

BENJAMIN J. CAYETANO
Governor of Hawaii



Chairperson
MICHAEL D. WILSON
Board of Land and Natural Resources

Deputy Director
GILBERT COLOMA-AGARAN

REF: OCEA: SL

STATE OF HAWAII RECEIVED
DEPARTMENT OF LAND AND NATURAL RESOURCES
95 DEC -6 P2:27

P. O. Box 621
Honolulu, Hawaii 96809

OFC. OF ENVIRONMENTAL
QUALITY CONTROL

Aquaculture Development
Aquatic Resources
Boating and Ocean Recreation
Bureau of Conveyances
Conservation and Environmental Affairs
Conservation and Resources Enforcement
Forestry and Wildlife
Historic Preservation
Land Management
State Parks
Water and Land Development

In reply, please refer
to File No.: OA-2792

MEMORANDUM

DEC 5 1995

TO: Mr. Gary Gill, Director
Office of Environmental Quality Control

FROM: Michael D. Wilson, Chairperson *Michael D. Wilson*
Board of Land and Natural Resources

SUBJECT: Negative Declaration for the After-the-Fact Installation
of an 8-inch Sewer Main at Keolu Hills, Kailua, Oahu,
TMK: 4-2-97: 24

The Department of Land and Natural Resources has reviewed the comments received during the 30-day public comment period which began on October 23, 1995. We have determined that this project will not have significant environmental effect and have issued a negative declaration determination. Please publish this notice as soon as possible in the OEQC Bulletin.

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the final EA. Please contact Sam Lemmo at 587-0435 should you have any questions.

Attachment

xc: Fred Rodriguez
James E. Hallstrom

9398

170

1995-12-23-OA-PEA- after the fact installation of sewer transmission
line within conservation district by Keolu Summit ^{DEC 23 1995}

FILE COPY

FINAL ENVIRONMENTAL ASSESSMENT

IN ANTICIPATION OF A NEGATIVE DECLARATION

FOR

**AFTER THE FACT INSTALLATION
OF SEWER TRANSMISSION LINE
WITHIN CONSERVATION DISTRICT
KEOLU HILLS, KAILUA, OAHU, HAWAII**

TMK: 4-2-97: por 24

PREPARED FOR:

KEOLU SUMMIT INC.

DECEMBER, 1995

PREPARED BY

ENVIRONMENTAL COMMUNICATIONS

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EXHIBIT

- A. Conservation District Use Violation Documents and Findings

I SUMMARY

**CHAPTER 343, HAWAII REVISED STATUTES (HRS)
ENVIRONMENTAL ASSESSMENT (E.A.)**

Action: APPLICANT

Project Name: Keolu Summit, Inc. for unauthorized sewer installation within the State Conservation District.

Project Description: The unauthorized installation of an 8-inch sewer line within the Conservation District, Keolu Hills, Kailua, Oahu, Hawaii

Project Location: The subject parcel (Board of Water Supply) is on the Windward side of Oahu.
(See Figure 1).

Tax Map Key: 4-2-97: por 24 (formerly 4-2-04: por. 1)

Area: 62, 171 sq. ft. Actual use: 972 sq. ft. est. 324' x 3'

State Land Use Designation: Conservation (See Figure 2)

County Zoning Designation: P-1

Landowner: Board of Water Supply

Contact: F.J. Rodriguez
c/o Environmental Communications
81 South Hotel Street, Suite 211
Honolulu, HI 96813
Tel: 528-4661

This Environmental Assessment is required under provisions of Chapter 343, Hawaii Revised Statutes governing State lands designated in the Conservation District. The project has been completed and installed, violation acknowledged, and penalties paid. All processing has been in accordance with Title 13, Chapter 5, Hawaii Administrative Rules (HAR) and Chapter 183C, Hawaii Revised Statutes HRS), and more specifically, Sections 13-5-6 (c) and 13-5-31 (e) Hawaii Administrative Rules (HAR). Please refer to Exhibit A, " Conservation District Use Violation dated July 14, 1995."

II. GENERAL DESCRIPTION OF THE ACTION'S CHARACTERISTICS

A. INTRODUCTION

Keolu Summit, Inc. is complying with the requirement of preparing and processing an after the fact Conservation District Use Permit (CDUP). The initial document required is the Environmental Assessment in anticipation of a Negative Declaration. In terms of processing the EA/Neg.Dec., the accepting authority is the Department of Land and Natural Resources, State of Hawaii. Upon completion of the EA/Neg.Dec. process, the applicant's CDUP will then be presented to the Board of Land and Natural Resources (BLNR) for review and determination.

B. TECHNICAL CHARACTERISTICS

At the present time, the site is part of the parcel identified as TMK: 4-2-97: por 24, which is used for the Kaopa 272 foot Reservoir and access road. 33 acres of this parcel is designated Conservation. A previous CDUP (OA 1458) had been processed and approved for the Board of Water Supply (BWS) facility.

The sewer line installation violation is the result of Keolu Summit, Inc. failing to obtain all required permits and approvals from the various government agencies. Permission from the BWS was explicit in this regard.

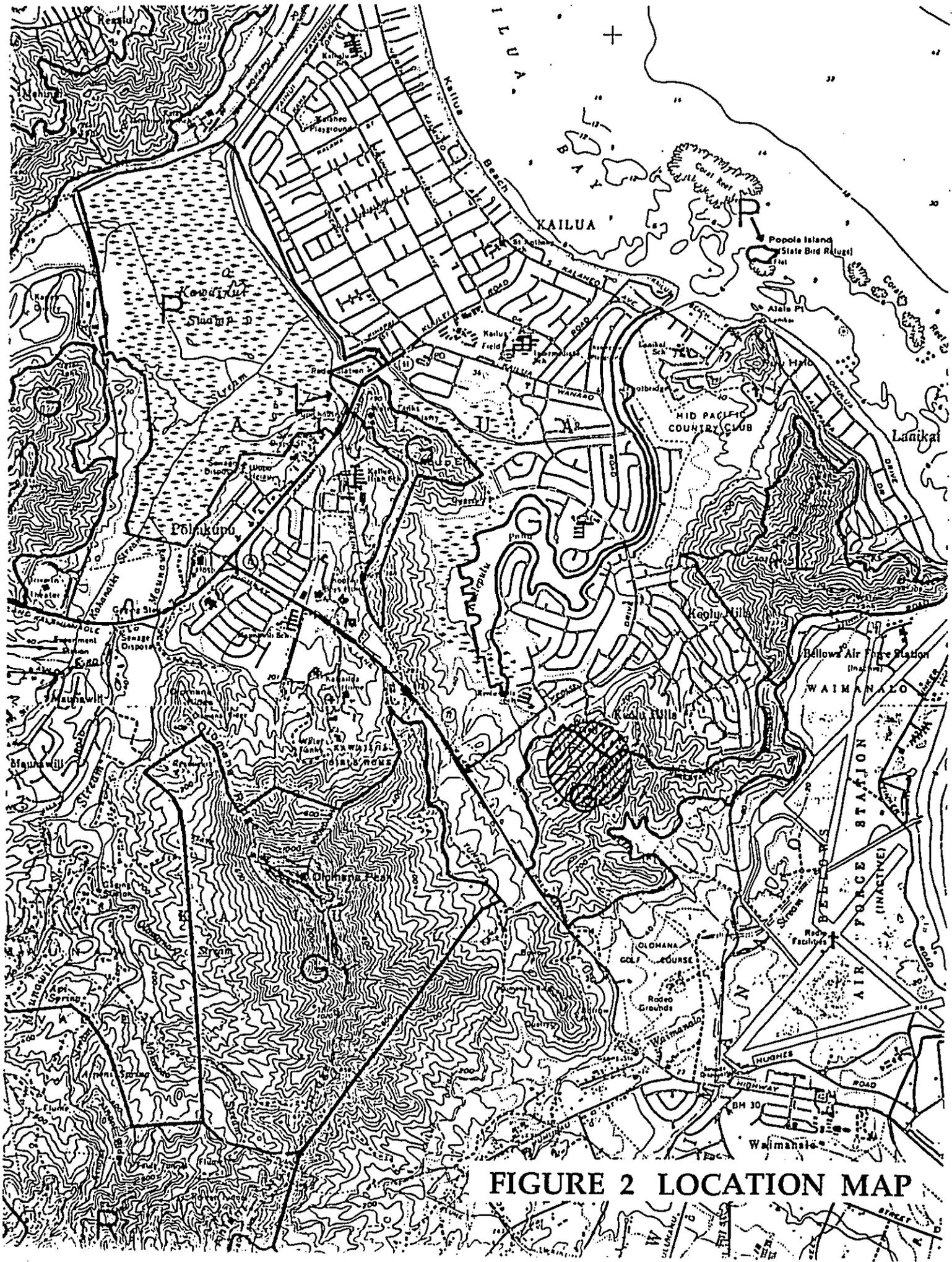
The part of the violation over BWS lands, TMK: 4-2-97: 24, is identified by the highlighted roadway. (See Figure 3). Onsite photographs further identify the sewer alignment on the subject parcel. (See Figure 4).

C. SOCIO-ECONOMIC CHARACTERISTICS

As previously described, the purpose of this after the fact Environmental Assessment is to comply with State DLNR requirements in the processing of the CDUP application.

D. ENVIRONMENTAL CHARACTERISTICS

There will be no physical environmental impacts resulting from this action.



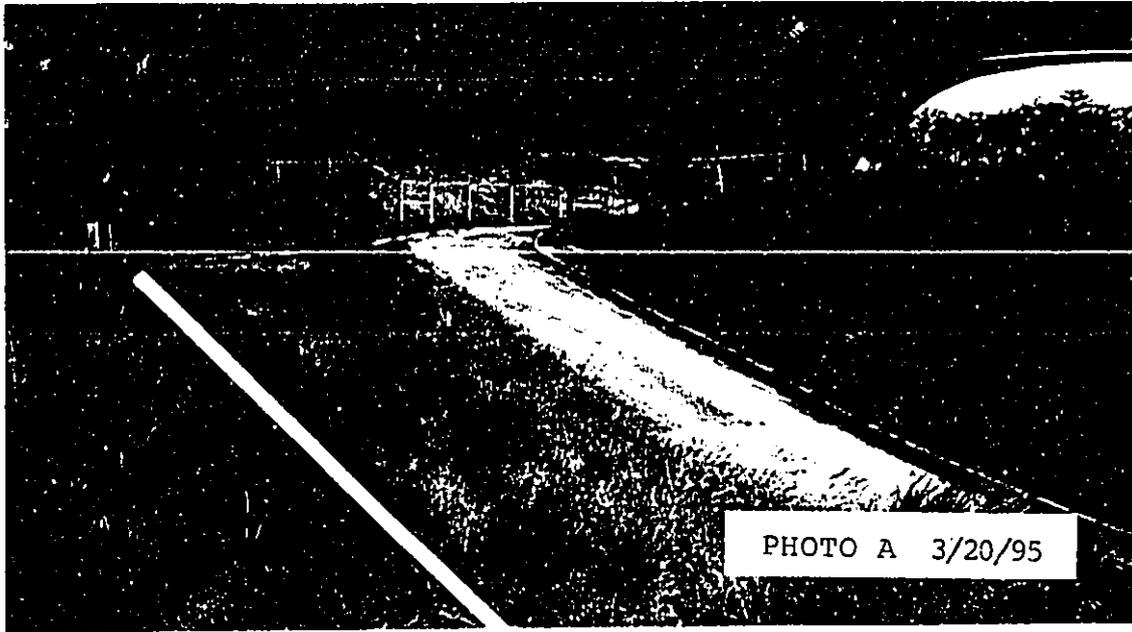


PHOTO A 3/20/95



PHOTO B 3/20/95

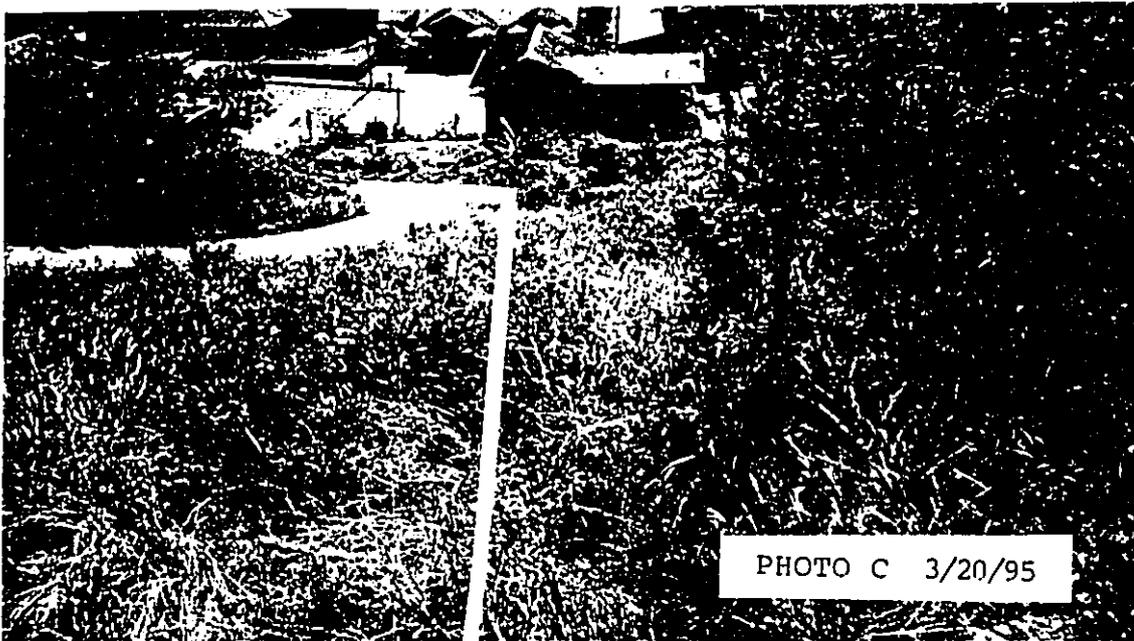


PHOTO C 3/20/95

TMK 4-2-97:48

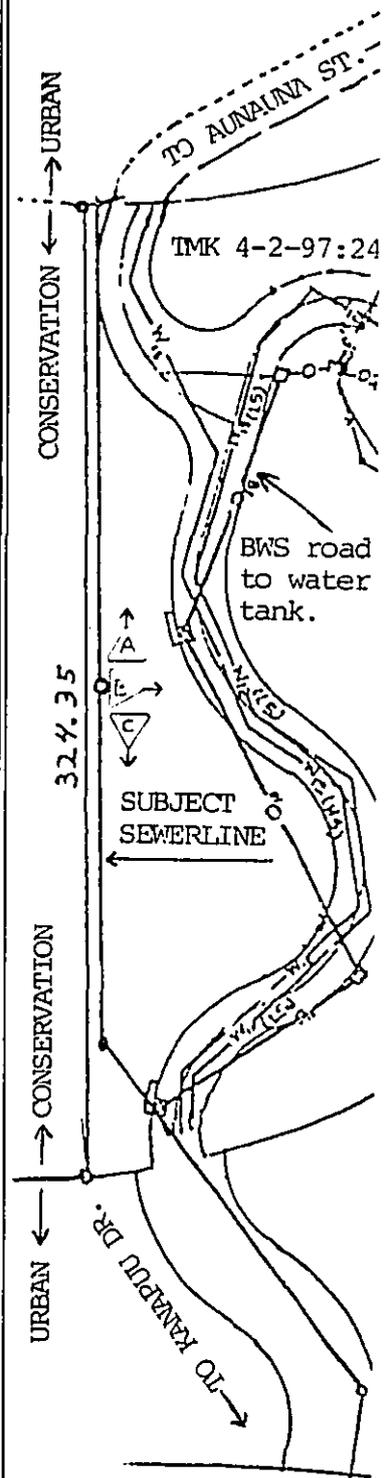


FIGURE 4

Ground Perspective of

TMK: 4-2-97: 24

Photo A Looking East

Photo B Looking South

Photo C Looking West

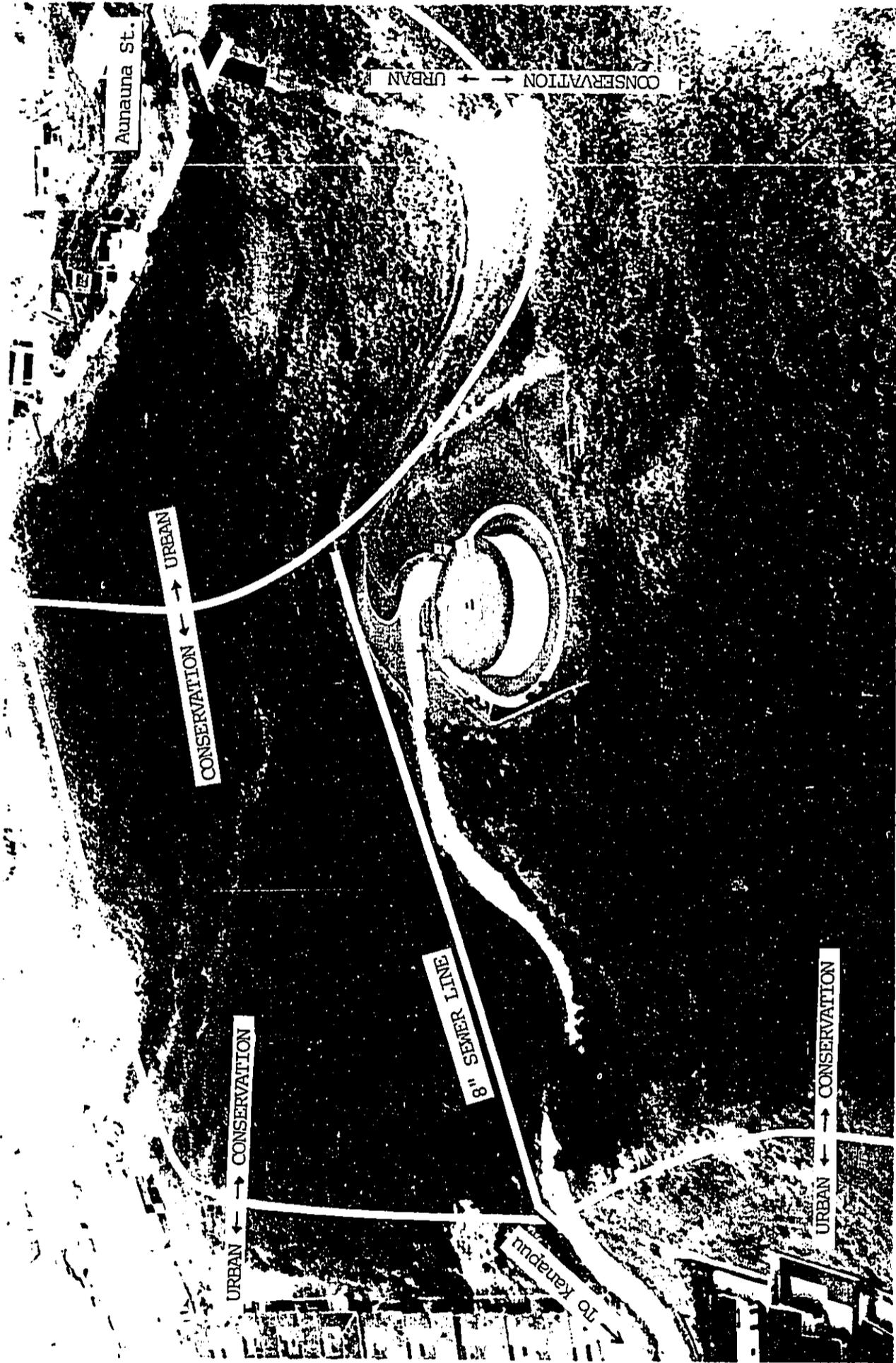


Figure
Aerial Perspective of
8" Sewerline
TMK: 4-2-97:24
Looking North

E. FUNDING AND PHASING

All expenses for the proposed actions, i.e. the after the fact CDUP and attendant EA/Neg. Dec., will be borne by the applicant, Keolu Summit, Inc. These will include the document preparation and processing of land use policy changes with the State Department of Land and Natural Resources, Office of Conservation and Environmental Affairs.

III. THE AFFECTED ENVIRONMENT

A. GEOGRAPHIC CHARACTERISTICS

The proposed site is located in the Soil types that prevail on the subject parcel include the following:

Loleka'a and Papa'a Silty Clays. These series of soils consist of well drained soils on uplands on the island of Oahu, and especially on the windward side. Elevations range from sea level to nearly 500 feet. The annual rainfall amounts to 30 to 45 inches annually, falling predominantly in November and April. The lands are used primarily for pasture. The natural vegetation consists of guava, Java plum, klu, koa haole, Christmas berry, sourgrass and rice grass.

Soil Survey of Island of Hawaii, State of Hawaii. United States Department of Agriculture Soil Conservation Service in cooperation with University of Hawaii Agricultural Experiment Station, issued December, 1973.

B. HYDROLOGICAL CHARACTERISTICS

The subject parcel is identified in the Flood Insurance Rate Map as Zone X, "areas determined to be outside 500 year flood plain." The project is installed below grade and will not impact the existing surface on grade conditions.

C. BIOLOGICAL CHARACTERISTICS

The project site is located in a Preservation P-1 zoning area, and the subject State of Hawaii parcel is designated Conservation on the State Land Use Commission maps. Any existing eco-systems will remain in their existing condition and will not be subject to physical change. Flora and fauna, including avifauna, are almost entirely introduced species and are not endangered or protected varieties.

D. SERVICE FACILITIES AND PUBLIC UTILITIES

This project will not require basic utilities, i.e. electrical power, sewerage, drainage, and telephone service.

E. ARCHAEOLOGICAL SITES

There has been no onsite inspection conducted for archaeological sites. In view of the nature of the proposed action, there will not be any change to the land.

F. AESTHETICS AND VISUAL CHARACTERISTICS

The project is in a P-1 zoned district, and the aesthetics and visual characteristics for the subject parcel are consistent with the adjacent area.

IV. SUMMARY OF MAJOR IMPACTS AND MITIGATION MEASURES

The project is not anticipated to have significant environmental impacts. The site is in an undeveloped area and except for the BWS Kaopa 272 Reservoir and Access Road, will remain in the existing condition.

V. ALTERNATIVES CONSIDERED

A. ALTERNATIVE LOCATIONS

There are no alternative sites considered for this project since the installation of the 8-inch sewer line is complete and in place.

B. DO-NOTHING ALTERNATIVE

The "Do-Nothing" alternative was not considered a viable alternative since the Keolu Summit, Inc. could not seek connections at the initial location. This was due to the fact that the Wastewater Treatment Plant at Kailua was at capacity. Connection to the Waimanalo Wastewater Treatment Plant was the only viable alternative.

VI. DETERMINATION, FINDINGS, AND REASONS SUPPORTING DETERMINATION

After completing an assessment of the potential environmental effects from the project, and consulting with other government agencies, it has been determined that an Environmental Impact Statement (EIS) is not required. Therefore, the Department of Land and Natural Resources anticipates the issuance of a Notice of Negative Declaration.

1. The proposed action consists entirely of the after the fact compliance with the CDUP administrative rules contained in Title 13, Chapter 5 Hawaii Administrative Rules.
2. There will be no degradation of existing ambient air and noise levels.
3. There are no known endangered species of animal or plant varieties within the project site.
4. There are no known natural, historic, or archaeological sites within the project site.
5. There will be no secondary adverse effects on future development, population, and public facilities.

This project will have no significant environmental effects and will provide sewer transmission capacity to the adjacent Keolu Hills residential subdivision.

VII. LIST OF PREPARERS

Environmental Communications.

Sato & Associates, Inc.

EXHIBIT A

CONSERVATION DISTRICT USE VIOLATION DOCUMENTS AND FINDINGS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Environmental Affairs
Honolulu, Hawaii

FILE NO.: OA-1458

July 14, 1995

Board of Land and
Natural Resources

CONSERVATION DISTRICT USE VIOLATION

REGARDING: Unauthorized Installation of an 8-inch Sewer Line within Conservation District Land for which Conservation District Use Permit (CDUP) OA-1458 for the Kaopa 272 Reservoir and Access Road was previously approved.

"APPLICANT": Keolu Summit, Inc.
1001 Bishop Street
Honolulu, Hawaii 96813

AGENT: Lincoln J. Ishida, esq.
Kaito & Ishida
Penthouse, Charles R. Kendall Bldg.
888 Mililani Street
Honolulu, Hawaii 96813

LANDOWNER: Board of Water Supply
City and County of Honolulu
630 South Beretania Street
Honolulu, Hawaii 96843

LOCATION/
TMKs: Keolu Hills, Kailua, Oahu (see Exhibit 1)
4-2-97: por. 24
(formerly 4-2-04: por. 1)

AREA OF PARCEL/
USE: 62,171 sq./ft.
972 sq./ft. est. (324' x 3')

SUBZONE: General "G"

BACKGROUND:

By letter dated March 24, 1995, Keolu Summit, Inc. ("applicant"), through their attorney, disclosed that an 8-inch sewer line had been constructed within Conservation District without explicit authorization from either the Department or the Board of Land and Natural Resources (Board) (Exhibit 2).

By letter dated May 23, 1995, the Department responded to Keolu Summit, Inc., indicating that the subject construction was an apparent violation which had to be resolved by the Board prior to any application for an after-the-fact CDUP (Exhibit 3).

CHRONOLOGY OF PREVIOUS CDUP ACTIVITY AT THIS PROPERTY:

<u>Date</u>	<u>Event</u>
June 25, 1982	The Board approved CDUP OA-1458 for construction of the Kaopa 272-foot Reservoir, access road, utility easements (water line and storm drainage) on then TMK: 4-2-04: 1. The applicant was Gray Hong & Associates for the then landowner, Lone Star Hawaii, Inc. This CDUP was subject to seven (7) Conditions (refer to attachment to Exhibit 3).
July 29, 1982	The applicant in OA-1458 requested confirmation that they could relocate the construction of the Kaopa 272 reservoir approximately 800 feet from the Board approved location. The relocation was claimed necessary due to steeper slopes found after the completion of a field topographic survey.
December 20, 1982	The City and County of Honolulu, Department of Land Utilization also requested clarification on whether there were any objections to the subdivision of the reservoir and access road.
April 12, 1983	The Department responded that it had no objections to the subdivision of the reservoir parcel.
November 16, 1984	The Department approved the subdivision of the Kaopa Unit IV subdivision.

DISCUSSION:

Pursuant to Sections 13-5-6(c) and 13-5-31(e), Hawaii Administrative Rules (HAR), "No permit application shall be processed by the department until any violations pending against the subject parcel are resolved." The Board's approval of CDUP OA-1458 and subsequent subdivision did not include the installation of any wastewater related easements or pipelines.

Board of Land and
Natural Resources

CDUP OA-1458

Insofar as no authorization, acknowledgment or approval, either independent or in connection with CDUP OA-1458 was issued by the Department, the installation of the subject sewer line must be deemed a violation of the Conservation District regulations, Sections 13-5-6(c) and 13-5-31(e), HAR, and Chapter 183C-7, Hawaii Revised Statutes (HRS).

By letter dated June 19, 1995, the Board of Water Supply (BWS), the current landowner of the water reservoir parcel (TMK: 4-2-97: 24), acknowledges that it gave Keolu Hills, Inc. its approval for the subject installation but states that it:

"...gave its approval for the installation of the sewer line with the understanding that the developer (Keolu Hills, Inc.) would acquire all necessary permits and approvals from the various government agencies."

(Exhibit 4)

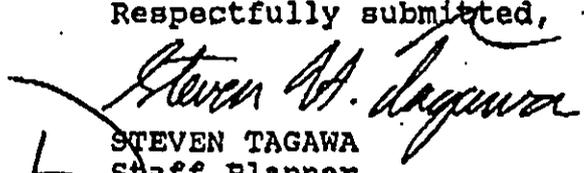
ANALYSIS:

Inasmuch as compliance with the Conservation District regulations and any CDUP conditions or restrictions "run with the land" and therefore is the responsibility of the landowner, any fine and or penalties must be issued to the landowner. Any subsequent assignment of liability/responsibility for such fines or penalties is a matter that should be resolved between the landowner and any successors, assigns, officers, employees, contractors or agents.

RECOMMENDATION:

Therefore, staff recommends that a \$2,000 fine be imposed on the landowner, the Honolulu Board of Water Supply, with the subsequent follow-up actions, including the requisite after-the-fact CDUP application or amendment to CDUP OA-1458, be affirmed as the responsibility of the landowner or its chosen assignee.

Respectfully submitted,


STEVEN TAGAWA
Staff Planner

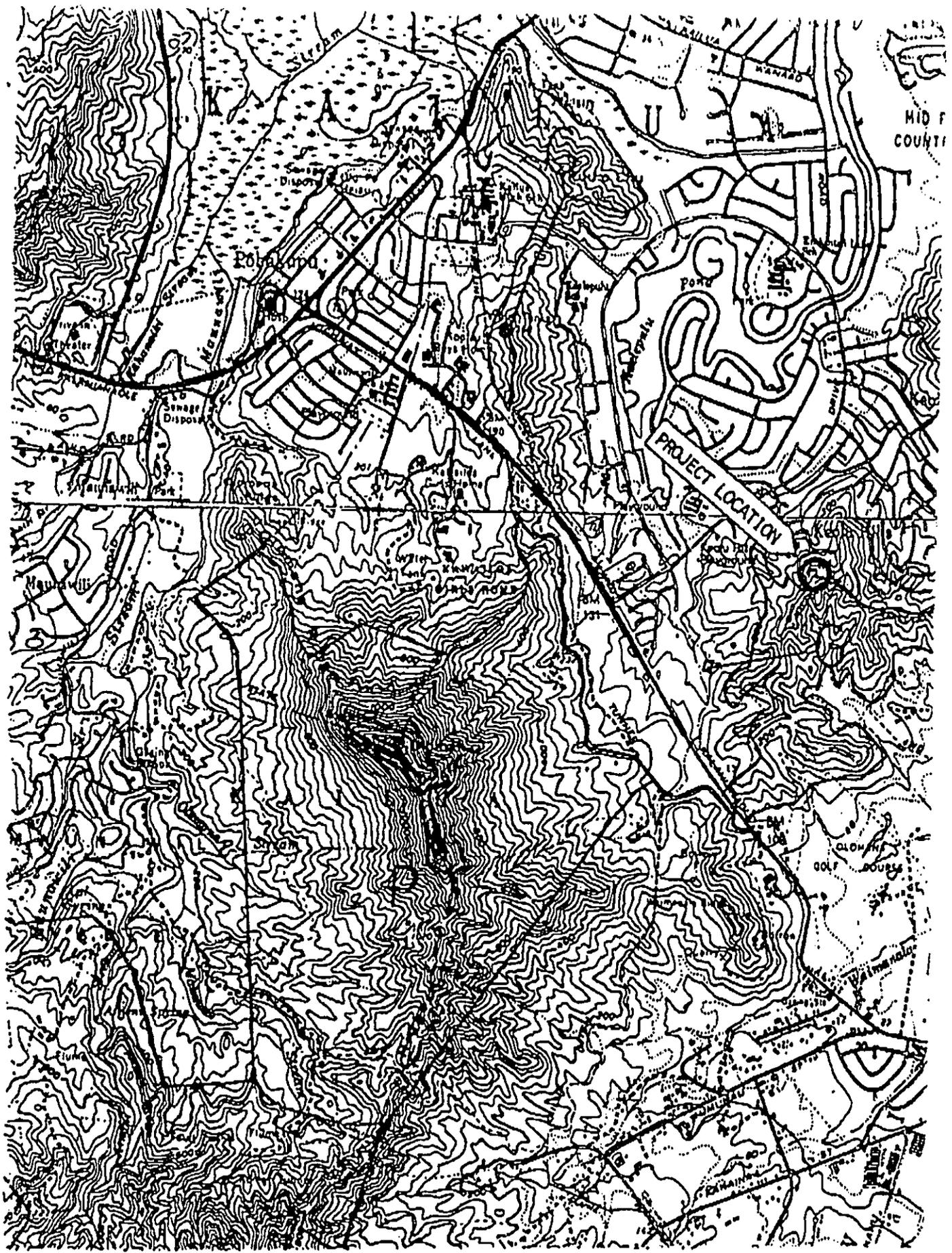
Attachment(s)

Board of Land and
Natural Resources

CDUP OA-1458

Approved for Submittal:

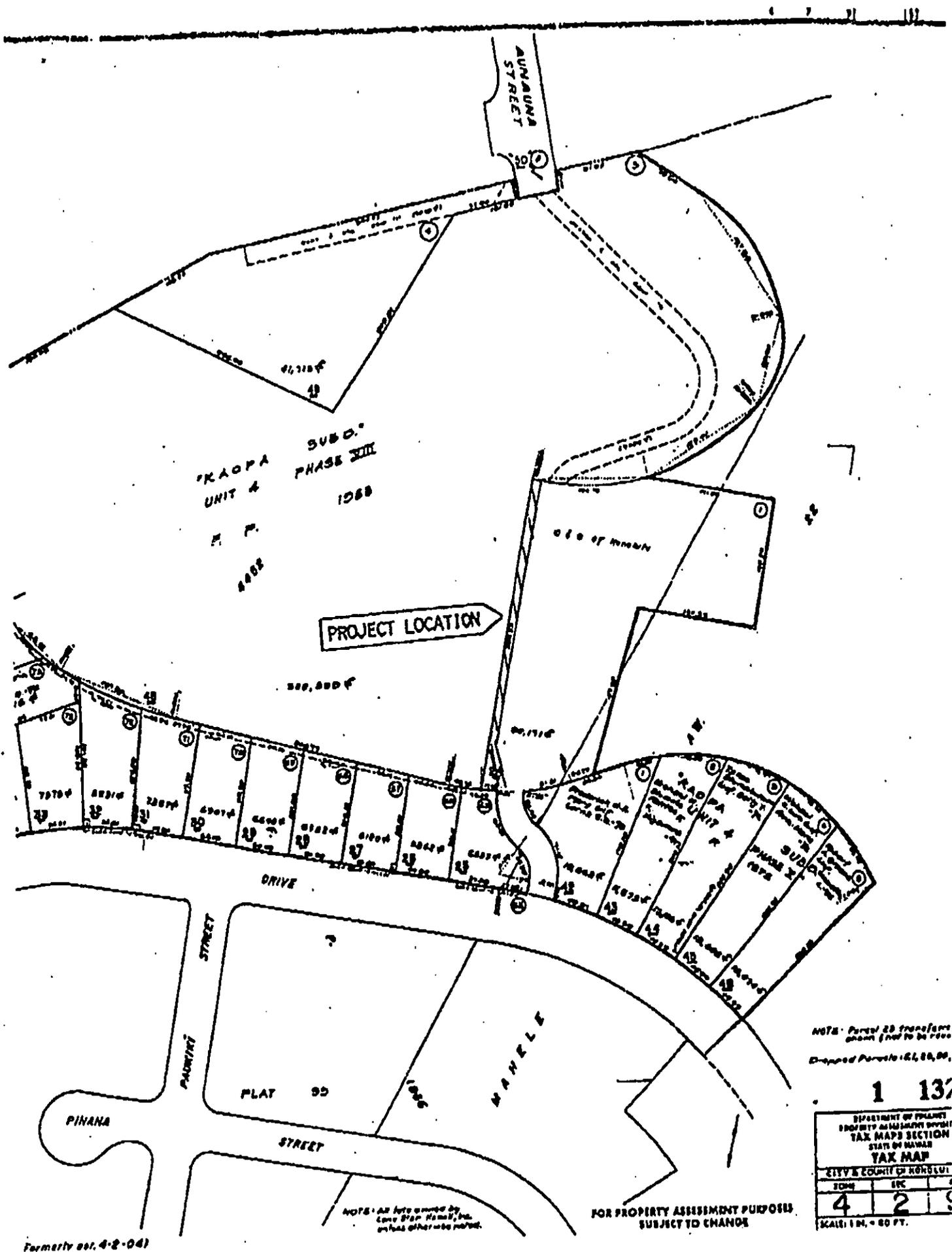
Dillon S. Coloma-Agaran
for MICHAEL D. WILSON, Chairperson
BOARD OF LAND AND NATURAL RESOURCES



CDUP OA-1458

EXHIBIT 1

(2 of 3)



CDUP OA-1458

EXHIBIT 1

LAW OFFICES
KAITO & ISHIDA

LINCOLN J. ISHIDA
NELSON T. NAGAUE
MARSHALL D. CHINEN

BEN F. KAITO
OF COUNSEL

PENTHOUSE, CHARLES R. RENDALL BLDG
888 MILILANI STREET
HONOLULU, HAWAII 96813
TELEPHONE (808) 538-4878
FACSIMILE (808) 538-6678

March 24, 1995

Michael D. Wilson, Esq., Chairperson
Department of Land and Natural
Resources
State of Hawaii
1151 Punchbowl Street
Honolulu, Hawaii 96813

Re: Keolu Summit Inc. (Keolu)

Dear Mr. Wilson

This office represents the above corporation, owner of that parcel of land in Kailua, Hawaii, identified as Tax Map Key No. 4-2-97:48.

Keolu is the developer of a residential project on this parcel. The development process was initiated in June, 1989 and the project, save and except for the construction of the projected residential homes, is almost complete. What remains is the designation of two sewer line easements preliminary to dedicating them to the City and County of Honolulu for maintenance purposes.

It was upon application for this designation that it was determined that one line was installed within property in the Conservation District.

This communication is being sent you to set forth all pertinent facts involved in this project and to seek your assistance toward a resolution of this matter.

An application was submitted in June, 1989 to the City and County of Honolulu to have this property (also identified as Lot 3 of File Plan 1953) subdivided into 3 lots. Keolu intended to develop a project of 6 or more residential units on these lots.

The proposed sewer connection to service the project at that time was to be at Aunauna Street. Based on a determination by the Department of Public Works of the City that the sewer system which would service this subdivision was inadequate, this initial application was denied on November 6, 1989. (Exhibit 1).

CDUP OA-1458

EXHIBIT 2

(1 of 16)

195
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DLNR
OCEA
Handwritten initials

REF:OCEA:TES

FILE NO.: 95-455

Mr. Lincoln J. Ishida
Kaito & Ishida
Penthouse, Charles R. Kendall Bldg.
888 Mililani Street
Honolulu, Hawaii 96813

MAY 23 1995

Dear Mr. Ishida:

SUBJECT: Unauthorized Sewer Line Construction within the
Conservation District at Keolu, Puheke, Kailua, Oahu,
TMK: 4-2-97: por. 24

We have reviewed your letter and information regarding the subject construction received on March 29, 1995, and confirm that the area is located within the General "G" subzone of the Conservation District and that we have no record of any authorization for these sewer lines.

Notwithstanding any implied authorization or possible oversight by the City and County of Honolulu's Department of Public Works (DPW) and/or the Board of Water Supply (BWS), all construction within the Conservation District is subject to the regulations of Title 13, Chapter 5, Hawaii Administrative Rules (HAR), which are administered by the Board of Land and Natural Resources (Board).

As an apparent violation of these regulations, the BWS as the landowner, as well as your client may be subject to penalties and/or corrective action pursuant to Section 13-5-6, HAR and Chapter 183C-7 Hawaii Revised Statutes (HRS). Consequently, this matter has been tentatively placed on the Board's agenda for the next scheduled Oahu meeting on July 14, 1995. At this meeting your client and BWS will have an opportunity to present testimony. Prior to this meeting, we will send you a copy of our staff's write-up ("submittal") and recommendation.

We should point out that we do not share your contention that "all pertinent facts involved in this project" have been presented. Although you state that "upon application for this (sewer easements) designation that it was determined that one line was installed within property in the Conservation District," Keolu Summit's application to the Department of Land Utilization (your Exhibit 5) clearly identified parcel 24 as being zoned P-1, areas designated within the State Conservation District.

CDUP OA-1458

EXHIBIT 3

(1 of 4)

Mr. L. Ishida

- 2 -

File No.: 95-455

Furthermore, there have been numerous Boundary Interpretations (B.I.) issued by the State Land Use Commission relative to the Kaopa Unit 4 subdivision, which delineate the Conservation District boundaries in this area. In fact, B.I. No. 89-38 which clearly shows the area in question to be located within the Conservation District (your Exhibit 2), was requested by and provided to the same engineering firm, Richard M. Sato & Associates, Inc., some four (4) months before they were notified of the subdivision's disapproval back in 1989 (your Exhibit 1).

It is also a "pertinent fact" that the BWS's Kaopa 272 reservoir itself and the 320+ lineal feet of access roadway were authorized for construction only after the approval of Conservation District Use Permit (CDUP) OA-1458 on June 25, 1982 (enclosed). Any alteration or expansion of this facility would have required some form of clearance, approval or amendment to this CDUP.

Having said that, we again point out that on July 14, 1995, your client, Keolu Summit, the BWS and the Department of Public Works will have an opportunity to clarify their roles in this matter, as well as disclose any future plans for this property. As mentioned previously, we will be sending you the appropriate materials prior to this meeting.

Should you have any questions, please feel free to call either Roger Evans or Steve Tagawa of our Office of Conservation and Environmental Affairs at 587-0377.

Very truly yours,

/s/ GILBERT S. COLOMA-AGARAN *for*

MICHAEL D. WILSON

Enclosure

cc: BWS (w/encl.)
DPW (w/encl.)
DLU (w/encl.)
Rep. Jim Shon

ST
ST:tes

bxc: HPD, DLM

CDUP OA-1458

EXHIBIT 3

(2 of 4)

GEORGE W. ANIYOSHI
GOVERNOR OF HAWAII



DATE RECEIVED
FILE: 728-6
NO: DH ✓
SUSUMU OHNO, CHAIRMAN
BOARD OF LAND & NATURAL RESOURCES
EDGAR A. MANASU
DEPUTY TO THE CHAIRMAN
DIVISIONS:
AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES CONSERVATION AND RESOURCES ENFORCEMENT
CONSERVATION AND RESOURCES ENFORCEMENT
FORESTRY AND WILDLIFE LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621
HONOLULU, HAWAII 96809

DEPT. OF LAND
UTILIZATION
C. & C HONOLULU

JUL 8 1982

REF. NO.: CPO-5655
FILE NO.: OA-2/23/82-1458
180-day Exp. Date: 8/22/82

Mr. Daniel S.C. Hong
Gray, Hong and Associates
116 South King Street
Honolulu, Hawaii 96813

Dear Mr. Hong:

Subject: Conservation District Use Application for Construction of the Kaopa 272-foot Reservoir and Access Road with Utility Easements, Storm Drainage and Telemetry Instrumentation Systems, located at Keolu Hills, Enchanted Lakes, Kailua, Oahu, on Property Designated as TMK: 4-2-04:
Por. 1

We are pleased to inform you that the Board of Land and Natural Resources, at its meeting of June 25, 1982, approved your application subject to the following conditions:

1. That the applicant comply with all applicable statutes, ordinances, rules and regulations of the Federal, State, and City and County governments, and applicable parts of Section 13-2-21 of Title 13, Chapter 2, Departmental Administrative Rules, as amended;
2. The applicant, 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;

CDUP OA-1458

EXHIBIT 3

(3 of 4)

Mr. Daniel S.C. Hong

CPO-5655

Page 2

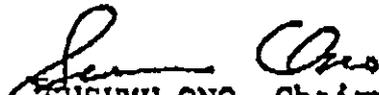
OA-1458

JUL 6 1987

3. Other terms and conditions as prescribed by the Chairman;
4. In the event any unanticipated sites or remains such as shell, bone or charcoal deposits, human burials, rocks or coral alignments, pavings, or walls are encountered during construction, the applicant shall stop work and contact the Historic Preservation Office at 548-7460 or 548-6408;
5. That the applicant comply with all applicable Public Health Regulations;
6. A fire contingency plan, acceptable to the Division of Forestry and Wildlife shall be implemented during and after the construction of the reservoir, access road with storm drain, and the installation of utilities and telemetry instrumentation system;
7. That four (4) sets of all final site, grading and landscaping plans be submitted to the Department of Land and Natural Resources for review and approval.

Should you have any questions on any of these conditions, please contact Mr. Roger C. Evans of our Planning Office at 548-7837.

Very truly yours,



SUSUMU ONO, Chairman
Board of Land and Natural Resources

UCCD

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96843



June 19, 1995

JEREMY HARRIS Mayor

WALTERO WATSON JR Chairman
MAURICE H. YAMASATO, Vice Chairman
SISTER M. DAVILYN, AN CHICK, OSF
KAZUHIYASHIDA
MELISSA Y. LUM
FORREST C. MURPHY
KENNETH I. SPRAGUE

RAYMOND H. SATO
Manager and Chief Engineer

B

Mr. Michael D. Wilson, Chairperson
Board of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Wilson:

Subject: Unauthorized Sewer Line Construction
Within the Conservation District at
Keolu, Puheke, Kailua, Oahu
Tax Map Key: 4-2-97:por. 24

RECEIVED
95 JUN 21 PM 2:20
DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

The Board of Water Supply gave its approval for the installation of the sewer line with the understanding that the developer would acquire all necessary permits and approvals from the various government agencies.

We were informed that the system would be turned over to the City for operation and maintenance so the easement over our reservoir site would be granted to the City.

Since the developer agreed to acquire all necessary approvals, we feel we should not be held liable for the violation.

Thank you for the opportunity to express our concerns on this matter.

Please call Jonathan Suzuki at 527-5244 if there are any questions.

RECEIVED
'95 JUN 23 PM 3
DLNR
OCEA

Very truly yours,

FOR RAYMOND H. SATO
Manager and Chief Engineer

BENJAMIN J. CAYETANO
Governor of Hawaii

RECEIVED
KAITO & ISHIDA



JUL 28 9 58 AM '95
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. Box 621
Honolulu, Hawaii 96809

REF:OCEA:KRM

Chairperson
MICHAEL D. WILSON
Board of Land and Natural Resources

Deputy Director
GILBERT COLOMA-AGARAN

Aquaculture Development
Aquatic Resources
Boating and Ocean Recreation
Bureau of Conveyances
Conservation and Environmental Affairs
Conservation and Resources Enforcement
Forestry and Wildlife
Historic Preservation
Land Management
State Parks
Water and Land Development

FILE NO.: OA-1458

The Honorable Raymond H. Sato,
Manager and Chief Engineer
Board of Water Supply
City and County of Honolulu
630 S. Beretania Street
Honolulu, Hawaii 96813

JUL 27 1995

Dear Mr. Sato:

Subject: Unauthorized Installation of an 8-inch Sewer Line on Conservation District Land Subject to Conservation District Use Permit (CDUP) OA-1458 for the Kaopa 272 Reservoir, Keolu, Kailua, Oahu, TMK: 4-2-97: por. 24

At its meeting of July 14, 1995 (Item H-3), the Board of Land and Natural Resources (Board) determined that the construction of approximately 324 linear feet of sewer line on the subject property was in violation of Title 13, Chapter 5, Hawaii Administrative Rules (HAR) and Chapter 183C, Hawaii Revised Statutes (HRS).

As a result of this violation, the Board imposed a fine of \$1,000 on the Honolulu Board of Water Supply (BWS) as landowner, pursuant to Sections 13-5-6(c) and 13-5-31(e), HAR, and Chapter 183C-7, HRS, and required that an after-the-fact application for a Conservation District Use Permit (CDUP), or an amendment to CDUP OA-1458 be filed with the Department and approved by the Board.

Please remit a check in the amount of the fine, made payable to the State of Hawaii. Failure to comply with this matter within sixty (60) days of the Board's decision, will result in this matter being turned over to the Department of the Attorney General for disposition, including all administrative costs.

Please acknowledge receipt of this violation decision and order in the space provided on the following page. Please sign two (2) copies. Retain one for your records, and return the other to this Department within thirty (30) days.

Mr. R. Sato

- 2 -

File No.: OA-1458

Should you have any questions on this matter, please feel free to call our Office of Conservation and Environmental Affairs staff at 587-0377.

Very truly yours,

Michael D. Wilson
MICHAEL D. WILSON

Receipt acknowledged:

Land Owner's Signature

cc: Lincoln J. Ishida
C&C of Honolulu Dept. of Public Works
C&C of Honolulu Planning Department
C&C of Honolulu Dept. of Land Utilization
Oahu Board Member
Oahu Land Agent
DOH

KEOLU SUMMIT, INC.
PAUHI TOWER, SUITE 1350
1001 BISHOP STREET
HONOLULU, HAWAII 96813

August 1, 1995

Mr. Michael D. Wilson
Chairperson
Board of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

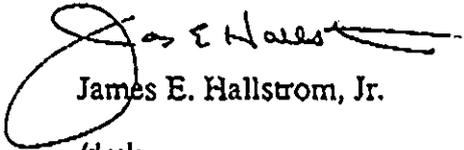
Dear Mr. Wilson:

Enclosed is a check in the amount of \$1,000 which covers the fine imposed by the Board of Land and Natural Resources on the Honolulu Board of Water Supply. As developers of the project, we are paying this fine on behalf of the Board of Water Supply.

As reference, please find enclosed a copy of your letter dated July 27, 1995.

I can be reached at 526-0444 should there be any questions. Thank you for your assistance in this matter.

Sincerely,


James E. Hallstrom, Jr.

/dmk

Encl.

cc: The Honorable Raymond H. Sato
Lincoln J. Ishida, Esq.
Peter Haines

BENJAMIN J. CAYETANO
GOVERNOR



GARY GILL
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

220 SOUTH KING STREET
FOURTH FLOOR
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-2482

October 23, 1995

Mr. James E. Hallstrom, Jr.
Keolu Summit, Inc.
Pauahi Tower, Suite 1350
1001 Bishop Street
Honolulu, Hawai'i 96813

Dear Mr. Hallstrom:

Having reviewed an After-the-Fact Draft Environmental Assessment for the Installation of an 8-Inch Sewer Main at Keolu Hills, Kailua, Oahu, TMK: 4-2-97:24, submitted to our Office by way of an October 10, 1995, memorandum (File No. OA-2792) from the State of Hawai'i Department of Land and Natural Resources, we submit the following comments for your response, required by Section 343-5(c), Hawai'i Revised Statutes. Notice of this draft environmental assessment was published in the October 23, 1995, edition of the *Environmental Notice*.

- 1) Please consult with the Department of Land and Natural Resources, Division of Forestry and Wildlife and the U. S. Fish and Wildlife Service to ascertain if there are any rare, threatened or endangered species at the project site.
- 2) Please describe and analyze both direct and indirect impacts caused by digging and trenching of the buried sewer line.

We look forward to your response and its inclusion in the final environmental assessment for the project. If there are any questions, please call me or Mr. Leslie Segundo at 586-4185. Thank you for your cooperation.

Sincerely,


GARY GILL
Director

Enclosure

c: Hon. Michael D. Wilson, Chairperson, BLNR
Mr. Samuel J. Lemmo, DLNR-OCEA
Mr. Fred Rodriguez, Environmental Communications, Inc.

ENVIRONMENTAL
COMMUNICATIONS

F. J. RODRIGUEZ

October 26, 1995

Mr. Gary Gill, Director
Office of Environmental Quality Control
220 South King Street 4th Floor
Honolulu, Hawaii 96813

Dear Mr. Gill,

Subject: OEQC comments on Draft Environmental Assessment prepared
for After the Fact installation of 8-inch sewer line in the
Conservation District. TMK: 4-2-97: 24

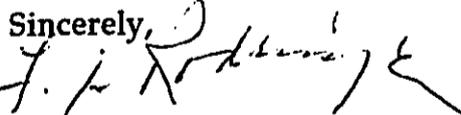
We have reviewed your office comments dated October 23, 1995 and respond:

1. The current CDUP process will provide the Division of Forestry and Wildlife the opportunity to comment on the probability of rare, endangered, or threatened species on the subject parcel. It is for the record that the landowner (Board of Water Supply) in July 8, 1982, prepared an E.A. document as a requirement for their CDUA application. Approval was granted for the entire parcel which included at that time, the 972 square feet ultimately used for the sewer line installation.

2. Impacts from or caused by digging and trenching of the buried sewer line were minimal in terms of air quality and surface runoff. The total lineal feet of excavation was 324' x 3'.

Thank you for your continuing concern.

Sincerely,


F. J. Rodriguez

cc: Mr. James Hallstrom

ENVIRONMENTAL
COMMUNICATIONS

F. J. RODRIGUEZ

December 13, 1995

Ms. Cheryl D. Soon, Chief Planning Officer
Planning Department
City & County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Ms. Soon:

Subject: Agency comments on After-the-fact Conservation Use District
Application (CDUA) No.OA-2792 for an 8-inch Sewer Line at
Keolu Hills, Kailua, Oahu TMK: 4-2-97: portion 24

Thank you for your comments regarding the subject CDUA. We regret that we received your comments in an after the fact timing which has resulted in our responding at such a late time. It would be appreciated if copies of comments would also be sent to the consultant who has prepared the required Environmental documents. In this way, responses can proceed in a more timely manner.

We concur with your comments 1, 2, and 3 and will proceed with the CDUA processing with the Board of Land and Natural Resources.

Sincerely,



F. J. Rodriguez

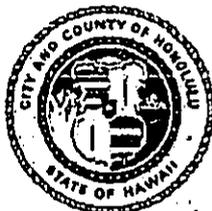
cc: Mr. Roger Evans - DLNR/OCEA
Mr. Jim Hallstrom - Keolu Summit, Inc.

PLANNING DEPARTMENT
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET
HONOLULU, HAWAII 96813

RECEIVED

JEREMY HARRIS
MAYOR



95 NOV -2 P3:14

CHERYL D. SOON
CHIEF PLANNING OFFICER

DFC. OF ENVIRONMENTAL
QUALITY CONTROL

CAROLL TAKAHASHI
DEPUTY CHIEF PLANNING OFFICER

MH 10/95-2112

October 31, 1995

Honorable Michael D. Wilson, Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Wilson:

After-the-Fact Conservation District Use
Application (CDUA) No. OA-2792 for an 8-Inch
Sewer Line at Keolu Hills, Kailua, Oahu,
Tax Map Key: 4-2-97: Portion 24

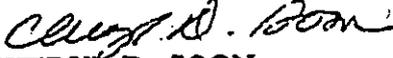
In response to your department's request of October 10, 1995, we have reviewed the subject CDUA and have the following comments to offer:

1. The subject site is currently designated for Preservation use on the Koolaupoko Development Plan Land Use Map.
2. The Koolaupoko Development Plan Public Facilities Map shows a symbol for privately funded improvements to Kanapuu Drive which is in the general vicinity of the subject site.
3. We have no objections to the 8-inch sewer line that has already been installed.

Honorable Michael D. Wilson, Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources
October 31, 1995
Page 2

Should you have any questions, please contact Matthew Higashida of
our staff at 527-6056.

Sincerely,


CHERYL D. SOON
Chief Planning Officer

CDS:js

cc: ✓ Office of Environmental Quality Control
Board of Water Supply

ENVIRONMENTAL
COMMUNICATIONS

F. J. RODRIGUEZ

December 13, 1995

Ms. Donna Wong, Chair
Planning & Zoning Committee
Kailua Neighborhood Board No. 31
P.O. Box 487
Kailua, Hawaii 96734

Dear Ms. Wong:

Subject: Draft Environmental Assessment for the Keolu Summit After-the
fact Conservation District Use Application (CDUA) for a sewer line.

Your comments dated November 22, 1995 to the DLNR c/o Mr. Roger Evans
were forwarded to me by the OEQC for response. We would have been more
timely in our responding had we received a copy of your correspondence to
the DLNR. In any event, we will try our best to rectify the oversight .

We will assume that you have obtained and read the Draft Environmental
Assessment which catalogues the chronology of the current process. The
process and appearance before the Board of Land and Natural Resources
resulted in a monetary penalty which was paid in full by Keolu Summit, Inc.
on behalf of the landowner, The Board of Water Supply. In the opinion And
subsequent Board of Land and Natural Resources decision, the applicant has
followed process and content in the preparation and processing of the draft
E.A. A copy of their transmittal to the OEQC is attached for your files.

We regret any inconvenience the mis-routing of mail may have caused your
Board; if there are any further questions, please feel free to contact me, or if
you will, Mr. Evans at the DLNR.

Sincerely,



F. J. Rodriguez

cc: Roger Evans - DLNR
Mr. Jim Hallstrom - Keolu Summit, Inc.

PLANNING AND ZONING COMMITTEE
and
ENVIRONMENTAL COMMITTEE
Kailua Neighborhood Board #31
P.O. Box 487
Kailua, Hawaii 96734

November 22, 1995

Roger Evans
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

RE: Draft Environmental Assessment for the KEOLU SUMMIT., AFTER-THE-FACT Conservation District Use APPLICATION for a SEWER LINE

The Committee of the Kailua Neighborhood Board has the following comments.

For background the Kailua Neighborhood Board recently learned, October 1995, that the Keolu Summit project area was rezoned from P-1 to R-6 in 1983. On January 13, 1995, a six-unit site development plan (paper subdivision), was approved by DLU and homes have been built.

From 1983 to October 1995, at which time we inquired as to why the land was being cleared, there has been no communication between the developer and the Kailua Neighborhood Board. We never saw any request for permits and assume that some time within the past 12 years the unauthorized 8", 324 foot long sewer line was put in.

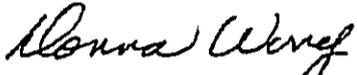
The Committee objects to the granting of after-the-fact permits. In the past after-the-fact permits have been freely given with no penalties for non-compliance, making it appear cheaper to circumvent the legal process and easier to ask for forgiveness than seek permission.

While the deed is done and there may not have been any extreme environmental harm, we do not think that a permit should be granted without some sort of reparation, monetary or otherwise.

Are any fines or other reparations associated with this after-the-fact application? If not there should be.

Perhaps a consequence of this illegal action, since this development required filling in a valley, would be to require monitoring for run-off and impacts to any receiving waters including Enchanted Lake.

Sincerely,



Donna Wong, Chairperson
Planning and Zoning
Environmental Committee

CC: Keolu Summit, Inc.
Office of Environmental Quality Control