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- 2.) Group 70 International, Inc., 925 Bethel Street, 5th Floor, Honolulu, HI 96813.
- 3.) Hawai'i Dairy Farms, LLC., P.O. Box 1690, Kōloa, HI 96756-1690 Contact: Jeff Overton, (808) 523-5866, HDF@Group70int.com

February 19th, 2015, Koloa, HI 96756

Comments submitted regarding HDF Environmental Impact Study (E.I.S.):

Aloha,

My legal and hereditary name is *Kalanikumai Ka Maka'uli'uli 'O Na Ali'i Hanohano*. I was born in, and am a native resident of Koloa, Kaua'i. I am established (SHPD), as a lineal descendent of the aboriginal Stewards (7th generation), of the Koloa Moku, or District, which includes *Maha'ulepu*. My Kupuna's "Anakala" or Uncle, *Kaluhimoku Nakapa'ahu*, was a noted native medicinal practitioner (Marvin Brennecke 1953), who gathered medicinals in *Maha'ulepu* and *Pa'a*. His father, *Kailipoloahilani Nakapa'ahu, Ali'i Nui* of Koloa District (Moku, owned, and resided on a nine acre parcel in *Aweoweonui* (Hidden Valley- adjacent to *Maha'ulepu*). I have followed in his footsteps for more than a quarter century. As a native spiritual practitioner representing a registered Hawaii non-profit interfaith Ministry (*Hui Hanai*), continuing cultural practices and observances at *Maha'ulepu*, this Dairy will affect cultural resources that I am dependent upon. I proclaim myself to be a vested party-at-interest seeking intercession status.

As a participating member of the *Ilioula'okalani* Coalition, alert to incursions or intrusion on Cultural sites or practices; as Pastor of "*Hui Hanai I ka Honua La'a*" a registered non-profit Interfaith Ministry; as Steward of: "*Malama Maha'ulepu*" 501 c-3); "*Friends of Maha'ulepu*" and *Koloa 'Aha Moku* Council, I do not speak for or represent those organizations, but share with them and desire address of their, and my, concerns.

I will be directly impacted by the Dairy installation introducing high volumes of nitrate rich untreated solid waste and urine affecting **three precious qualities** to which I, and the Community have inalienable rights, that of **Clean Water, Environmental contaminate protection, and Quality of Life.**

Neighbors in the nearby communities of Kaua'i's South-Shore will also be impacted by the degradation of water quality (ocean & aquifers), contamination of soil, odors carried by prevailing winds, or lack thereof, biting flies, affecting residential and Visitor Destination "Quality of Life" issues along with economic collapse of one quarter of the Island's tax-base.

Land and aquatic life in the downslope and drainage watershed from the proposed site will be impacted by the inability of HDF to achieve complete containment of seepage resulting from the Dairy operation into the surrounding areas. This is substantiated by the NRCS Custom Soil findings commissioned, distributed, but not taken into consideration by HDF.

ISSUE of conflict w/ use of Group 70 conducting the E.I.S.: "Group 70" developed the existing Waste Management Plan and prepared architectural blueprints for all of HDF's proposed Dairy installation. As analysis of this Plan and projections has been reviewed by qualified independent experts to contain serious flaws and misrepresentations questioning the credibility of their research and facts, does it not stand to reason that in the interest of propriety and competency, that an unbiased third party conduct the E.I.S.?

HDF & “Group 70” have failed to address: The NRCS Custom Soil Study findings (6/05/14) determining that 50% of the proposed farm soil is at HIGH or VERY HIGH risk of run-off; Issues presented in the Mark Madison review and report (submitted by Kawailoa Corp).

Point by Point Specific issues needing to be addressed by the E.I.S. :

1: (Involving an irrevocable commitment to loss or **destruction of any natural or cultural resource**): Introduction of Waste material and nitrate inundation will destroy viability of Valley floor’s grey hydromorphic soil to birth and produce *Kalo*.

2: (Curtailling the range of beneficial uses of the environment; (for plants, animals or humans): Seepage from Dairy operation will irreparably damage viability of the (formerly established) Salt Pans, a sustainable native resource gathering practice unique to Hawai’i among Pacific Islanders.

3: No comment at this time.

4: (Substantial affectation of the **economic or social welfare of the community** or State): Pernicious odors, biting flies, noise pollution during seasonal events of wind cessation (*Kona* convective layer zone), beach & shoreline closures due to water bacterial counts plummeting property values, loss of Visitor business, Quality of life impacts with odors, Convention and accommodation cancellations, employment losses, Changes detrimental to the public good.

5: (Issues that **substantially affect public health**): Biting flies, Odors, Water (drinking & Ocean),contamination issues.

6: No comment at this time.

7:(Involving a substantial degradation of environmental quality): Impact of biting flies, odors, and bacteria from aerosolized and deposited manure, **ammonium interaction**, nitrate concentration buildup and seepage into proximate ditches and downslope watershed impacting Wetlands, *Kalo* cultivation, aquatic resources, reef, beaches, habilitation, Wilderness quality, as well as native, resident, and visitor recreational experiences.

8:(Is individually limited but cumulatively has considerable effect upon the environment or **involves a commitment for larger action**):

The submitted Plan professes to initiate operations with an initial herd size of 699 (gestating) cows, expanding to a milk-producing herd size of 2,000. The Plan fails to address the impact and implications of the increased bovine population distribution island-wide necessary to support the Milking herd.

A reasonable extrapolation of the 1398 (adjustable for attrition), initial added population subsequent to birthing would result in approximately 50% heifers, the remainder would be channelled to Kaua’i’s beef industry. Non-gestating, nascent, or pre-gravid cows would add to the supportive and alternative use population. With such increased impact from up to twice the projected herd size being distributed on Island, what plans are in place to process and distribute the increased volume, and what systems are developed to ensure and protect Public and environmental health as a result of the increased presence.

9: (Substantially affects a rare, threatened, or endangered species, or **it’s habitat**): The protected Hawaiian Blind Wolf Spider and it’s amphipod prey co-exist in the substrate level of

lava tubes permeating the impacted area; *Nene, Limu, Opihi, Wana, He'e, Loli; Honu, & Monk Seals*, vegetation and sea-life important to Hawaiian culture and PASH resource management populations are at risk from run-off and inundation.

10: **Detrimentially affects air or water quality** or ambient noise levels: Odors, biting flies, bacterial colonies, ambient noise during seasonal cessation of winds, penetration into public water supply, ammonium interactions with the ambient atmosphere affecting vegetative growth.

Issues of Water quality, contamination of public drinking water, penetration of contaminants into the aquifer; soil and lava tube run-off projections calculated to include events such as the 1948 Forty-two day and 2006 30-plus day rain events.

11: (Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water or coastal water):

Soil categorization by NRCS as High to Very High risk of run-off impacting Wetlands, beach zones, estuaries, tide-pools, reef, coastal and shoreline waters insure eventual widespread damage as suffered by New Zealand, Washington State, Wisconsin and New Mexico.

12: No comment at this time.

13: No comment at this time.

The 2001 Office of Hawaiian Affairs Report to Jennifer Dines of the Federal Communications Commission (FCC) identifies the Haupu Range (including its *Maha'u lepu* Valley), as a Hawaiian Spiritual Sanctuary and Mausoleum of Ancestral remains. Widespread native burials throughout the region including the single largest Burial Dune in the Pacific (*Aweoweonui*) establish qualification of "Sacred Spaces" designation as defined and protected under the 1978 Religious Freedom Act (American Indian [i.e., *indigenous natives/ Alaska; Hawaii/ American Samoa*]).

Unmarked sites, burial grounds, ceremonial "*Wahi Pana*", Sub-surface cultural layer material, proximate wetlands known but undisturbed, require a thorough cultural resources study and ensure mitigation measures to ensure protections.

Consider impact to and degradation of indigenous cultural use of natural land and aquatic resources protected under PASH.

Alternative uses of area: Restoration and encouragement of *Kalo* (Taro), cultivation and production of a **natural resource (*Kalo*) qualifying for protection under the U.S. Supreme Court [1934] "Religious Freedom" determination that "Catlinite" (Pipestone), was a protected "Spiritual" natural element integral to established indigenous religious practices.** The Court codified protections ensuring that the metamorphosed natural ceramic conductive substance, religiously employed as a Spiritual conductor, would be protected and available to recognized tribal members at no cost using traditional seasonal harvesting techniques. (decision subsequently bolstered by President Clinton's 1978 Executive Order).

As it is well established that every part of the process in Hawaiian *Kalo* cultivation, preparation and ingestion is **a religious act**, in honouring "*Haloa*", a recognized cultural deity, the **rare hydromorphic** "plastic-like" clay soil providing the optimum conditions for *Kalo* cultivation qualifies for protections under "best and highest use" of the land as well as PASH protection as a rare natural resource culturally sustained in Religious practice.

(similarly protected culturally used natural resources used in Religious practices include *Awa* (Kava), *alae* (mineral), "*Ichneich*" (Indian Celery), and Peyote).

Alternative agricultural uses: Bio-mass generation. Sustainable energy production; endemic biodiversity and cultivation of medicinal herbs such as Cats-claw, *Olena* (Turmeric), crops of Taro, sweet potato or yams, conforming to the "highest and best" sustainable practices of land use.

Fails to address :Overflow discharge of effluent ponds resulting from tropical storm and hurricane rainfall amounts historically reoccurring with frequency over affected area with high to very high run-off potential.

Proximity of Ditch to Milking facility yard and "lot" sized rotating pens vulnerable to nitrate penetration. "Lots" of open rotating four to five acre fenced parcels, cannot sustain intended herd population size with adequate room, native and introduced grasses, subsequently requiring an estimated 28% supplemental imported grain based feed with no details as to it's source or GMO status. As such, it fits the definition of a "Feed Lot" (albeit rotating) operation subject to additional limitations, controls and restrictions on operation.

Employment of mechanized distribution of aerosolized manure with re-deployable equipment crossing or in proximity to ditches, well sites, or seasonal wetlands used by native endangered waterfowl is in conflict with reviews of current industry standards and practices.

Note: The American Public Health Ass. (also Canada & Michigan) have called for a Nationwide Moratorium on industrialized Dairy operations (2003) such as this present Plan. Does HDF contest or refute these findings? How do they substantiate this?

Implications of the totality of increased cattle populations on Kaua'i resulting from maintaining consistency of Dairy herd size, i.e., How many heifers, steers, cows (inactive or nascent), will be in addition to an eventual Milking herd of two thousand cows?

Issue of a flawed and inadequate Cemetery Plan failing to contain nitrate penetration into downslope watershed. Current projections fail to address aftermath of catastrophic events from weather or disease. Designation of a 694 foot double row of internments two feet apart cannot adequately provide sanitary containment. Furthermore, seepage and penetration into downslope watershed is inevitable and deleterious to the environment.

The watershed of Maha'ulepu Valley (and HDF's proposed 578 acre industrial dairy site) comprises waters from the Haupu mountain range, the Wai'opili Stream, as well as the irrigation ditches, all of which are "hydro-logically linked" as they emerge and converge at the Makauwahi Cave on their direct path to the ocean. Based on that critical feature, all waters being hydro-logically linked, how can HDF protect the wetlands, the endangered species, the reefs, the rare and sacred sites and the ongoing native Hawaiian cultural practices from contamination caused by the massive amounts of wet manure and urine produced daily even with their start-up herd of 699 pregnant dairy cows? Short of lining the entire surface of the proposed farm site, the established hydrological link between the various components of the Maha'ulepu watershed make runoff, discharge and contamination unavoidable.

For the aforementioned concerns and issues raised, I urge that HDF agree to an alternative contractor to perform the E.I.S. and address of all issues raised or alluded to in these comments.

I again urge *Olapua*, HDF, and Grove Farm Co. to reconsider and relocate their intended Dairy operation to a more appropriate location.

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