an already well organized and informative project website would continue to demonstrate and facilitate DLNR-OCCL’s commitment to ensuring public participation, building understanding about the project, and providing opportunities to provide meaningful feedback as this proposal moves forward through numerous at times complicated permitting and authorization processes.

In conclusion, we reiterate that the Department concurs with DLNR-OCCL’s assessment that this FEIS reflects compliance with the requirements of Hawaii Revised Statutes Chapter 343 and the procedural and substantive requirements of HAR Section 11-200 of Hawaii’s Environmental Impact Statement Rules.

Should you need clarification on the above comments, please contact Coastal Resources Planners James Buika at james.buika@co.maui.hi.us or (808) 270-6271 and Erin Derrington at erin.derrington@co.maui.hi.us or (808) 270-5537.

Sincerely,

FOR MICHELE MCLEAN, AICP
Planning Director

xc: Jordan Hart, Deputy Director (PDF)
Clayton I. Yoshida, Planning Program Administrator (PDF)
Jeffrey P. Dack, Current Planning Supervisor (PDF)
James Buika, Coastal Resource Planner (PDF)
Erin Derrington, Planner, (PDF)
Tara Miller Owens, U.H. Sea Grant Extension Program (PDF)
Wesley Crile, U.H. Sea Grant Extension Program (PDF)
Kimberly Mills, DLNR (PDF)
Tamara Paltin, County Council (PDF)
Chris Conger, Sea Engineering, Inc. (PDF)
Project File

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