

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

CDUP: HA-3647

Tracy Fukuda, Project Manager
Wilson Okamoto Corporation
1907 S. Beretania Street, Suite 400
Honolulu, HI 96826

MAR - 5 2013

SUBJECT: Conservation District Use Permit (CDUP) HA-3647

Dear Ms. Fukuda:

This is to inform you that on March 4, 2013, the Chairperson of the Board of Land and Natural Resources approved your client's Conservation District Use Application (CDUA) HA-3647 for water line improvements located at Ke'ei, South Kona, island of Hawai'i, portions of TMKs: (3) 8-3-004:001 & 8-3-005:001 subject to the following conditions:

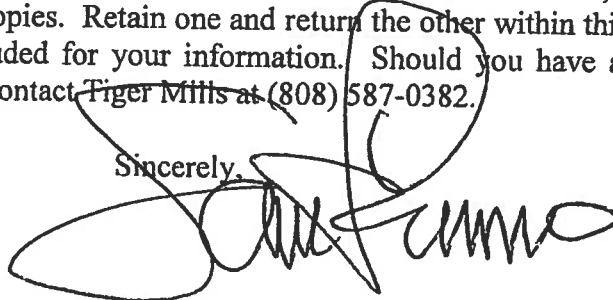
- 1) The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
- 2) The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
- 3) The permittee shall comply with all applicable department of health administrative rules;
- 4) The permittee shall provide documentation (e.g., book and page or document number) that the permit approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
- 5) An archaeological monitor shall be present during all construction activities in accordance with a monitoring plan that meets the standards of HAR, §13-279 and has been reviewed and approved by the State Historic Preservation Division prior to commencement of project activities;
- 6) Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of

the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;

- 7) Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
- 8) All representations relative to mitigation set forth in the application for the proposed use are incorporated as conditions of the permit;
- 9) The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
- 10) In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
- 11) When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply;
- 12) Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
- 13) Obstruction of public roads, trails, lateral shoreline access, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;
- 14) During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
- 15) The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
- 16) The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawai'i, and by Hawai'i statutory and case law; and
- 17) Other terms and conditions as prescribed by the chairperson:
- 18) Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days. A copy of the staff report is included for your information. Should you have any questions regarding any of these conditions, contact Tiger Mills at (808) 587-0382.

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Receipt acknowledged:

Date
Permittee's Signature or Representative

c: Chairperson
HDLO
County of Hawai'i, Planning Dept.
HPD