

**Attachment C**

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Office of Conservation and  
Coastal Lands Letter,  
October 8, 2013

Office of Conservation and  
Coastal Lands Letter,  
January 22, 2014

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

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  
ENFORCEMENT AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISI AND RESERVE COMMISSION  
LAND  
STATE PARKS

REF:OCCL:TM

Site Plan Approval: HA 14-11

Tracy Fukuda  
Wilson Okamoto Corp.  
1907 South Beretania St., Suite 400  
Honolulu, HI 96826

OCT - 8 2013

TF

SUBJECT: Site Plan Approval (SPA) for Improved Showers/Comfort Facility for Halau Maluhia Improvements at Ke'ei Village, South Kona, Hawai'i, TMK: (3) 8-3-004:001

Dear Ms. Fukuda:

The Office of Conservation and Coastal Lands (OCCL) has reviewed your request regarding the subject matter. According to your information, the existing shower and restroom facilities do not accommodate existing users. Landowner, Kamehameha Schools is proposing to construct a 2,000-ft<sup>2</sup> shower/restroom facility consisting of 8 exterior shower stalls and separate male/female restrooms. The facility is proposed west of the Halau in an already disturbed area. An archaeological inventory survey and biological survey has been completed under CDUP HA-3647 for the Ke'ei Water System. An improved aerobic system approved in March 2013 via SPA HA 13-45 will accommodate the facility.

ANALYSIS

The subject area appears to be located in the State Land Use Conservation District, General subzone. Halau Maluhia has been utilized as a facility prior to the advent of the Conservation District; therefore this is a nonconforming facility. The proposed improvement is an identified land use pursuant to the Hawaii Administrative Rules (HAR) §13-5-22, P-9, B-1, STRUCTURES, ACCESSORY, which specifically allows, construction or placement of structures accessory to existing facilities or uses.

The improvements are proposed for a previously disturbed area; are minor in scope and may be considered an exempt action under HAR, §11-200-8(a) (6) construction or placement of minor structures accessory to existing facilities. After careful review, authorization is hereby granted for a 2,000-ft<sup>2</sup> restroom/shower facility located at Ke'ei, South Kona, TMK: (3) 8-3-004:001 subject to the following terms and 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;

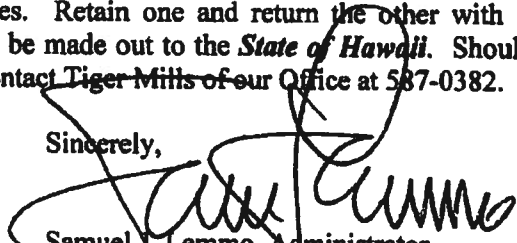
- (2) The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, 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 obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
- (5) 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;
- (6) The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
- (7) 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;
- (8) 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;
- (9) 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;
- (10) 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
- (11) Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
- (12) Other terms and conditions as may be prescribed by the Chairperson; and
- (13) Failure to comply with any of these conditions shall render this approval null and void.

Tracy Fukuda  
Wilson Okamoto Corp.

Site Plan Approval: HA 14-11

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 with a Site Plan Approval fee of \$50.00. Checks should be made out to the *State of Hawaii*. Should you have any questions regarding this approval, contact Tiger Mills of our Office at 587-0382.

Sincerely,



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

Receipt acknowledged:

*Alh A Suh*

Date October 15, 2013

Applicant's Signature

C: HDLO  
County of Hawaii, Planning Dept.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

MA  
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  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF:OCCL:TM

Correspondence: HA 14-104

Milton Arakawa, Project Mgr.  
Wilson Okamoto Corp.  
1907 South Beretania St.  
Artesian Plaza, Suite 400  
Honolulu, HI 96826

JAN 27 2014  
RECEIVED  
OFFICE OF CONSERVATION AND COASTAL LANDS

JAN 22 2014

**SUBJECT: Provision of Electrical Service to Hālau Maluhia and Comfort Facility Located at Ke`ei, South Kona, Hawai`i, TMK: (3) 8-3-004:001**

Dear Mr. Arakawa:

The Office of Conservation and Coastal Lands has reviewed your request regarding the subject matter. According to your information, the landowner would like to replace/relocate 3 existing utility poles and may add up to 2 additional utility poles. The landowner will be working with the electrical and telephone service providers to determine the best location for the utility poles.

The Department has recently authorized Conservation District Use Permit (CDUP) HA-3647 for the Ke`ei Water System; Site Plan Approval (SPA) HA 13-45 for an aerobic wastewater system; and SPA HA 14-11 for an improved comfort facility. On behalf of the landowner, you are requesting that SPA HA 14-11 be amended to include the proposed utility pole improvements that will facilitate the comfort station.

Staff notes Hālau Maluhia is a nonconforming facility and that an archeological inventory and biological survey has been completed of the area under CDUP HA-3647. The improvements are proposed in a previously disturbed area and are minor in scope and may be considered exempt from environmental review under the Hawaii Administrative Rules, §11-200-8(a)(6) construction or placement of minor structures accessory to existing facilities.

The OCCL has no objections to the replacement and potential addition of up to 2 utility poles at the subject location provided that the terms and conditions of attached CDUP HA-3647 and SPA HA 14-11 are adhered to. Should you have any questions regarding this matter contact Tiger Mills of our Office at (808) 587-0382.

Sincerely,

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

C: Hawai`i County- Planning Dept.

NEEL ABERCROMBIE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
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WILLIAM J. ARLA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCES MANAGEMENT

ESTHER KOLA'AINA  
FIRST DEPUTY

WILLIAM M. TANI  
DEPUTY DIRECTOR - WATER

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

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KAIKULAWE DIVISION AND RESOURCES COMMISSION  
LAND  
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REF:OCCL:TM

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Wilson Okamoto Corp.  
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OCT - 8 2013

TF

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ANALYSIS

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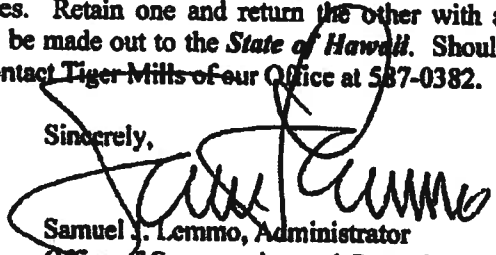
- (2) The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, 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 obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
- (5) 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;
- (6) The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
- (7) 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;
- (8) 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;
- (9) 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;
- (10) 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
- (11) Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
- (12) Other terms and conditions as may be prescribed by the Chairperson; and
- (13) Failure to comply with any of these conditions shall render this approval null and void.

Tracy Fukuda  
Wilson Okamoto Corp.

Site Plan Approval: HA 14-11

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Sincerely,



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

Receipt acknowledged:

Alh A Suh  
Applicant's Signature

Date October 15, 2013

C: HDLO  
County of Hawaii, Planning Dept.



NEEL ABERCROMBIE  
GOVERNOR OF HAWAII



WILLIAM J. ALLA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
  
ESTHER KIA'AINA  
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WILLIAM M. TAM  
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KAOLOAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

STATE OF HAWAII MAR 27 A 10:24  
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

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;

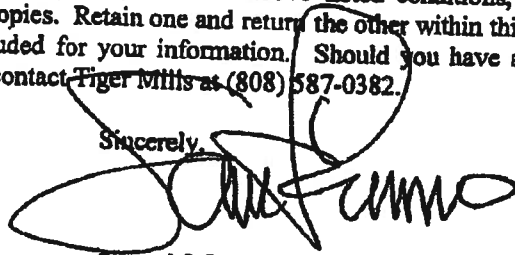
- 7) Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three years of the approval of such use. The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

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

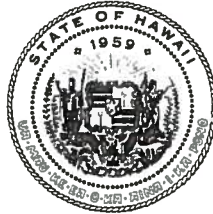
c: Chairperson  
HDLO  
County of Hawai'i, Planning Dept.  
HPD

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



PLANNING DEPARTMENT  
COUNTY OF HAWAII

2014 JAN 28 AM 7:37



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

ESTHER KIA AINA  
FIRST DEPUTY

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AQUATIC RESOURCES  
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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

Correspondence: HA 14-104

JAN 22 2014

Milton Arakawa, Project Mgr.  
Wilson Okamoto Corp.  
1907 South Beretania St.  
Artesian Plaza, Suite 400  
Honolulu, HI 96826

SUBJECT: Provision of Electrical Service to Hālau Maluhia and Comfort Facility Located at Ke`ei, South Kona, Hawai`i, TMK: (3) 8-3-004:001

Dear Mr. Arakawa:

The Office of Conservation and Coastal Lands has reviewed your request regarding the subject matter. According to your information, the landowner would like to replace/relocate 3 existing utility poles and may add up to 2 additional utility poles. The landowner will be working with the electrical and telephone service providers to determine the best location for the utility poles.

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The OCCL has no objections to the replacement and potential addition of up to 2 utility poles at the subject location provided that the terms and conditions of attached CDUP HA-3647 and SPA HA 14-11 are adhered to. Should you have any questions regarding this matter contact Tiger Mills of our Office at (808) 587-0382.

Sincerely,

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

C: Hawai`i County- Planning Dept.

