



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:
DOH -
EPO 17-007

February 28, 2017

Consultant:
Mr. Jeff Overton
Principal Planner
Group 70 International
925 Bethel Street, Fifth Floor
Honolulu, Hawaii 96813-4398
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jeff@g70.design

Applicant:
Amy Hennessey
Hawaii Dairy Farms, LLC
P.O. Box 1690
Koloa, Hawaii 96756-1690
info@hawaiidairyfarms.com

Dear Mr. Overton & Ms. Hennessey:

SUBJECT: Hawaii Dairy Farms (HDF) Environmental Impact Statement, Mahaulepu Valley, Kauai
TMK: (4) 2-9-003: 001 portion and 006 portion, (4) 2-9-001: 001 portion

The State of Hawaii Department of Health (DOH) writes in response to Hawaii Dairy Farm's (HDF) February 21, 2017 letter to Scott Glenn, Director of the Office of Environmental Quality Control (OEQC), which was copied to DOH, withdrawing the proposed Final Environmental Impact Statement (FEIS) that HDF filed on Tuesday, January 17, 2017.

This is to provide notice that if HDF decides to file another environmental impact statement with DOH, in these circumstances HDF's filing would need to be a second Draft Environmental Impact Statement, not an FEIS. DOH will not accept a FEIS in this case where an EIS does not first go through a second draft environmental impact statement process. DOH's determination is based in part on the Hawaii law that states:

*A proposing agency or applicant may withdraw an EIS by sending a letter to the office [OEQC] informing the office of the agency's or applicant's withdrawal. **Subsequent resubmittal of the EIS shall meet all requirements for filing, distribution, publication, review, acceptance, and notification as a new EIS.***

Hawaii Administrative Rules, § 11-200-23(f). Merely submitting a revised FEIS would not in these circumstances “meet all requirements for filing, distribution, publication, review, acceptance, and notification as a new EIS.” Submitting a second Draft Environmental Impact Statement rather than an FEIS would provide the public with an opportunity to formally address several substantive studies that were submitted with the proposed FEIS on January 17, 2017 and any other changes to the Environmental Impact Statement that HDF may propose in the second draft.

DOH appreciates HDF’s cooperation in this important public process.

Sincerely,



KEITH E. KAWAOKA, D.Env.
Deputy Director for Environmental Health

Background:

- After receiving comments on the DEIS for the statutory 45 day public review and comment period ending July 25, 2016, HDF prepared a nine (9) volume FEIS and filed it with the DOH on January 17, 2017. The HDF FEIS was published in the OEQC Environmental Notice on February 8, 2017.
- On February 14, 2017, DOH received a request from HDF to extend the decision-making period for the FEIS by eight (8) calendar days. DOH allowed the extension and expected to make a decision on the FEIS acceptability on or before February 24. DOH informed the public about this extension through a DOH Press Release on February 14, 2017.
- DOH upon receipt of the FEIS on January 17, 2017 requested OEQC to make a recommendation regarding the acceptability or non-acceptability of the statement (HRS 343-5). The OEQC complied with this request and provided DOH with a recommendation letter on February 16, 2017.
- On February 21, 2017, HDF, through its consultant Group 70, provided OEQC with a notice of withdrawal of FEIS in accordance with HAR 11-200-23(f).
- On February 21, 2017, OEQC and DOH both acknowledged the withdrawal of the HDF FEIS.

cc: via email only

DOH:

Director, DD, DHO Kauai, EMD, EHSD, SLD, HEER, ERO, CWB, SDWB, WWB, CAB, SHWB, IRHB, SAN, VECTOR, SLD, EPO, OPPPD, CIO, & AG
Attached Agency – OEQC Director, Mr. Scott Glenn AICP and Chair of the Environmental Council, Mr. Joseph Shacat

Other State Partners:

Department of Agriculture (DOA), Board Chairperson, Scott Enright: scott.Enright@hawaii.gov
Department of Land and Natural Resources (DLNR), Chairperson: Suzanne.case@hawaii.gov
DLNR Commission on Water Resource Management (CWRM): dlnr.cwrm@hawaii.gov
DLNR Division of Aquatic Resources (DAR), Administrator: bruce.s.anderson@hawaii.gov
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DLNR Conservation and Resource Enforcement (DOCARE), Administrator: robert.j.farrell@hawaii.gov
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DLNR Land, Administrator: Russell.y.tsuji@hawaii.gov
DLNR Office of Conservation and Coastal Lands (OCCL), Administrator: sam.j.lemmo@hawaii.gov
DLNR State Historic Preservation Division (SHPD), Administrator: alan.s.downer@hawaii.gov
DLNR Aha Moku Advisory Committee (AMAC), Executive Director, leimana.k.damate@hawaii.gov
Department of Business, Economic Development and Tourism (DBEDT) Director: luis.p.salaveria@hawaii.gov
DBEDT, Office of Planning (OP), Director: leo.r.asuncion@hawaii.gov; (CZM): Justine.w.nihipali@hawaii.gov
Department of Transportation, Director
Office of Hawaiian Affairs
UH Environmental Center and UH Water Resources Research Center

Kauai Elected Officials:

Kauai County Mayor; State of Hawaii, Kauai County State Senator, Ronald D. Kouchi (Senate District 8); State Representative, Dee Morikawa, House District 16;
State Representative, Derek S. K. Kawakami, House District 14, Representative, James K Tokioka, House District 15
Council Chair, Vice Chair, All Council Members, All State of Kauai Councilors, All Kauai County Departments (Parks & Recreation, Planning, Public Works,
Water, Fire, Police) Kauai Office of Economic Development, Kauai County Clerk
Communications staff: mdaubert@kauai.gov; sblane@kauai.gov

Federal Agencies (selected):

US F&WS, Aaron Nadig, Pacific Islands Fish and Wildlife Office aaron.nadig@fws.gov; adam.griesemer@fws.gov
NOAA, NMFS, Richard Hall: ian.lundgren@noaa.gov; Richard.hall@noaa.gov
UIPA requestor: Who requested copies of information from the DEIS public comment closure date to DOH decision on the HDF FEIS.
Goodsill Anderson Quinn & Stifel, PO Box 3196, Honolulu, HI 96801 clarsendias@goodsill.com; Christine A. Terada cterada@goodwill.com
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Organizations: Who provided DOH with comments on their HDF DEIS reply letters and/or adequacy of the HDF FEIS

Center for Food Safety, claire@centerforfoodsafety.org
Friends of Mahalepū, Bianca.isaki@gmail.com; sarah@tebbuttlaw.com (also UIPA requester for copies of HDF extension letter & DOH reply)
Kiahuna Homesites Community Association (KHCA), President, kbgbbaum@aol.com
Surfrider Foundation, Water Quality Manager, mdias@surfrider.org
Sierra Club, State and Kauai Chapter: rayneregush@aol.com

Individuals: Who provided DOH with comments on their HDF DEIS reply letters and/or adequacy of the HDF FEIS (may not include all)

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