

PLANNING DEPARTMENT
COUNTY OF HAWAII

2013 MAR 18 AM 7:28

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

ESTHER KIA'AINA
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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

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

From Allen
3/15/13 Salamea
SMA 12-769
TMK 8-3-4:1
8-3-5:1

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

SCANNED
03 MAR 18 2013
By: _____

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

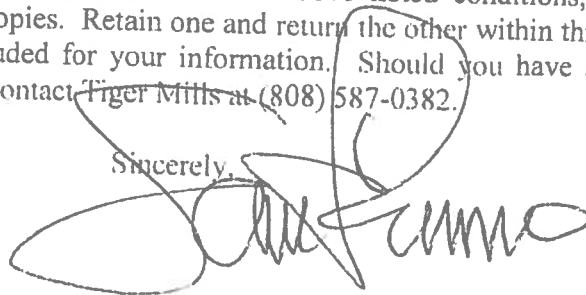
- 7) Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three years of the approval of such use. The 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.

Tracy Fukuda, Project Manager
Wilson Okamoto Corporation

CDUP: HA-3647

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 3/15/2013
Permittee's Signature or Representative

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

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawai`i**

180-day Expiration Date: April 20, 2013

TO: Chairperson's Office, Department of Land and Natural Resources

REGARDING: Conservation District Use Application (CDUA) HA-3647 for Waterline Improvements

**APPLICANT/
LANDOWNER:** The Kamehameha Schools

AGENT: Tracy Fukuda, Project Manager of Wilson Okamoto Corporation

LOCATION: Ke`ei, South Kona, island of Hawai`i

**TMKs:
USE:** Portions of (3) 8-3-004:001 & 8-3-005:001
Approximately (≈) 19,200-ft²

SUBZONE: General

DESCRIPTION OF AREA/CURRENT USE: (Exhibits 1, 2, 3 & 4)

Ke`ei Village is located near the coastline to the south of Kealakeakua Bay and Napo`opo`o Village within the South Kona District of the island of Hawai`i. Both parcels lie within the General subzone of the Conservation District. Currently drisco water lines serve the village and Halau Maluhia, a recreational facility located on TMK: (3) 8-3-004:001. Portions of the parcels have been graded for Ke`ei Beach Road (unpaved), the utility road, and private unpaved roadway leading to Halau Maluhia.

The project area is fairly flat with a`a lava flow. The project area near Ke`ei Beach Road is described as 'quite barren' most likely due to the lack of moisture retention of a`a lava. A biological survey was conducted in May 2012. 46 plant species were identified with five native plant species: kupukupu, auhuhu, naupaka, noni and uhaloa. Other portions of the project area are densely vegetated with opiuma, kiawe, autograph tree and haole koa. The understory consists of exotic shrubs.

17 alien birds were observed during the survey. Although no seabirds were detected, it is most likely that the endangered Hawaiian Petrel and the threatened endemic Newell's Shearwater may fly over the project area between April-December. No suitable nesting habitat for these seabird species occurs on or close to the project site.

will be covered with base course or similar materials to blend in with the lava rock/bare ground.

The proposed water line would start at the intersection of Pu`uhonua Road and Kahauloa Road and follows the existing alignment for about 1,600-feet. The proposed alignment then heads west (makai) on the south side of the ahupua`a boundary wall and intersects the NW/SE trending trail. The alignment then goes south behind the village and will be located within the makai side of the existing utility road just mauka of Ke`ei Village. Lateral lines will be constructed from the 8" main line to serve the parcels. The waterline would be placed within a 4-foot corridor approximately 4,800-feet in length making the area of proposed use \approx 19,200-ft².

No significant impact on botanical resources is anticipated as a result of the project. The water line will be placed at grade and construction during the night is not anticipated. No significant impact on avian species is anticipated as a result of the project.

According to the State Historic Preservation Division, the 2.38-acres alignment contains no historic properties. Due to the close proximity to other sites, an archaeological monitor shall be required. In the event iwi are encountered during construction activities, all work would stop and SHPD shall be notified.

SUMMARY OF COMMENTS

The application was referred to the following agencies for their review and comment: the **State**: Department of Health, Office of Hawaiian Affairs, Office of Environmental Quality Control, Department of Land & Natural Resources Divisions of: Land-Hawai`i District Office, Historic Preservation and Conservation & Resource Enforcement,; and the **County of Hawai`i's** Planning Department and Department of Public Water. In addition, the CDUA was also sent to the nearest public library, the Kealakeakua Public Library, to make this information readily available to those who may wish to review it.

Comments were received and summarized from the following:

THE STATE

DEPARTMENT OF LAND AND NATURAL RESOURCES

Hawaii District Land Office

No comment

Historic Preservation Division

To accomplish the objective of choosing an alignment that would have little or no impact to cultural properties, a larger area was subjected to an archaeological reconnaissance survey, and the alignment selected that would avoid any impact to historic properties. However, our concern about the need for an archaeological monitor remains.

Department of Public Works

The subject project is located within Flood Zones "AE and X" according to the flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The portion of the proposed waterline installation within Zone AE shall be subject to the requirements of Chapter 27, Flood Plain Management of Hawaii County code including flood resistant construction.

Should a watercourse be affected by the project, it shall not be altered without first obtaining approval from DPW and a grading permit. A flood study maybe required under Chapter 27 of the Hawaii County Code for watercourse alteration.

All earthwork and grading shall conform to Chapter 10, Erosion and Sediment control, of the Hawaii County Code. The applicant shall comply with chapter 11-55, Water Pollution, HAR of the Department of Health.

Any work proposed within the County Right of Way shall comply with Chapter 22 of Hawaii County Code. Separate permits are required for waterline installation and for a private waterline within the County right-of-way. The applicant shall remove the waterlines from within the County right-of-way which are being replaced by the proposed project.

Private waterlines to be installed in the subject parcels shall comply with Chapter 17 of Hawaii County Code-Plumbing.

Applicant's Response

- We acknowledge the determination that the project is located within Flood Zones "AE and X";
- We acknowledge that proposed waterline within Zone "AE" shall be subject to the requirements of Chapter 27, Flood Plain Management of Hawaii County Code including flood resistant construction;
- We acknowledge Zone "X" is not designated Special Flood Hazard Area and it does not imply the property will be free from flooding or flood damage;
- We do not anticipate any alteration to a watercourse;
- All work shall to County Code and State Administrative Rules; and
- The project is not located within the County Right of Way.

Department of Water Supply

Based on discussions with the applicant, we have the following comments and conditions regarding the CDUA.

1. The applicant will be required to install a master meter, located at the Kahauloa-Pu`uhouna Road intersection; the size and type of which will be determined by DWS. The water system installed after the master meter shall be privately

serve such structures or facilities; and (4) Minor alterations in the conditions of land, water, or vegetation, the proposed use is exempt.

Notice of this CDUA was published in the October 23, 2012 issue of the Environmental Notice.

CONSERVATION CRITERIA

The following discussion evaluates the merits of the proposed land use by applying the criteria established in Section 13-5-30, HAR.

- 1) *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare.

The proposed land use shall place exposed water lines partially underground. The proposed new waterline will have the same purpose and capacity as the existing waterline. Kamehameha Schools proposes to replace the existing drisco-lines with an 8" ø partially buried waterline. In addition, fire hydrants would be located along the water line to meet fire protection requirements.

The land use will promote sustainability and the public health, safety and welfare.

- 2) *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

The objective of the General subzone is to designate open space where specific conservation uses may not be defined, but where urban use would be premature. The proposed use does not conflict with this objective, as the existing exposed waterlines are nonconforming. The proposed land use is an identified land use in the General subzone of the Conservation District, pursuant to §13-5-22, Hawaii Administrative Rules (HAR), P-8 STRUCTURES AND LAND USES, EXISTING Moderate alteration of existing structures, facilities, uses, and equipment. Upgrading nonconforming infrastructure and placing the waterlines partially out of site versus exposed on the ground contributes to maintaining open space.

- 3) *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

Staff believes the proposed use is consistent with Chapter 205A, HRS. The project area is within the Special Management Area (SMA) and the applicant has received Special Management Area Minor Permit (SMM No. 13-000259) that was issued on February 6, 2013 by the Hawaii County Planning Department.

modified for coffee cultivation decreasing the chance of encountering intact traditional Hawaiian cultural features within the project area.

As stated by the applicant, the areas on both sides of the existing utility road are rich in archaeological sites. The SHPD has determined that the water line alignment contains no historic properties but is requiring that an archaeological monitor be present during construction. An archaeological monitoring plan that meets the standards of HAR, §13-279 must be reviewed and approved by the SHPD prior to commencement of project activities.

During the processing of this application, no comments were received from native practitioners or the Office of Hawaiian Affairs. To the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action does not appear to affect traditional Hawaiian rights; it is believed that no action is necessary to protect these rights.

Construction of the water line replacement is short-term. No significant impacts to historical, archaeological or cultural resources are anticipated.

DISCUSSION

The Kamehameha Schools is proposing to replace existing nonconforming exposed to the elements drisco waterlines that lay on the ground with an 8" ø partially buried waterline to improve potable water service and to meet county fire flow requirements. Fire hydrants would also be located along the water line to meet fire protection requirements. The waterline is proposed in a previously disturbed area within an existing roadway and an existing utility road and will be covered with base course or similar materials to blend in with the lava rock/bare ground.

The proposed project improvements upgrade services essential to enable, sustain, and enhance the residential living conditions in the area and at Halau Maluhia a recreational and education facility utilized for locally based educational programs. Upon completion, the use would improve the public health and safety of Ke`ei Village and the visitors to Halau Maluhia.

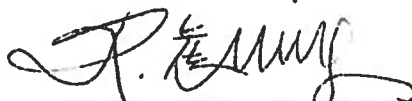
RECOMMENDATION

Based on the preceding analysis, Staff recommends that the Chairperson of the Board of Land and Natural Resources APPROVE this application for water line improvements located at Ke`ei, South Kona, island of Hawaii, 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

- 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 Hawaii, and by Hawaii 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.

Respectfully submitted,



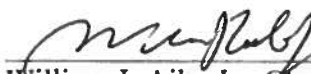
K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

Under the authority of §13-5-30(a) and 13-5-33, Hawaii Administrative Rules, this request for a Departmental Permit for CDUA HA-3647 is hereby:

Approved

Disapproved

Dated at Honolulu, Hawaii 3/4/13



William J. Aila, Jr., Chairperson
Department of Land and Natural Resources

**FIGURE 1
LOCATION MAP**



Island of Hawaii

Legend

 Project Boundary

Scale

0 1,750 3,500
Feet
1 inch equals 3,500 feet

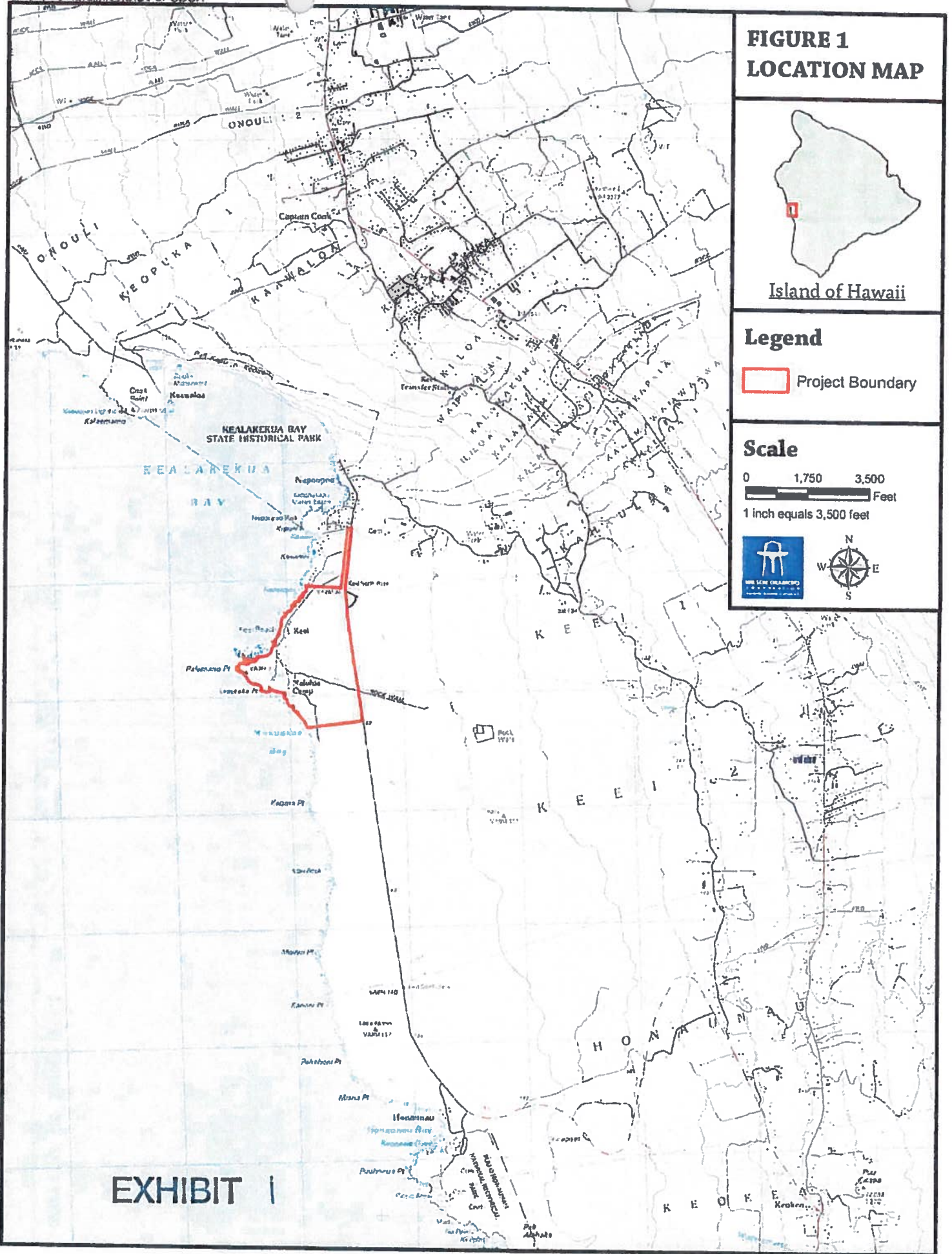


EXHIBIT I

FIGURE 5 CONSERVATION DISTRICT SUBZONE MAP



Island of Hawaii

Legend

- Project Boundary
- Tax Map Key
- General (G)
- Limited (L)
- Preservation (P)
- Not Within
- Conservation District
- Proposed 8" Waterline Alignment
- Existing Drisco

Scale

0 500 1,000 Feet
1 inch equals 1,000 feet

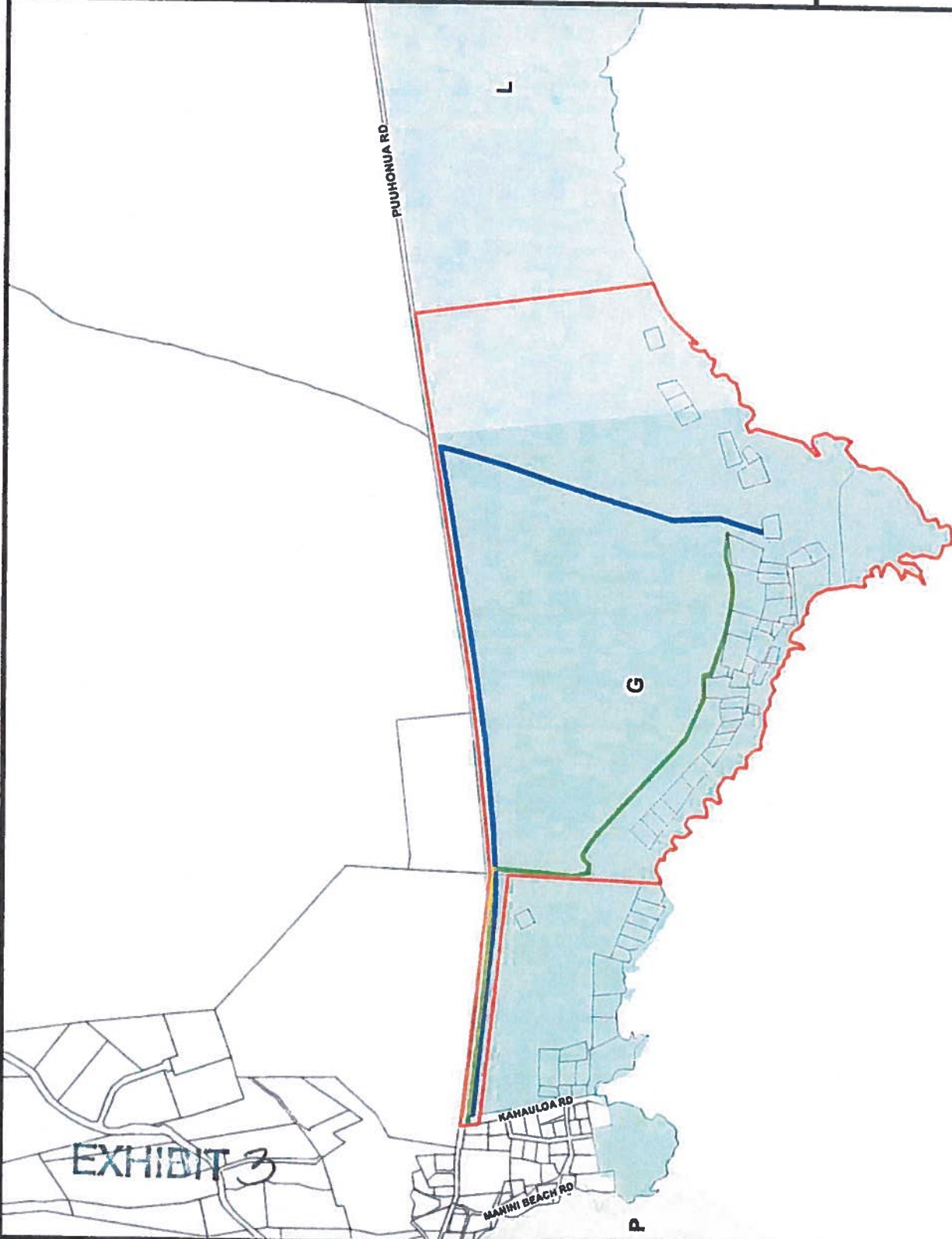


EXHIBIT 3

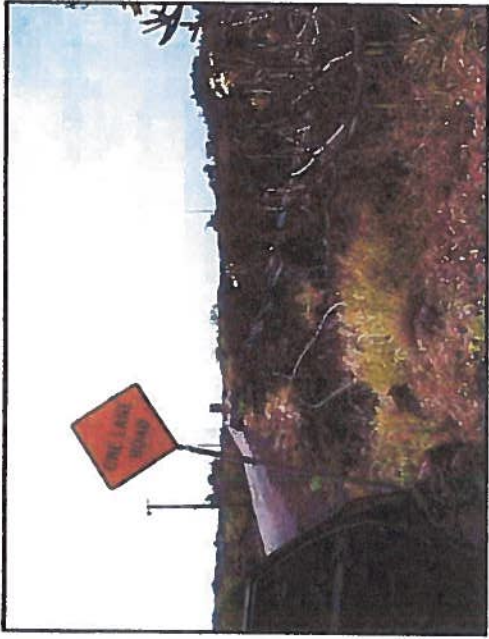


Photo 1: Existing 1-inch "Drisco" lines on Kamehameha Schools property, along Puuhonua Road, immediately south of Kahauloa Road.



Photo 2: Unpaved Keel Beach Road, facing west (makai).












Photo 3: existing 1-inch "Drisco" lines on Kamehameha Schools property, along Puuhonua Road, south of Keel Beach Road.



Photo 4: Jeep road in the background and lava field, facing east (mauka).

EXHIBIT 4D

PROJECT SITE PHOTOS

-  Project Area
-  Reconnaissance Survey Area
-  Existing Water Line
-  Historic Property
-  Wall
-  Trail
-  Trail (disturbed)
-  Enclosure
-  Historic Property Area

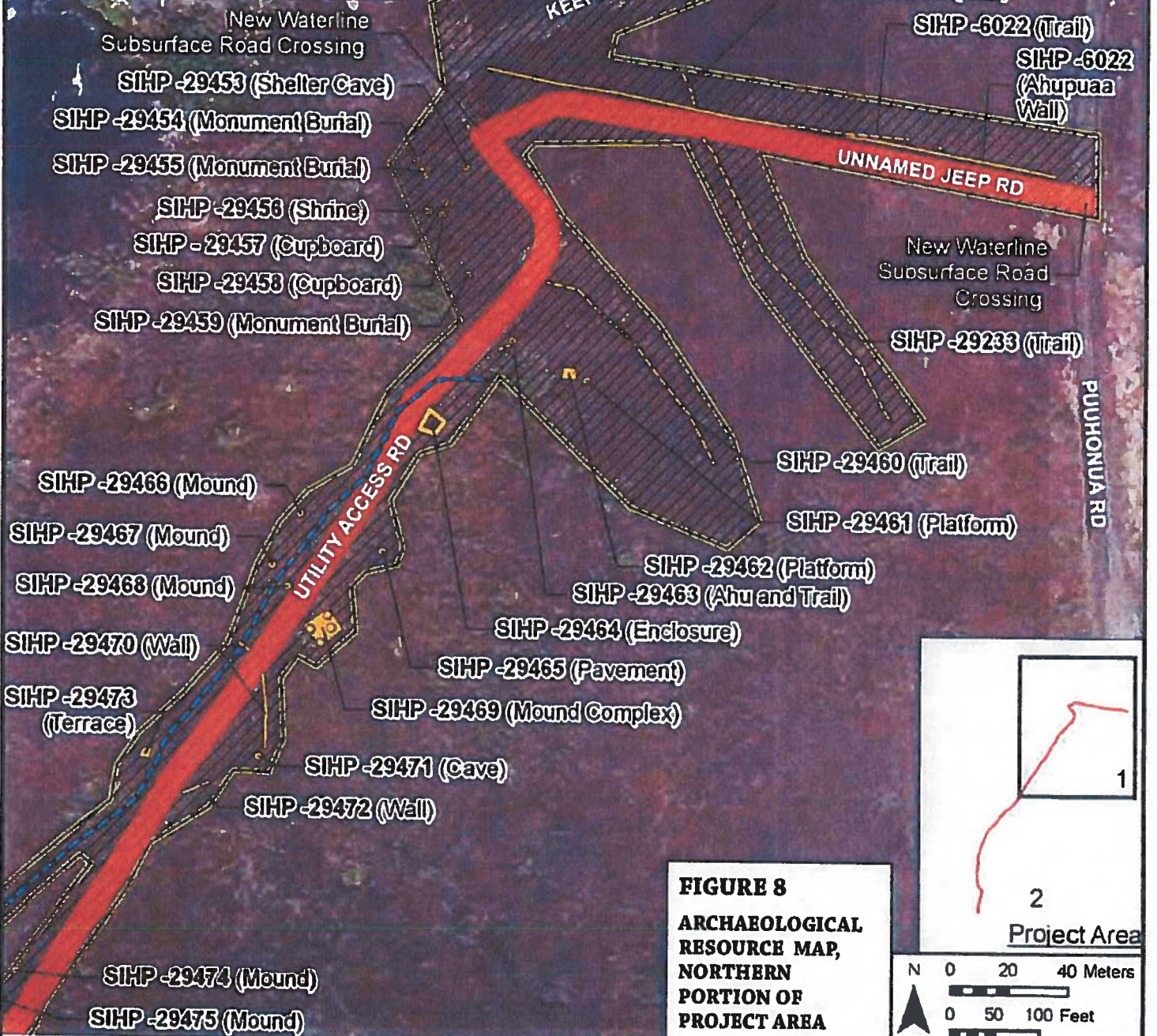
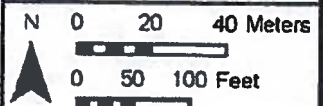
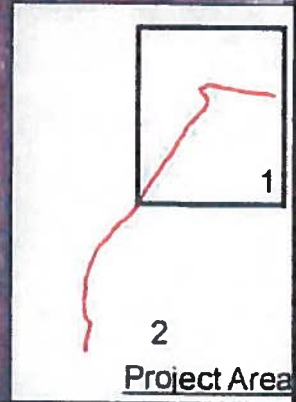
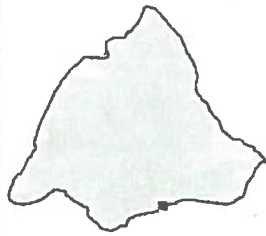


FIGURE 8
ARCHAEOLOGICAL
RESOURCE MAP,
NORTHERN
PORTION OF
PROJECT AREA



**FIGURE 3
WATER
IMPROVEMENTS**



Island of Hawaii

Legend

-  Project Boundary
-  Tax Map Key
-  Proposed 8" Waterline Alignment
-  Existing Drisco

Scale

0 500 1,000 Feet
 1 inch equals 1,000 feet



Photo

PUUHOHUA RD
 KEAWAHI RD
 KAHAILOA RD
 KAHUVOA ST
 MANHI BEACH RD
 KEI BEACH RD
 KEI BEACH RD