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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

FILE NO.: OA-3203

**MEMORANDUM**

DEC 14 2004

**TO:** Genevieve Salmonson, Director  
Office of Environmental Quality Control

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

**SUBJECT:** Final Environmental Assessment (FEA)/ Finding of No Significant Impact (FONSI) for Conservation District Use Application (CDUA) OA-3203

The Office of Conservation and Coastal Lands (OCCL) has reviewed the Kaelepulu Pond Caretaker Residence CDUA OA-3203, and Final Environmental Assessment (FEA). The Draft Environmental Assessment (DEA) for CDUA OA-3203 was published in OEQC's , October 8, 2004 Environmental Notice.

The FEA is being submitted to OEQC. We have determined that this project will not have significant environmental effects, and have therefore issued a FONSI. Please publish this notice in OEQC's upcoming December 23, 2004 Environmental Notice.

We have enclosed four copies of the FEA for the project. The OEQC Bulletin Publication Form is attached. Comments on the draft EA were sought from relevant agencies and the public, and were included in the FEA.

Please contact Tiger Mills of our Office of Conservation and Coastal Lands staff at 587-0382 if you have any questions on this matter.

Attachments

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2004-12-23 FONSI  
KAELEPULU WETLANDS CARETAKER SINGLE-FAMILY  
RESIDENCE

DEC 23 2004

Final Environmental Assessment

# Kaelepulu Pond Caretaker Residence

de Vries Single Family Home at 1460 Kiukee Place

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QUALITY CONTROL



November 22, 2004

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## I. Project Summary

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### 1.1 Project Characteristics

Project Name:	Kaelepulu Pond Caretaker Residence
Project Location:	TMK: 4-2-002-050 Lot 24, Kailua Lakeview Villas 1460 Kiukee Place, Enchanted Lake, Kailua, Hawaii 96734
Description:	Develop a single family home on 3 acres of dryland located on the southwest corner of the parcel.
Anticipated Determination:	Finding of No Significant Impact (FONSI)
Approving Agency:	State of Hawaii, Department of Land and Natural Resources Office of Conservation and Coastal Lands P.O. Box 621, Honolulu, Hawaii 96809
Applicant:	Hugo de Vries & Cynthia M. Turner-de Vries (Recorded Fee Owners) 701 N. Kalaheo Avenue, Kailua, Hawaii 96734 Phone: 808-261-2179
Agent:	David Bills, President Bills Engineering 1124 Fort Street Mall, Suite 200, Honolulu, Hawaii 96813 Phone: 808-792-2022
Special Designations:	A portion of the property is designated wetland. This project does not touch the wetland portion of the parcel and the project area is not a part of any agreements, permits or requirements relating to the wetland and its maintenance.

### 1.2 Land Use Designations

State Land Use District:	Conservation, General Subzone and Urban
County Zoning:	P1 and P2
Ko'olaupoko Sustainable Communities Plan:	Major parks, Golf Courses and Cemeteries and Nature Preserves (Land Use Classification Map)
FEMA Zone:	X (Outside 500 year flood plain)



### III. Background Information

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Hugo de Vries and Cindy Turner de Vries own the 16.605 acre fee simple property, which they purchased in August, 2004. The property is located at the Diamond Head/Mauka end of Enchanted Lake in Kailua. Approximately 5.8 acres of the property are designated wetlands. Approximately 7.9 acres are under water and contiguous with Enchanted Lake, and approximately 3 acres are dryland with elevations of 10 to 14 feet. The owners would like to build a single family home on a small portion of the dryland that fronts Kiukee Place.

The 5.8 acre portion of the property that is designated wetlands was created as mitigation for fill activity that occurred without the necessary federal permits many years ago. The proposed homesite is on fast land that was never part of the mitigation agreement. The homesite area is not habitat for endangered waterbirds and there are no requirements for it to be.

This project will not touch the wetland portion of the parcel. The Army Corps of Engineers, who has jurisdiction over the wetland portion, has no objections to the single family home. (See Section XI, Consultation Comments.)

The U.S. Department of the Interior, Fish and Wildlife Service, who oversee the wildlife aspect of the wetland, do not believe that the addition of a home on the upland areas of the property will significantly impact the wetland or its resident and migratory bird community. (See Section XI, Consultation Comments.)

The property is located in State of Hawaii, DLNR, Conservation District, General Subzone, and a Conservation District Use Permit is required. In accordance with the Conservation District Use Permit application process an Environmental Assessment meeting the requirements of Chapter 343, Hawaii Revised Statutes (Environmental Impact Statements) is required. The property is not located in a City and County of Honolulu Special Management Area.

#### Summary of Potential Environmental Impacts and Mitigation

During construction there will be short-term minimal environmental impacts. These impacts will include noise associated with the use of construction machinery, increased dust, and the exposure of soil surfaces that increases the potential for stormwater runoff into adjacent waterways. All of these impacts are addressed by adherence to municipal noise regulations, project-specific permit conditions and Best Management Practices (BMPs). Permit conditions may include dampening the soil to control dust, minimizing the surface area of exposed soil, and installing soil retention fencing.

The residence and landscaping of the dryland area will have beneficial impacts on the Kailua Community including improved monitoring and care of the wetlands, improved experience for visitors to the wetlands through the landscaping of the observation area with native plants, reduction of access to the wetlands by feral animals, improved streetscape on Kiukee Place and reduction of risk of trespassing and dumping of waste into the dryland and wetland portions of the property.

Table 3.1 Potential Impacts and Mitigation

Resource Category	Potential Impacts Positive: + Negative: - Minimal: 0	Mitigation Proposed
Hydrology	0	NA
Potable Water	0	NA
Surface Water	- Soil may discharge to water during construction	Minimize surface area of exposed soil, install swales to maximize retention of water on dryland, install soil retention fencing per BMPs Install landscaping as soon as possible after ground surface exposed
Waterbirds	+ Habitat enhancement	NA
	+ Reduced pedestrian access to wetland on one side	NA
	+ Reduction in feral predators + Reduction in pet access to wetland	NA NA
	- Short term disturbance during construction	Implement BMPs Position construction staging on non-wetland side of residence
	- Protected waterbirds may venture onto dryland area	If protected waterbirds are observed near the construction area, efforts will be made to minimize their disturbance
Botanical Resources	+ Use of native plants in landscaping and reduce/remove invasive species that threaten quality of wetland vegetation	NA
Aquatic Resources	- Short-term disturbance during construction if soil discharges into water	Minimize surface area of exposed soil, install swales to maximize retention of water on dryland, install soil retention fencing per BMPs
Historical, Cultural and Archaeological	0 No Historical, Cultural and Archaeological resources are expected to be impacted by the project	NA
Ambient Noise	- Short-duration noise associated with construction equipment may disturb nearby residents.	Noise levels will be within regulatory limits at the property line Construction will occur during standard working hours
Health & Safety	+ Access to sidewalk and street by domestic geese will be discouraged by new fencing	NA

	+ Developed land will discourage unauthorized dumping	NA
<b>Traffic &amp; Parking</b>	- Pedestrian hazard due to addition of driveway	Landscaping will be grass near street to ensure visibility of pedestrians crossing driveway
	- Nearby residents are concerned about lack of parking on street.	Plan includes areas for off-street parking for guests, plus 3 car garage
<b>Scenic &amp; Aesthetic Resources</b>	+ Enhance appearance of overgrown property	NA
	+ Wetland observation area enhanced	NA
	- Nearby residents are concerned about losing "green space"	Fence along Kiukee Place is set back 20' from property line. House and garage are set back 76 feet and 59 feet respectively from Kiukee Place property line. Landscaping will increase look of greenspace.
<b>Socio-economics</b>	+ Possible increase in property values in neighborhood	NA
	+ Short-term impact on construction jobs	NA
<b>Utilities</b>	0 Negligible impact on water supply, power or sewer	NA
<b>Air Quality</b>	- Minimal construction-related fugitive dust	Implement BMPs as needed such as dampening the soil to control dust.

NA – Not applicable. No mitigation required and none proposed.

## IV: Project Description

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### 4.1 Project Maps and Illustrations

This assessment evaluates the development of a single-family home on Tax Map Key: 4-2-002-050. The following figures are located at the end of this section to augment the documentation process and assist review.

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### 4.2 Architectural Design

Exhibit 5 shows the architectural site plan for the home. A semi-circular driveway connects to Kiukee Place and leads to the garage and home which will be located well beyond the required setback of 25 feet. The elevation of Kiukee Place is 8.0 feet (msl) and the dryland area of the property is at elevations from 9.0 to 14 feet (msl).

The proposed home, garage and pool cover less than 1% of the parcel.

The home is designed in the traditional Hawaiian architectural style with a Dickey roof, a wide lanai, and many windows to let in the cooling trade winds. Natural materials and colors will be used, giving the home the feeling that it is in harmony with its tropical environment. The home has a lower roof over the family room wing which is situated on the Kiukee Place side of the house. The higher main roof over the living room and dining room is on the east side, minimizing the visual impact for Kiukee Place neighbors.

The home is single story except for a small 8' x 8' two-story area for bird watching. The design and height of the home complies with City and County building regulations for the area. The home will be constructed following sustainable building guidelines. Features include solar water heating, venting skylights for daylighting and natural cooling, high R-value insulation in attics, tree planting to shade buildings and paved areas. The building is oriented to capture trade winds and designed to provide convection cooling on still days. Water conserving and low flow fixtures will be used. There will be no outdoor lighting directed toward the wetland.

See Exhibit 6 for elevation drawings.

The Areas of the home are:

Garage:	730 square feet
Ground Floor:	3363 square feet
Second Floor:	64 square feet
Swimming pool:	360 square feet
Total:	4517 square feet

The lanai that is enclosed on two sides, and the front entry porch which is enclosed on one side are not included in the square footage listed.

#### 4.3 Parking and Circulation

A 13-foot wide semi-circular driveway will connect to Kiukee Place and provide access to the garage. There will be parking for three cars in the garage and off-street parking for guests on the driveway.

Gated access for service vehicles to get to the City and County storm drain and the stream that flows through the property to the lake is provided at the far end of the property.

#### 4.4 Landscaping, Berms and Swales

Minimal grading and excavating will be needed for the construction of the home. No material will be taken off-site. Instead, the soil will be used to create small berms and swales so that rainwater runoff from the fast land area into the nearby stream and moat will be negligible.

Existing trees will be retained. The public wetland observation area along Kiukee Place will be planted with native plants and palms and will be enhanced as compared to existing conditions.

Landscaping plants around the home and on the dryland area include:

- Large canopy trees such as Monkey pod (*Samanea saman*)
- Native shrubs and ground cover such as:
  - Naupaka (*Scaevola sericea*),
  - Koki'o ke'oke'o (*Hibiscus arnottianus*),
  - Beach vitex or Pohinahina (*Vitex rotundifolia*),
  - 'Akia (*Wikstroemia uva-ursi*)
  - Lauai fern
- Native trees such as Milo (*Thespesia populnea*) and Kukui (*Aleurites moluccana*)
- Screening vegetation and trees such as Areca palms, Formosan Koa, Allspice, Eucalyptus and others
- Palms such as coconut and various species of Loulu.

The Landscaping Plan is shown on Exhibit 7.

#### 4.5 Wetland Maintenance and Enhancement

The de Vries' are working under the maintenance guidelines set forth by the Army Corps of Engineers to comply with wetland requirements (see Appendix B). This includes insuring that the moat surrounding the wetland is deep enough to function as a barrier to predators.

They are currently working, with the guidance of the Fish and Wildlife service, to enhance the vegetation and habitat on the wetlands. Implementation of plans will be scheduled to not disturb the birds during breeding season.

A major problem in the past has been controlling the numbers of feral ducks and domestic geese. With the building of the fence and landscaping along Kiukee Place, the geese will no longer be able to easily access the street where they create a nuisance and cause complaints. The feral duck population increases to an unacceptable number when they are fed by an unknowing public. With the de Vries family living adjacent to the wetland, they will be better able to monitor and control the situation.

Note: The Army Corps of Engineers has determined that the area where the house is to be built is not wetland and a Department of the Army permit is not required for this project. This dryland portion of the parcel was never part of the mitigation agreement that created the wetland. It is not currently habitat for endangered waterbirds and there are no requirements for it to be. The Corps wrote that the project is not expected to have an adverse effect on the mitigation site (see Army Corps of Engineers letter in Section XI).

#### 4.6 Infrastructure

##### a. Water

The project will require domestic water. Domestic water will be provided by use of a domestic meter (3/4 inch in size). The water service will be requested from the Honolulu Board of Water Supply. The project construction plans will detail the connection at Kiukee Place. The Board of Water Supply has a 8-inch water main within Kiukee Place.

##### b. Fire Protection

The project is located adjacent to Kiukee Place. It has Board of Water supply system as well as fire hydrants for fire protection. The City and County Fire Department has visited the site and has no objections to the project.

##### c. Wastewater

The City and County of Honolulu wastewater collection system has a sewer line connecting to the property. On-site gravity sewer will connect to the City system. The project must prepare an Sewer Connection Application for sewer service. The application must be approved and the owners must pay Wastewater Facility Charges which are currently \$4,600 per single-family unit.

Alternative methods of sewage disposal were considered in the event the sewer connection was not available. A sewer connection was applied for and granted. (File No. 2004/SCA-0691).

**d. Drainage**

The as-built grading plan is shown on Exhibit 8. The grading plan shows that there is a slight ridge running down the center of the property and drainage on the site is directed in three general directions. Most of the site drainage is directed toward Kiukee Place and Kaelepulu Stream/Drainage Channel at the upstream end of Enchanted Lake. A small portion of runoff directly adjacent to the wetland drains in the wetland direction and follows the natural drainage pattern.

The drainage pattern will be retained after development of the caretaker residence with the exception that the small amount of runoff entering the wetland will be re-directed toward Kiukee Place and Kaelepulu Stream, respectively.

Other drainage features on the property consist of a flowage easement on the southern end of the property in favor of the City and County. The City and County of Honolulu has a 60-inch drain pipe which discharges into a ditch running parallel to the southern property boundary and all discharge ultimately enters the Kaelepulu Stream channel entering the head end of Enchanted Lake. This flowage easement and ditch will remain in place. The drainage discharging from the City system will not be altered in quality or quantity as a result of the caretaker residence.

The project will utilize Best Management Practices (BMPs) to minimize soil loss and erosion that could occur during construction. The feature that will be used will consist primarily of silt fence running continuously along the lakefront edge of the fastland and the stream edge side to just past any cleared areas. The surface area of exposed soil will be minimized to the extent practical and replacement landscaping will be planted as soon as possible after the ground surface has been exposed.

**e. Electric, Telephone and Cable**

Electric, telephone and cable are all available in the Kiukee Place right-of-way from underground services. The services will run underground to the home. HEI will provide electric service, Verizon will provide telephone and Oceanic Cable will provide cable service. Project construction plans will provide the detailed design.

**f. Solid Waste**

The property is within the service area of the City and County Refuse collection system. Refuse pick-up will be provided by the City system at Kiukee Place.

**4.7. Other Issues**

**1. Existing Permits**

Department of the Army Permit No. PODCO 2151, issued June 1991:

Approximately 5.78 acres of the parcel are designated in perpetuity as wetland as mitigation for illegal fill activity by a previous owner. Continuing maintenance of the wetland area is part of the requirements. The current owners control the disbursement of a trust fund which pays for the wetlands' maintenance.

The designated wetland area would not be touched by this project. There are no requirements in the PODCO permit for the dryland area of this project.

**2. Existing Land Use**

Low islands interspersed with waterways are a primary feature of the wetlands. The wetland provides habitat for several species of waterbirds. See Appendix A for more details.

*Final Environmental Assessment*

An area of approximately 3 acres along Kiukee Place is dryland. This is the area that is affected by the project. This dryland was not part of the mitigation requirements that created the reconstructed wetland and it is not a part of any agreements, permits or requirements relating to the wetland and its maintenance.

This dryland area is predominately covered with invasive scrub vegetation (e.g., Koa Haole, Banana Poka vine and California grass). In addition there is visible evidence (tree trimmings, construction materials) that the area has been used as an unauthorized solid waste disposal site. The addition of the home with landscaping and fencing would eliminate this existing area nuisance.

The remaining 7.925 acres of the parcel is lake, stream, or fast land covered with scrub vegetation on the east side of the stream that will not be touched by this project.

**3. Title 33 Requirements**

Title 33 Code of Federal Regulation, Part 322 Permits for Structures or Work in or Affecting Navigable Waters of the United States and Part 323, Permits for Discharges of Dredged or Fill Material into Water of the United States do not apply as Kaelepulu Pond (Enchanted Lake) is not a navigable water and there will not be discharges of dredged material into the pond (see Army Corps of Engineers letter in Section XI).

**4. Swimming Pool Draining**

Plans are for the swimming pool to use a solar-powered ozone water purifier. No chlorine chemicals will be used. If the pool needs to be drained, the water will be pumped to the back of the dryland area where it can be absorbed into the landscaping and grass. The pool water will not be drained into the stream or wetland moats.

**4.8 Economic Characteristics**

**a. Construction**

The type of single-family construction being proposed can typically be done for \$100-150 per square foot of floor area. Therefore the single-family residential home construction is estimated at \$400,000 to \$600,000.

**b. Project Timing and Approvals Required**

It is estimated that the following events and time requirements will be required:

EVENT	TIME REQUIREMENT
Environmental Assessment	4 Months
Conservation District Use Permit	6 Months
Construction Plan Preparation and Processing	6 Months
Construction	6 Months
TOTAL	12 Months



#### 4.9 Social Characteristics

##### **a. Zoning and Community Sustainable Plan**

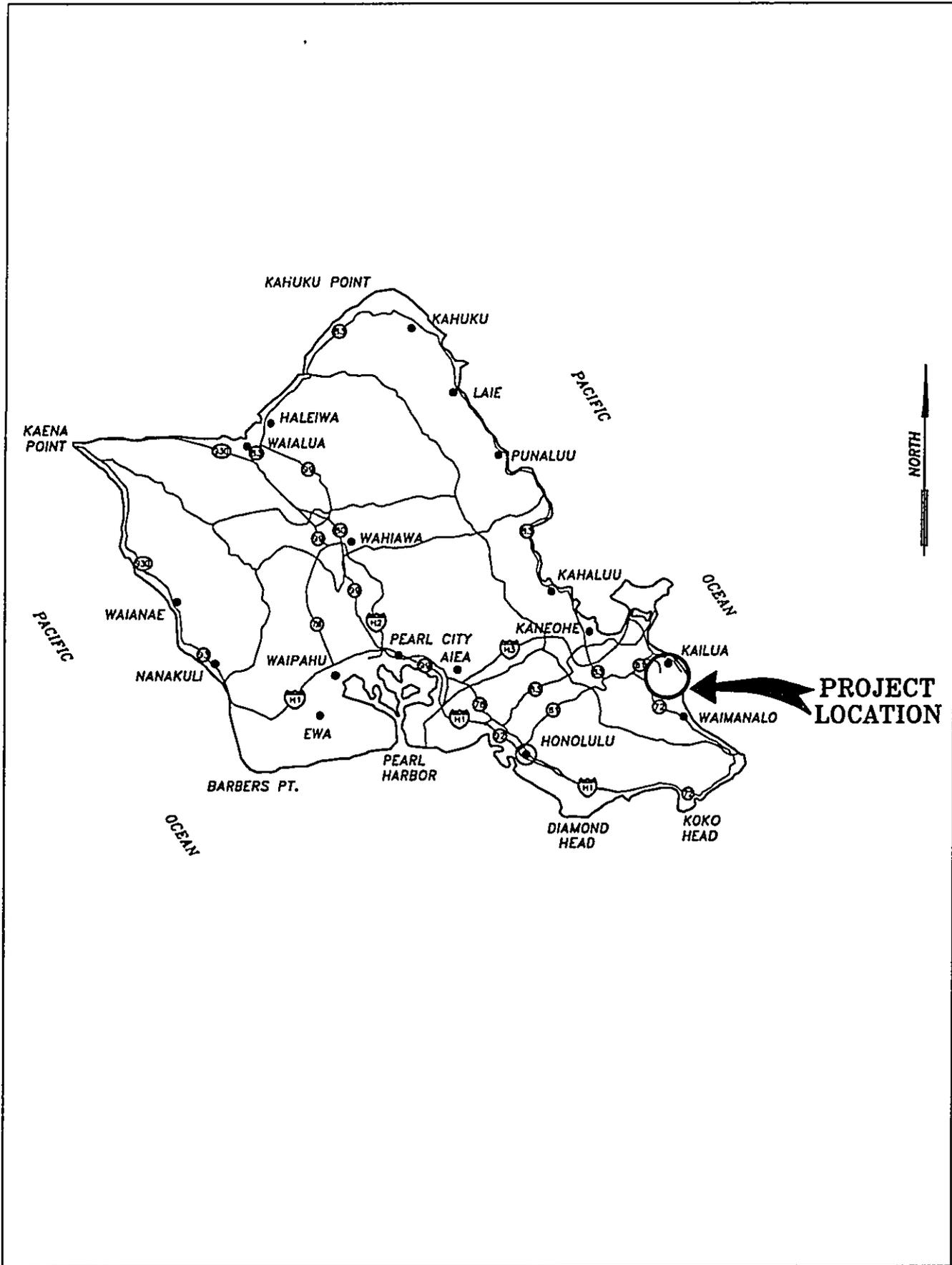
A single-family home is permitted on Conservation-zoned land with a Conservation District Use Permit.

##### **b. Consistency with Koolaupoko Sustainable Communities Plan**

The Koolaupoko Sustainable Communities Plan Land Use Policies, Principles and Guidelines by definition, include all conservation lands in areas where the planning principle is to provide “passive and active open spaces.” The project does not propose to develop the land in the sense of urbanization governed by the City and County zoning codes. The project solely intends to provide a single-family residence under the rules and regulations of the Conservation District. Therefore the project is considered consistent with the Sustainable Communities Plan.

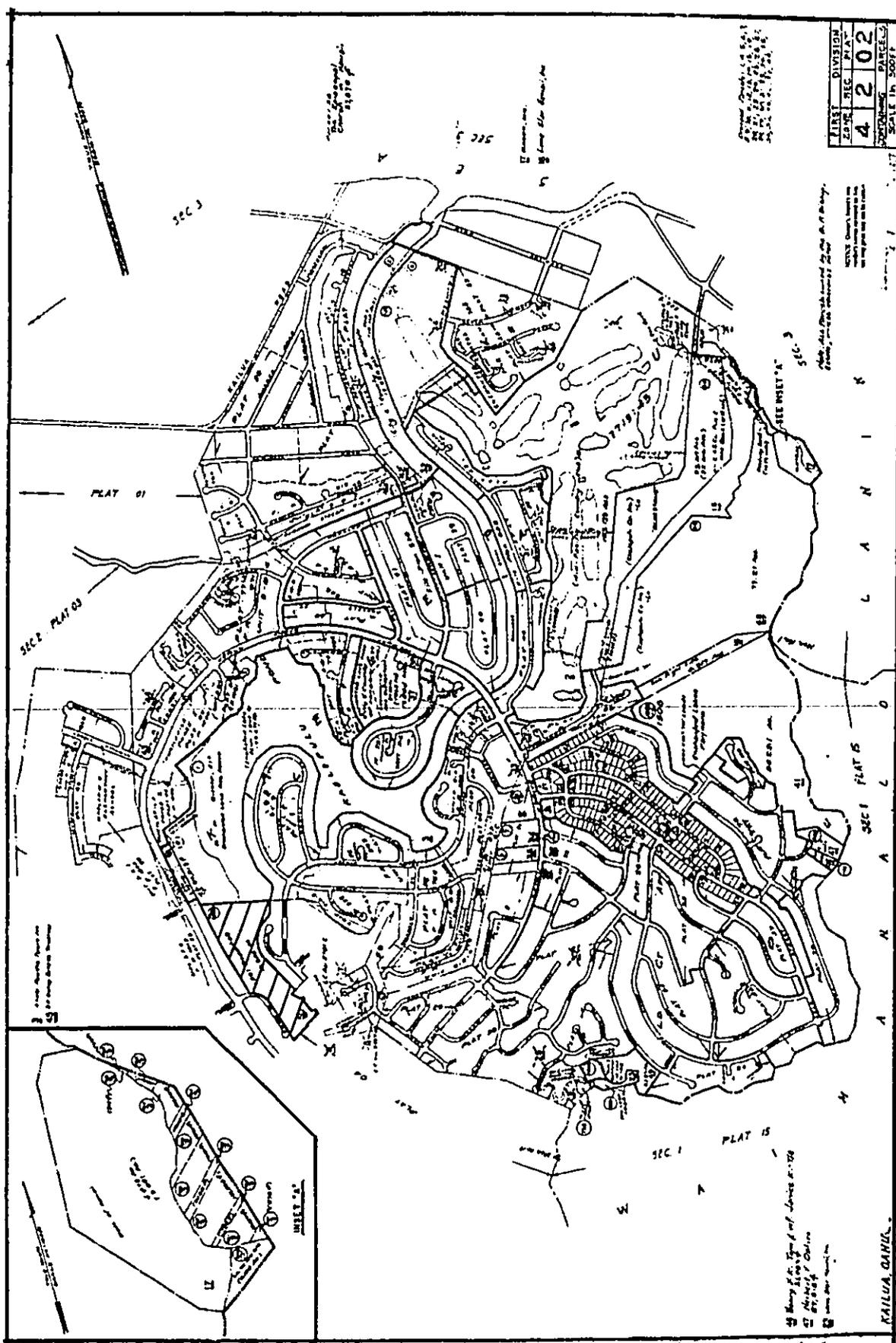


# Exhibit 1: Vicinity Map



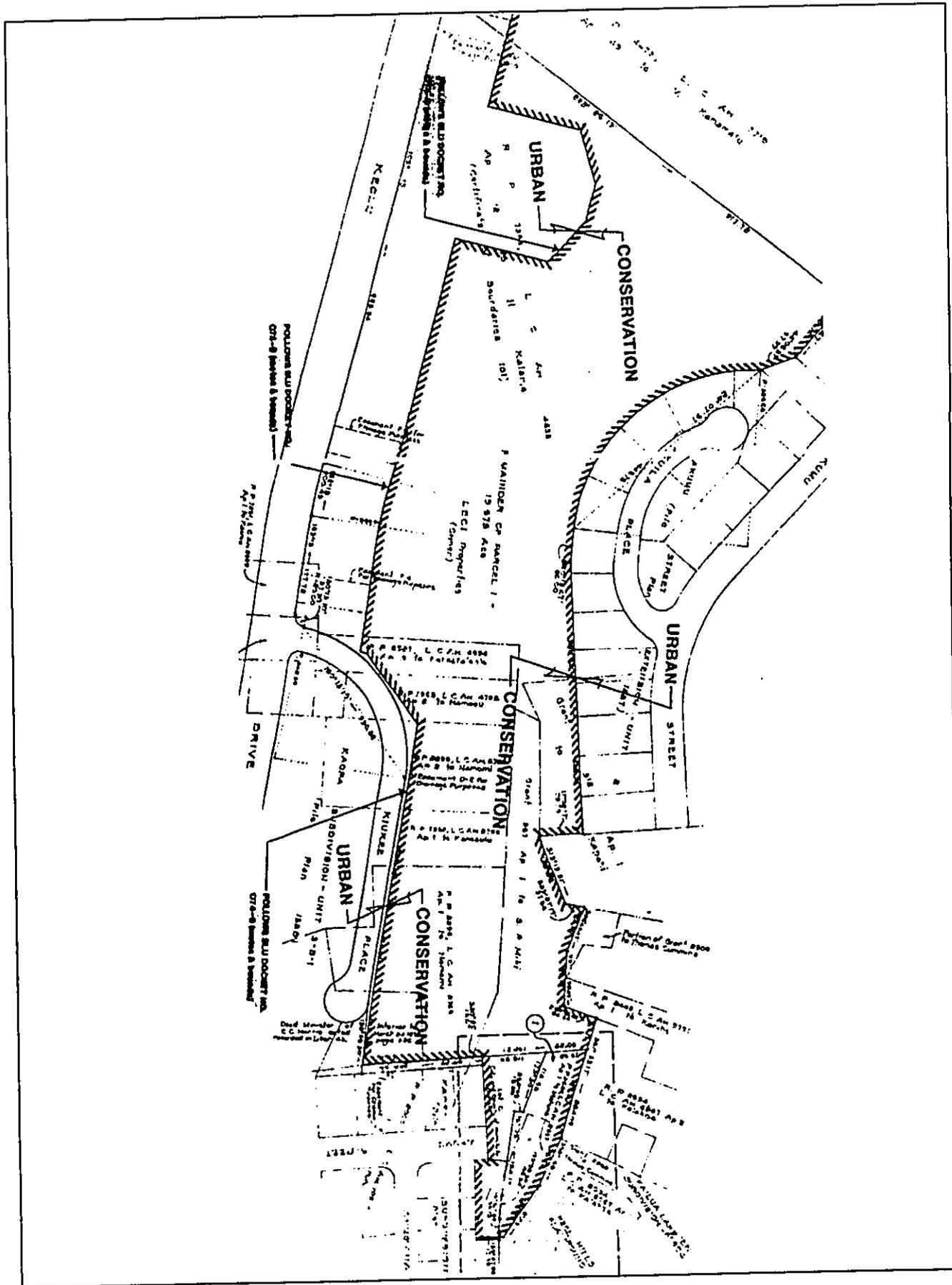


# Exhibit 3: Tax Map



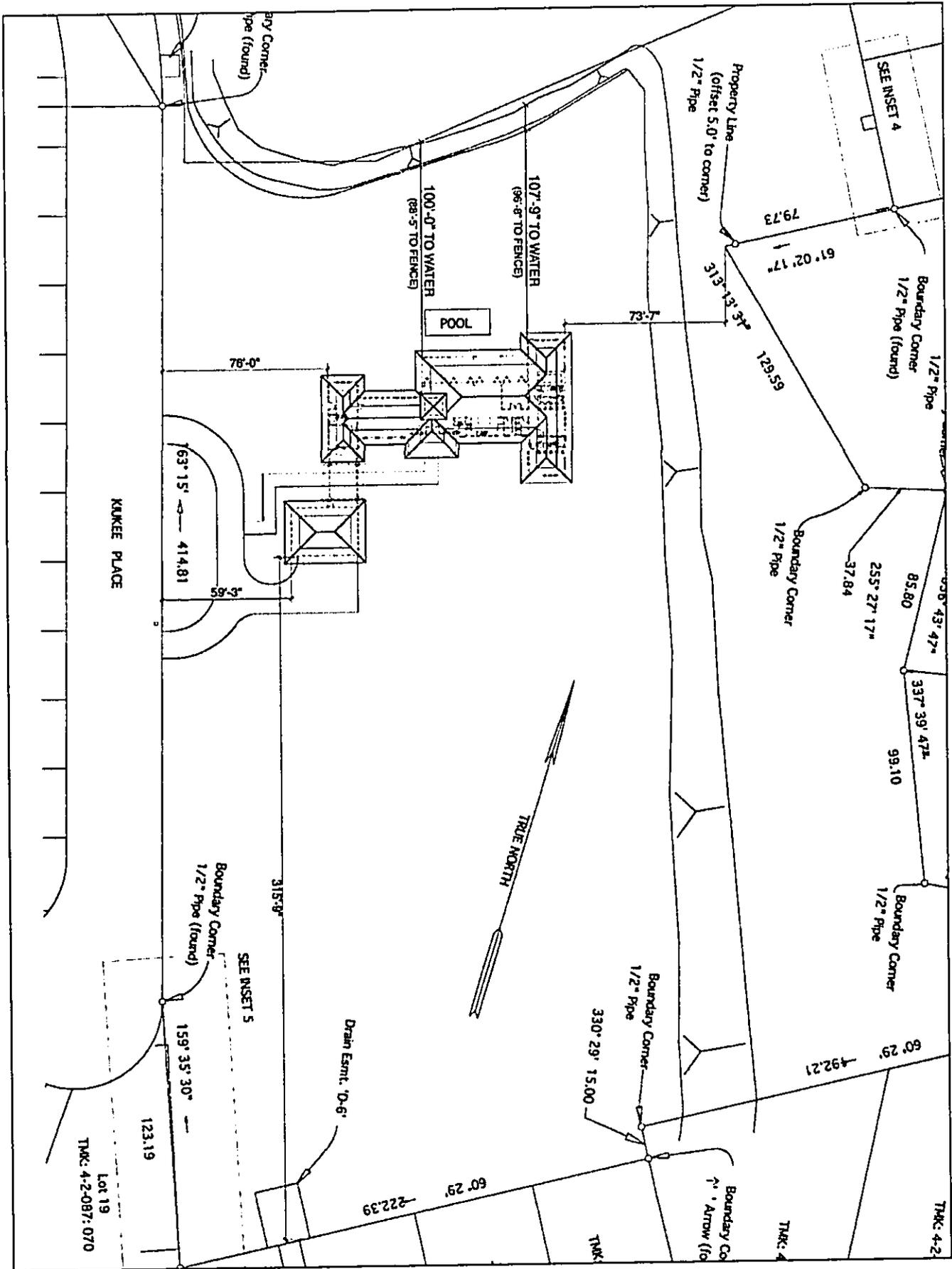
Kaelepulu Pond Caretaker Residence

# Exhibit 4: State Land Use Boundary Map



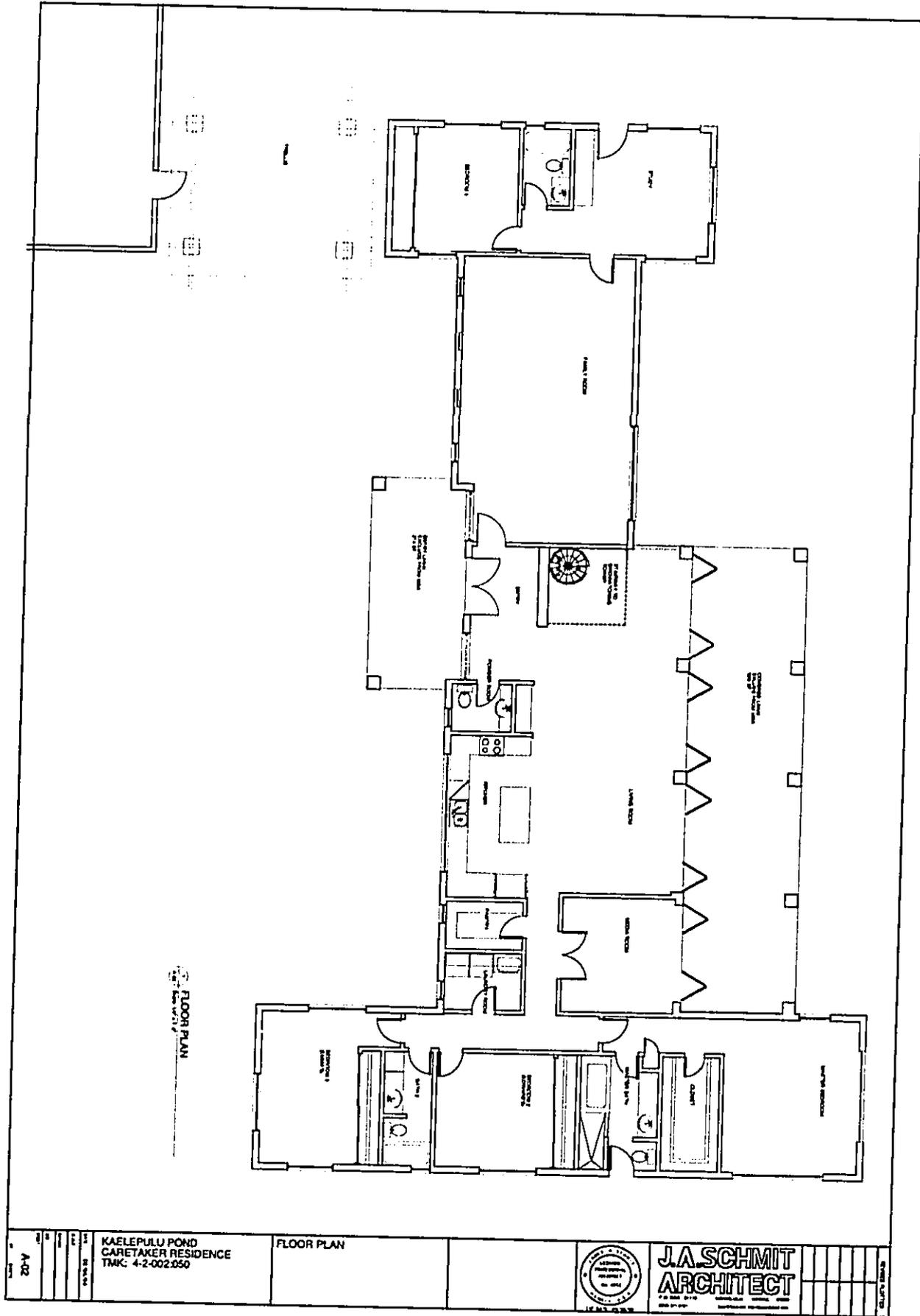
Kaelepulu Pond Caretaker Residence

# Exhibit 5: Site Plan



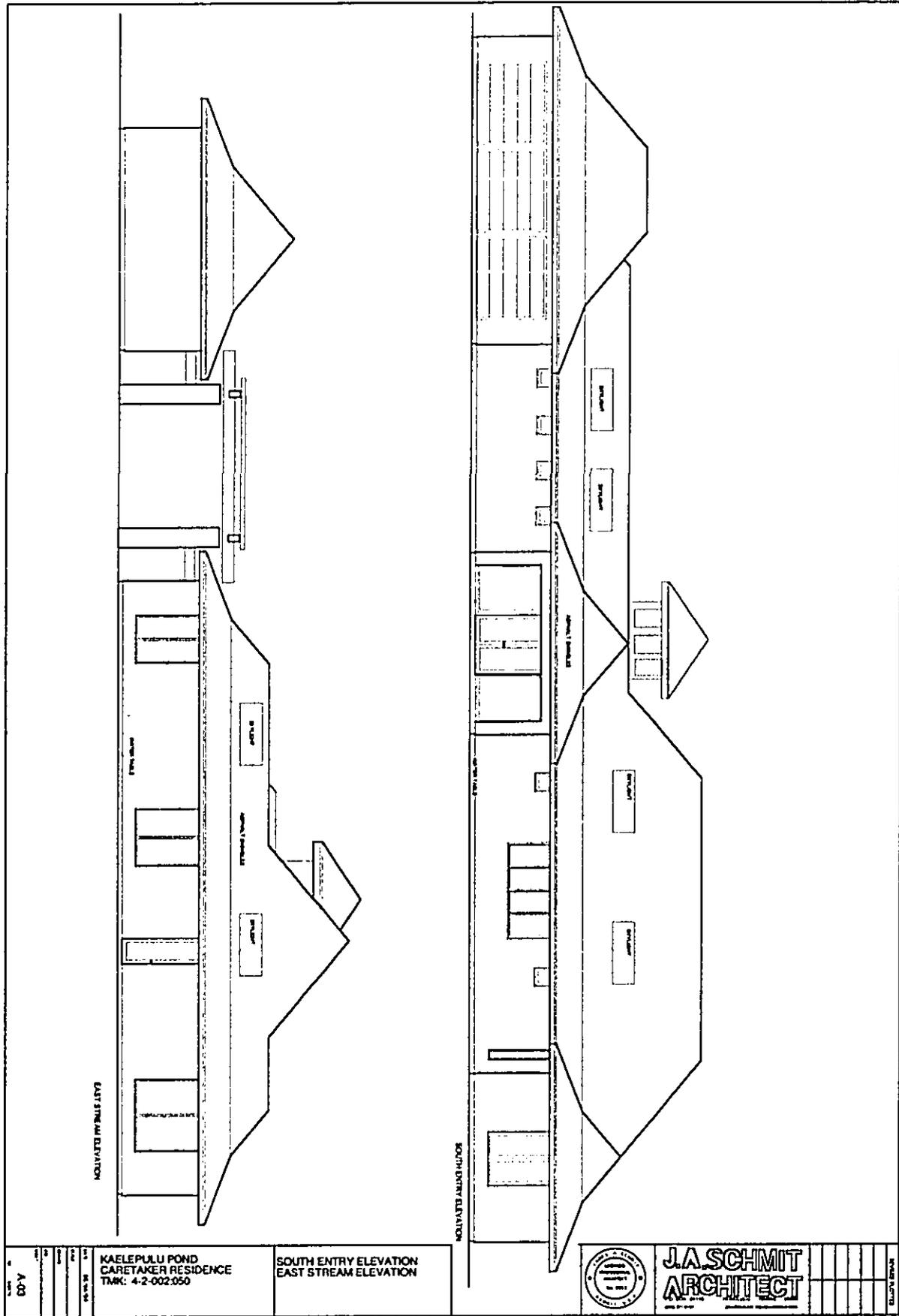
Kaelepu Pond Caretaker Residence

# Exhibit 6: Preliminary Architectural Plans (Floor Plan)



W O R K I N G D R O W I N G

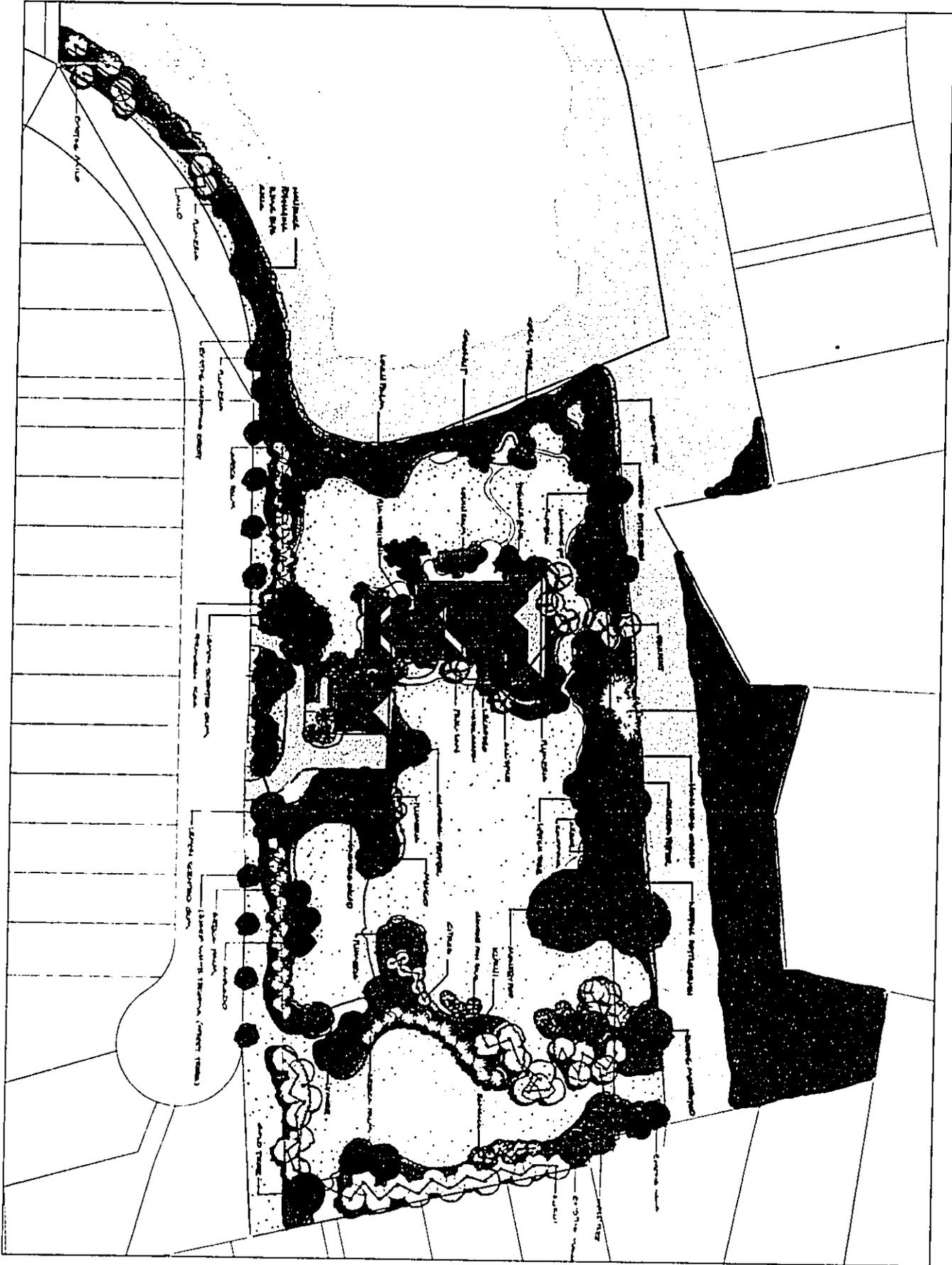
# Exhibit 6: Preliminary Architectural Plans (Elevations)



Kaelepulu Pond Caretaker Residence

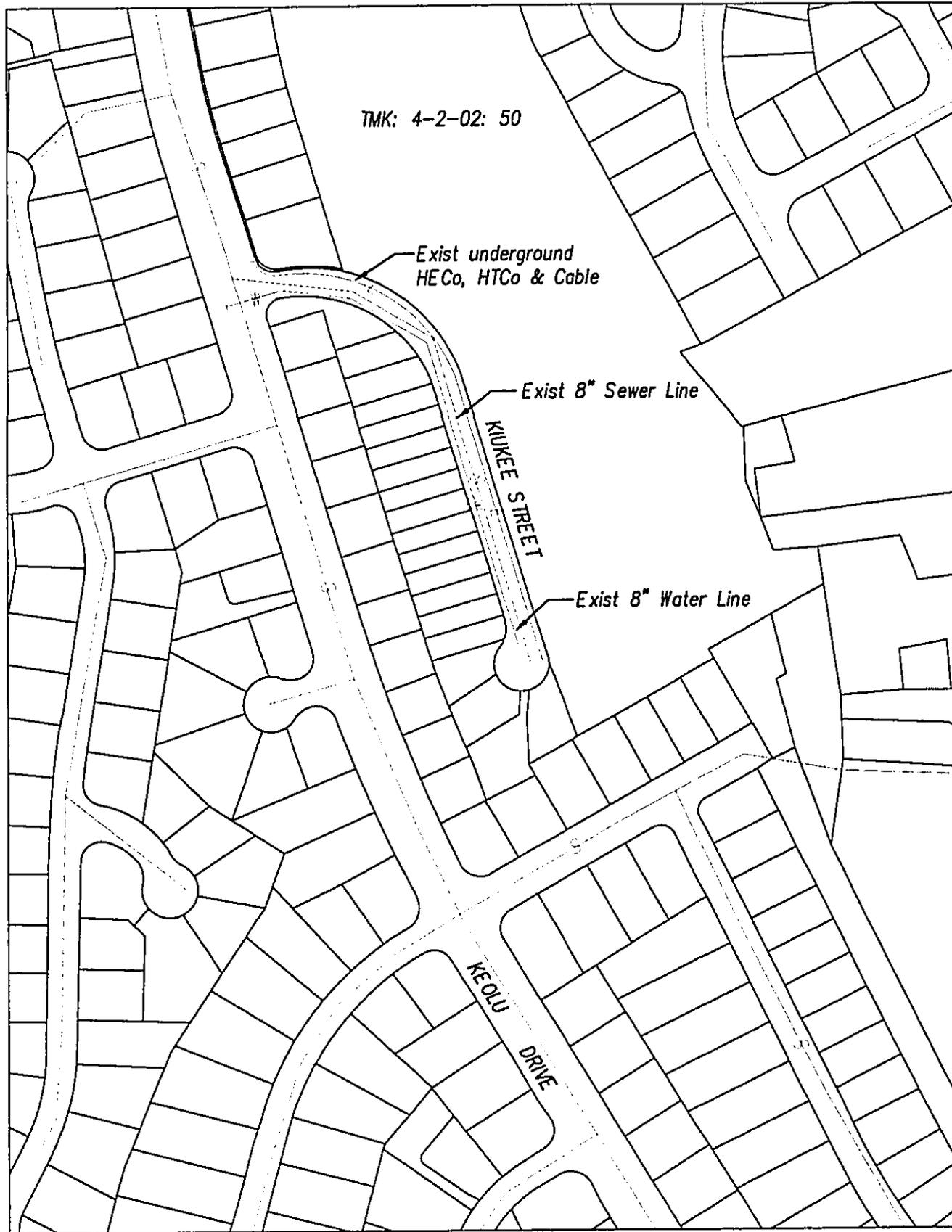


# Exhibit 7: Preliminary Landscape Plan



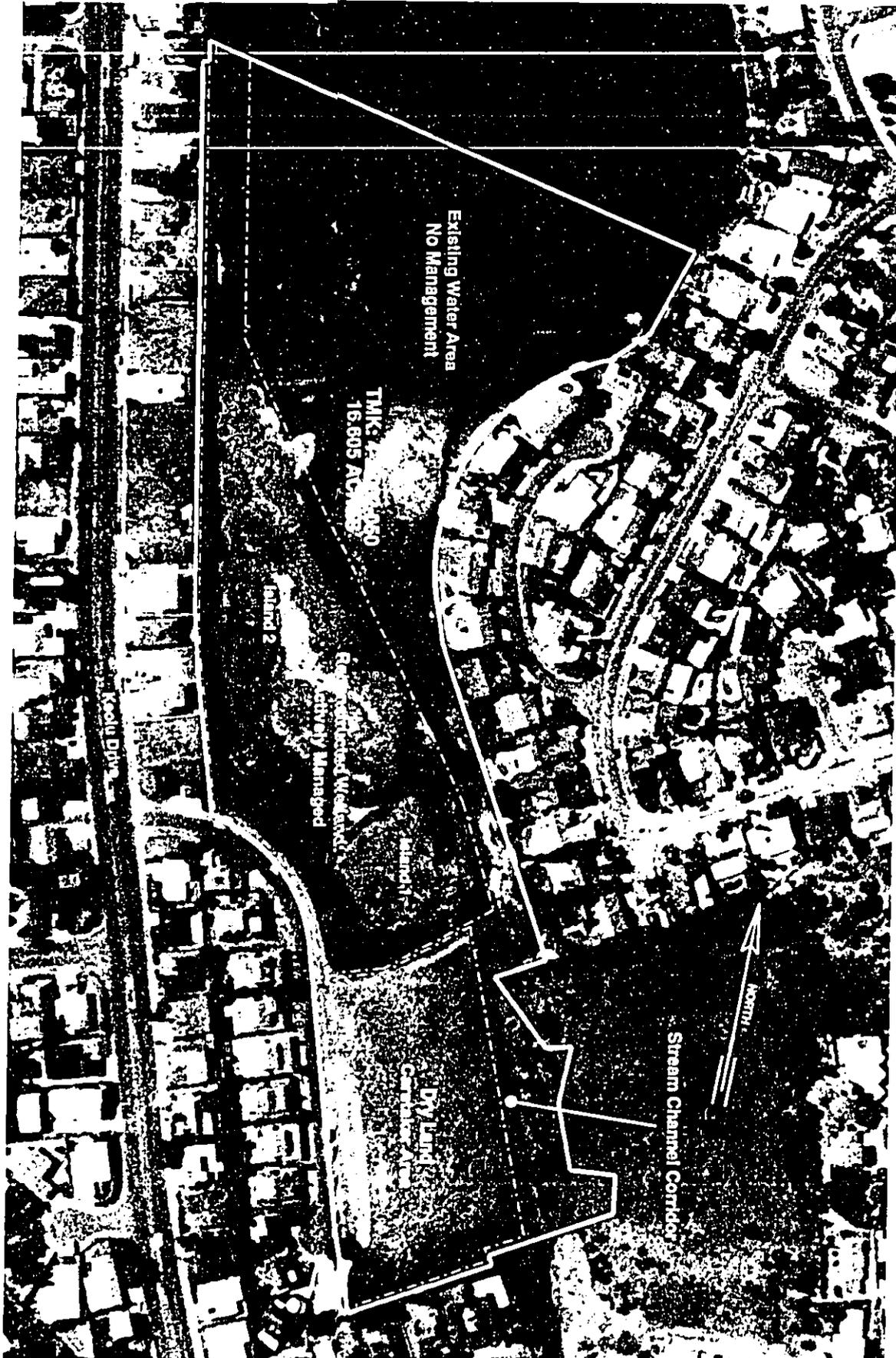


# Exhibit 9: Existing Utilities Plan



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Exhibit 10: Resources Plan







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### Exhibit 13: Photographs of Existing Condition



1. Looking south along Kiukee Place. Property is in center and to the left.



5. Looking north, the chain link fence marks the division between the dryland and the wetlands.



2. Looking east from the center of the property.



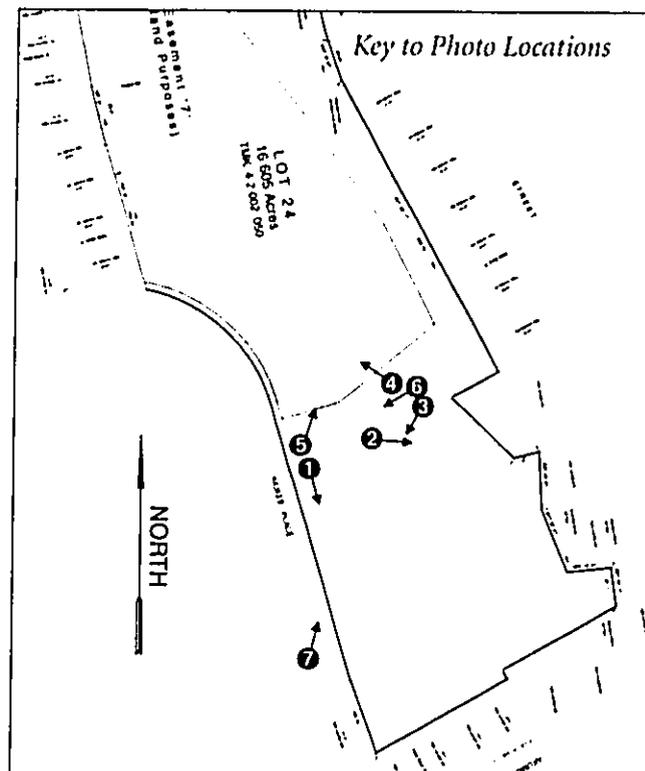
6. Looking west from the center of the property.



3. Looking west from the far dry edge of the property. Houses on the other side of Kiukee Place are visible.



4. Looking north-west at wetlands. Houses bordering wetlands are visible.



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Exhibit 14: View of Project from Street



7A: Current view from Kiukee Place of the property.



7B: View of the new residence from Kiukee Place. The garage is in the center.

## V. Affected Environment, Potential Impacts, and Proposed Mitigation

This section describes the existing conditions for various resource categories and describes anticipated impacts on these resources if the project were developed. Mitigation is proposed for potential negative impacts where practical. Only the approximately 3 acres of dryland that will be changed by the project are examined here.

### 5.1 Physical characteristics

#### Existing Conditions

The dryland area is predominately fill material consisting of residual silty clay and rock. Vegetation minimizes erosion potential, and most of the dryland is densely vegetated with scrub such as Koa Haole and California grass.

The elevation of the dryland ranges from 8 feet above mean sea level (MSL) along Kiukee Place to 14 feet at the highest point of the fill area.

#### Potential Impacts

There will be minimal grading (less than 1500 cubic yards and less than 0.25 acres disturbed) and grubbing to level the home site area and prepare the foundations for the home, garage and driveway. No appreciable elevation change is anticipated. The minimal grading will be restricted to the uppermost 2-3 feet of fill material. Scrub vegetation will be cleared for landscaping. There will be changes in vegetation as a result of the project but this should not impact the soil's slow runoff potential in the long term. During construction soil will be exposed as vegetation is cleared and the potential for soil erosion will increase.

#### Mitigation

To mitigate the potential for soil erosion during construction, Best Management Practices (BMPs) will be implemented including the use of soil retention fencing. The surface area of exposed soil will be minimized to the extent practical and berms and swales will be used to maximize retention of water on the dryland area. Replacement landscaping will be planted as soon as possible after the ground surface has been exposed.

### 5.2 Water Resources

#### Hydrology

##### Existing Conditions

Annual rainfall in the area is estimated at 39 inches (Report r73, DLNR, 1984). Surface runoff from storm drains in the surrounding urban area empty into Enchanted Lake. Enchanted Lake is opened periodically to discharge into Kailua Bay.

**Potential Impacts**

The homesite is higher than the level at which the lake will flow into the ocean during flood conditions. The project will not hamper flood control efficiency or capacity, since it is higher than the surrounding land. No mitigation is proposed.

**Potable Water**

There are no potable water wells at the project site and the project will have no impact on potable water resources; therefore no mitigation is proposed.

**Surface Water**

**Existing Conditions**

Seven stormwater drains empty onto the parcel with the water then flowing into Enchanted Lake. A stream also flows through the property into Enchanted Lake.

**Potential Impacts**

The project will not affect the existing seven stormwater drains.

The project development will include the disturbance (grading) of less than 1.0 acre of land and the project will not require an NPDES permit for construction activities. This fact by itself indicates a small short affect on water quality.

Soil will be disturbed at the site during construction and herbicides may be applied. These activities could potentially impact surface water quality, especially during a rain event. In the long-term, the majority of the stormwater that falls on the project site will be absorbed by landscaped areas or retained in swales.

Herbicides such as Rodeo may be applied during construction and maintenance. Rodeo is not anticipated to have a long-term impact on water quality because it is absorbed into soil particles and subsequently degraded by microorganisms. The active ingredient is glyphosphate, which is non-volatile and does not bioaccumulate. The application of herbicides is predicated on the fact that effectiveness is achieved when properly applied and the working principle is to use light applications at periods of the least potential for runoff to get maximum efficiency.

**Mitigation**

The contractor will be responsible for complying with provisions of the water quality and water pollution control standards (HAR, Chapter 11-54, HAR Chapter 11-55 and ROH Chapter 14). BMPs for soil erosion will be implemented including the use of soil retention fencing. The surface area of exposed soil will be minimized to the extent practical and berms and swales will be used to maximize retention of water on the dryland area.

**5.3 Biological Resources**

**Waterbirds**

An avifaunal field survey of the project area was conducted by Cindy Turner on May 10 and May 12, 2004 (included as Appendix A).

## Existing Conditions – Wetland Islands and Waterways

### Wetland Islands and Surrounding Waters

This portion of the parcel has several low man-made islands separated by moats from the urban areas surrounding them. Wetland vegetation consists mainly of pickleweed and seashore paspalum.

A total of 91 Hawaiian Coot or 'Alae ke'oke'o (*Fulica alai*) were observed on the two days. The coots are endemic to Hawaii and listed as endangered. 15 Koloa/Mallard hybrids were seen, however no pure Koloa (*Anas wyvillana*), which is an endangered species, were observed. 23 Gallinule or 'Alae 'Ula (*Gallinula chloropus*), an endemic and endangered waterbird, were tallied. 9 Hawaiian Stilts or Ae'o (*Himantopus knudseni*), listed as an endangered species, were observed wading and resting in the wetlands over the two survey periods.

10 Black-crowned Night Heron or Aukuu (*Nycticorax Nycticorax*) were tallied in the wetland area. This is the only native waterbird that is not listed as endangered.

A single Lesser Canadian Goose was observed on the first day only. It is protected as a migratory species. 3 white domestic geese were also observed. These are not protected or endangered.

### Potential Impacts and Mitigation – Wetland Islands and Waterways

The project will not be located in the wetland area, and no mitigation is proposed.

### Existing Conditions – Dryland area

Mowed areas approximately 25 feet wide exist on two sides of the dryland portion of the parcel. The Interior portions are overgrown with dense scrub consisting mainly of California grass and Koa Haole.

A total of 8 mallard/Koloa hybrids in the mowed grass area along the moat fence were tallied on the two survey days. 4 domestic white geese and 6 graylag geese were observed in the grassy area adjacent to Kiukee Place on the two surveys. Evidence of Black-crowned Night Herons (*Nycticorax nycticorax*) roosting in trees along the stream was observed during the two surveys. The Herons are native waterbirds, but not endangered. They have been observed to prey on the endangered Hawaii Stilt chicks. No endangered or protected waterbirds were observed in the dryland area during the two surveys.

### Potential Impacts and Mitigation – Dryland Area

On the dryland area, invasive vegetation such as fleabane, koa haole and California grass along the moat will be replaced with noninvasive plants including native species such as pohinahina, akia, naupaka, hibiscus, and loulu palms. This will provide a visual buffer for the waterbirds from the urban area while enhancing the experience for visitors to the wetland observation area.

The creation of larger areas of mowed grassed areas at both the front and back of the house will add foraging areas for Hawaiian stilts. The removal of the scrub vegetation will reduce the rat and mongoose population, both predators of the waterbirds. New fencing along Kiukee Place will also reduce pet and public access to the wetland.

There may be some short-term disturbance due to noise and activity during construction. As mitigation, construction staging will be positioned on the non-wetland side of the residence to the extent practical.

In the long-term, the homesite, being located farther from the wetland boundary than 26 of the existing homes along Keolu Drive and Kiukee Place, will have minimal impact on the wetland wildlife. It will also be farther from the waterways frequented by the waterbirds than an additional 16 homes on Akuila and Akumu Streets.

## 5.4 Botanical Resources

### Existing Conditions

Three distinct groupings of vegetation were identified at the parcel:

1. The dryland area
2. The landward banks of the moat
3. The wetland islands

#### 1. The dryland Area

Vegetation at the dryland portion of the parcel is dominated by plants that were introduced to Hawaii after 1778. This portion of the parcel has been graded and is predominately overgrown with Koa Haole (*Leucaena leucocephala*) and California grass (*Brachiaria mutica*). Some portions are covered with Ivy Gourd (*Coccinea grandis*, Cucurbitaceae). A 25' wide strip along Kiukee Place is mowed. This area has a variety of grasses and weeds. Several plumeria (*Plumeria rubra hybrids*) and dwarf white tacoma trees grow in the mowed area. A single Monkeypod tree grows on the streambank at the back of the property. Two mango trees, a small grove of bananas, one avocado tree and one coral tree are planted along the Akumu Street side of the parcel. No native species are found in this portion of the parcel.

#### 2. Landward banks of the moat (from the fence-line to the water)

This area is dominated by introduced plants. It includes patches of wedelia (*spagneticola trilobata*), California grass (*Brachiaria mutica*), fleabane (*Pluchea indica*) and mock orange (*Philadelphus karwinskyanus*). Some of the mock orange plants are overgrown with Ivy Gourd (*Coccinea grandis*, Cucurbitaceae). A single Christmas Berry tree (*Schinus terebinthifolius*) grows along the fence near Kiukee Place. Two smaller milo trees (*Thespesia populnea*) grow near the water line. Patches of seashore paspalum (*Paspalum vaginatum*) and 'ae 'ae or water hyssop (*Bacopa monniera*) grow along the moat edge.

The native species that were identified are milo and 'ae 'ae; neither is threatened, endangered or considered a species of concern.

#### 3. The wetland islands

Pickleweed (*Batis maritima*) is the predominant ground cover on the two main wetland islands. Seashore paspalum (*Paspalum vaginatum*) grows along large portions of the islands' edges. A few pockets of 'ae 'ae can be found near the edge of the island closest to the dryland portion of the parcel. Fleabane (*Pluchea indica*) and Ivy Gourd (*Coccinea grandis*, Cucurbitaceae) are found in isolated areas. Kaluha or bulrush (*Schoenoplectus californicus*) covers a major portion of one of the smaller islands closest to the lake. Some mangrove seedlings (*Rhizophora mangle*) occur at island edges nearest the lake. The native species that were identified are kaluha and 'ae 'ae, neither is threatened, endangered or considered a species of concern.

### Potential Impacts and Mitigation

Native plants will be among those used in landscaping the dryland area and the landward banks of the moats. Existing scrub along the banks of the moat will be replaced by more desirable plants including seashore paspalum grass, 'ae 'ae, and pohinahina to prevent soil erosion. The proposed plants will increase the populations of native plants and minimize soil erosion at waters' edge. No further mitigation is proposed.

## 5.5 Aquatic Resources

### Existing Conditions

No native species were reported in Enchanted Lake or Kaelepulu Channel.

### **Potential Impacts**

The anticipated impact of construction on the aquatic species will be minimal or non-existent. No long-term impacts are anticipated and there will be no loss of aquatic species habitat. No mitigation is proposed.

## **5.6 Historical and Cultural Resources**

### **Legends and History**

The subject parcel is located in what was once Kaelepulu fishpond, which was formerly a very important fresh-water pond located about 2/3rds of a mile from the shore.

Based on oral histories, Kailua means “two seas,” probably referring to Kawai Nui and Kaelepulu, which were both once bays. Kawai Nui Marsh was considered male and Kaelepulu Pond was female. They mated at Kawailoa giving the area great mana. The ponds joined beneath the lookout point of Pu‘u o ‘Ehu.

At the time of the Mahele, Kailua, Kaneohe and Waimanalo were considered prime lands and were awarded to royalty. In 1858, Princess Victoria Kamamalu was awarded title to the ili of Kaelepulu. She died without a will in 1866 and the land passed to her father and then to Princess Ruth.

In 1880, Princess Ruth began to lease lands around the Kaelepulu Pond to dozens of Chinese farmers. Many of the former taro fields were replanted with rice. Some planted sugar cane around the pond.

Princess Ruth named her cousin Princess Bernice Pauahi Bishop as heir to her lands, and when she died in 1884, the Kaelepulu ili became a part of the Bishop estate.

The Alexander map of 1884 shows a water area of 190 acres and an additional marsh area of 90 acres for Kaelepulu pond. There was an outlet on the sea side and the pond was limited by natural contours and earth embankments. There were taro patches between the pond and the stream from the Kawainui marsh. The stream was diverted into patches and from the taro terraces ran into Kaelepulu. When the taro land was being dried, there was a ditch which could be used to bring water from the Kawainui stream to the pond.

In a 1911 document, it was referred to as “the famous pond of Kaelepulu where Makalei, the fish attracting stick stood.”

In 1939, Mrs. Charles Alona described the fishpond as once being much larger and very clean. According to Mrs. Alona, the people of that locality always saw to it that the ponds were kept clean in the olden days. Fat mullet, awa, ahole and oopu fish were found there and much limu kala-wai. This limu was eaten with fat fish and much liked with awa fish. Bullrushes (akaakai) grew around the edge of the ponds and Mrs. Alona remembered going with her grandmother to gather the leaves.

In 1947 the Waimanalo Sugar Plantation shut down. When it was operating, 2 million gallons of water were pumped daily from Kaelepulu pond to water the sugar. The stream was dammed each winter so that there would be enough water for Waimanalo sugar.

In 1954, developer Joe Pao formed a joint venture with Bishop Estate to develop the 700 acres surrounding Kaelepulu pond. Pao renamed the area “Enchanted Lake.”

Building around Enchanted Lake started in 1960. The first area that Pao developed was Keolu Hills, consisting of 105 lots, followed by another development called Kailua Heights. Eventually Pao’s developments in Enchanted

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Lake numbered 3,000 home sites. Pao used earth from the two hill projects to fill the shores of the pond. He also set up pumps that drained the water table through a newly dredged channel and canals of Kaelepulu Stream as well as pipes that ran to Waimanalo. Lone Star dredged the lake to a depth of about 15 feet and it was initially quite clear, supporting prolific fisheries and oyster beds. Subsequent housing development of the surrounding hills and non-point source pollution from the urban neighborhoods has progressively silted in the pond (maximum depth presently around 9 feet), lowered biological diversity, increased turbidity of the water, threatened already endangered waterbirds and turned the pond into more of a liability than an amenity for the surrounding community.

It was Joe Pao's Lone Star Development company that deposited the 20,000 cy of fill into the waters and wetlands of Kaelepulu Pond, adjacent to Keolu Drive, that later precipitated the wetland mitigation. Lone Star had obtained the necessary City and County permits for the fill, but unbeknownst to them, Federal laws regulating the filling of wetlands and lakes were passed before the fill activity occurred.

Developer Jimmy Lee's LECI Properties purchased a large tract in Enchanted Lake that included the subject parcel in 1989 and the area that had been filled. As mitigation for the placement of 20,000 cy of fill material done years earlier by Lone Star, an agreement was reached in 1991 with U.S. Army Corps of Engineers that required LECI Properties to create a wetland easement of approximately 5.8 acres, and to create a trust to fund maintenance of the wetlands in perpetuity. The agreement, permit no. PODCO 2151, also allowed for an additional placement of 20,000 cy of fill. In 1995, after meeting the agreement to create the wetland islands and surrounding moats, LECI Properties was allowed to sell the lots they developed along Keolu Drive.

The subject parcel is Lot 24 of the LECI development called Kailua Lakeview Villas. Lot 24 contains the 5.8 acre wetland easement area as well as additional 7.9 acres of water and approximately 3 acres of dryland. This lot was owned by LECI Properties until it was purchased in 2004 by the present owners.

Some conflicts developed between LECI and neighbors over the somewhat sporadic maintenance of the wetland under LECI's ownership. United States Department of the Interior, Fish and Wildlife Service also became involved due to the lack of maintenance. A Wetland Management Guidance document was drawn up in late 2001 which defined monthly maintenance activities. Subsequently some maintenance work was done by LECI, but still not on a reliable basis.

Sources: McAllister's Archaeology of Oahu  
Sites of Oahu, Sterling and Summers  
History of Kailua, 1998, W. Thomas Hall  
Army Corps of Engineers documents

**Potential Impacts & Mitigation**

The proposed development will not have negative impacts on cultural resources and no mitigation is needed.

**5.7 Archaeology**

No recorded historic properties at the project site were identified from the literature review. Archaeological subsurface investigations at three locations on the dryland showed thick layers of fill that artificially raised the land elevation. One account says that fill came from the nearby Enchanted Lake Elementary School site.

**Potential Impacts & Mitigation**

The proposed development will not have negative impacts on the archaeology and no mitigation is needed.

## 5.8 Ambient Noise

### **Existing Conditions**

The project site is in a residential neighborhood and existing ambient noise levels are consistent with the character of the neighborhood. No known unusual noise sources are present in the area. The project area is close to Keolu Drive and some road noise does occur.

### **Potential Impacts & Mitigation**

It is anticipated that after development noise levels will remain essentially identical to that which presently occur. During construction there will be additional noise associated with construction. The construction noise impact will be mitigated by performing construction activities during normal working hours and by being within regulatory limits at the property line.

## 5.9 Health & Safety

### **Existing Conditions**

Graylag and domestic white geese gain access to Kiukee Street and sidewalk through the dryland area of the property. They defecate on the sidewalk creating a mess and odor.

### **Mitigation**

New fencing along Kiukee Place will discourage the domestic geese from accessing the street and sidewalk where they create a nuisance.

## 5.10 Traffic and Parking

### **Existing Conditions**

The existing lot is vacant. There are no cars or traffic associated with the current lot configuration. However the wetland does attract periodic visitors that use Kiukee Place for parking while viewing the wetland.

### **Potential Impacts & Mitigation**

The addition of a single-family home will increase traffic on Kiukee Place by a negligible amount. Off street parking for 3 cars will be provided. The single-family residential development proposes to use a circular driveway with two driveway connections to Kiukee Place. The City and County of Honolulu Department of Planning and Permitting Traffic Review Branch was informally consulted regarding the use of a circular driveway with a modest size single-family residence and was found to be generally acceptable. At the time of Building Permit application the circular driveway connection will be reviewed in detail. The alternative to a circular driveway would be a single driveway connection.

## 5.11 Scenic and Aesthetic Resources

### Existing Conditions

Mowed areas exist between the wetland fence boundary and the scrub vegetation at the interior of the dryland area. A mowed strip also runs along the street frontage. Unauthorized dumping of greenwaste and construction debris happens from time to time on the dryland. The predominate vegetation on the dryland is unattractive scrub consisting mainly of koa haole and California grass, which during the summer presents a significant brush-fire hazard. Views across the dryland area from the neighboring houses on Kiukee are obscured by the tall scrub.

Views of the wetland from the wetland observation area are partially obstructed by koa haole, pluchea and California grass.

### Potential Impact and Mitigation

The new fence along Kiukee Place will be set back 20 feet from the property line. Palms, groundcover and grass in this 20 foot-wide green belt will be more attractive than the current scrub vegetation. Unauthorized dumping should cease. No mitigation is required for view plane impact.

Views of the wetland from the wetland observation area will be framed by native plants including some palms which will provide shade for visitors.

Views of the wetland from the second floor windows of Kiukee Place neighbors will be minimally affected because the house is set back 76 feet and the garage is set back 59 feet from Kiukee Place.

## 5.12 Socio-Economic Characteristics

There will be a minor short-term benefit to the construction industry because of the building of the home. Enhancement of the aesthetics of the affected neighborhood may have the economic benefit of increasing property values in the vicinity.

## 5.13 Climate

The project site is located adjacent to Enchanted Lake and is exposed to the prevailing trade winds. Average temperature varies between 71.9 and 82.0 degrees (State of Hawaii Data Book 2001). No impact is anticipated on climate and no mitigation measures are proposed.

## 5.14 Utilities

The addition of a single family home to the site will require a slight increase in energy consumption, municipal water and wastewater treatment systems. However, any increased needs cannot be considered substantial or significant.

### 5.15 Air Quality

Air quality is generally considered good in the area. The State maintains records for particulate matter (PM) and sulfur dioxide (SO) for various locations on Oahu. The closest site to the project is Waimanalo. The average annual levels for particulate matter and sulfur dioxide are 17 micrograms per cubic meter and 0.13 micrograms per cubic meter, respectively. The State and Federal ambient air standards are 150 micrograms per meter for both parameters (State of Hawaii Data Book 2001). Minor impacts to air quality due to earth moving activities during construction will be of short duration.

### 5.16 Special Management Area Guidelines (Chapter 25-3.2 ROH)

The project is not in a Special Management Area.

### 5.17 Conservation District – Purpose and Objectives (HAR, Section 13-5)

#### Purpose

The Conservation District is intended 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 action on the dryland portion of the parcel will to a large degree enhance the purpose of the District. The owners have bought the property together with the responsibility for maintenance of the adjacent reconstructed wetland. Constructing a modest residence adjacent to their ongoing obligation to the wetland from a management perspective only makes common sense. The dryland portion of the site is for all practical purposes relatively unattractive open space covered with koa haole and California grass. The dryland portion will be transformed to open space with landscaping. One single-family caretakers residence on the 3 acre dryland portion of the 16.605 acre parcel will not be obtrusive and will not produce urban sprawl.

There will be no negative impacts on public health, safety and welfare.

#### Subzone Objectives

The proposed single-family residence is in the General Subzone. 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 lands typically include:

- 1)Lands with topography, soils, climate, or other related environmental factors that may not be normally adaptable or presently needed or urban, rural, or agricultural use; and
- 2)Lands suitable for farming, flower gardening, operation of nurseries or orchards, grazing; including facilities accessory to these uses when the facilities are compatible with the natural physical environment.

The lands for all practical purposes are very acceptable for a single-family residence. All infrastructure service is available in the adjacent Kiukee Street, which is a City and County Street. The area is in the middle of the urban setting, surrounded by R-5 and R-10 zoning.

The land will be transformed from a setting with overgrown koa haole to more of a garden type setting with substantial landscaping. It will not be a true nursery or commercial gardening venue that would not be appropriate in the urban setting.

## 5.18 Coastal Zone Management policies (Chapter 205A Hawaii Revised Statutes)

*The Hawaii Coastal Zone Management Program is built around 10 policy areas. The policy areas and the policy objectives are stated below followed by a narrative on the relationship of the project to the policy:*

*Recreational Resources - To provide coastal recreational opportunities accessible to the public and protect coastal resources uniquely suited for recreational activities that cannot be provided elsewhere.*

The proposed use is not coastal by definition. However, it is located adjacent to a privately-owned inland body of water with no public access (Enchanted Lake). The primary recreational activity that occurs at this portion of the lake is viewing of bird life being sustained by the reconstructed wetlands that the proposers maintain. Having access and a caretaker view of the wetland makes management sense and there will be no physical impact on the actual wetland.

*Historic Resources – To protect, preserve, and where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture*

There are no known historic sites at the project location. In addition the site has received fill as a result the creation of the reconstructed wetland. Minimal excavation is required or anticipated in conjunction with the single-family residence construction and it is the applicant's conclusion that no historic sites will be affected. The Department of Land and Natural Resources Historic Preservation also concluded that "no historic properties will be affected" as a result of the project during the consultation period of the Environmental Assessment process.

*Scenic and Open Space Resources – To protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.*

The site is presently overgrown with scrub vegetation. It is proposed to put one single-family dwelling on the property with a significant amount of landscaping. The open space and views to the surrounding properties will be enhanced by the proposed action.

*Coastal Ecosystems – To protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.*

The proposed action will have no impact on coastal ecosystems such as reefs or beaches. The proposed action is adjacent to a reconstructed wetland that will not be physically altered by the proposed action. The creation of the single-family residence will enhance maintenance of the wetland since the wetland caretakers will be located adjacent to the facility they maintain.

*Economic Uses – To provide public or private facilities and improvements important to the state's economy in suitable locations; and ensure that coastal dependent development such as harbors and ports, energy facilities, and visitor facilities, are located, designed, and constructed to minimize adverse impacts in the coastal zone area.*

This policy is not relevant to the proposed action.

*Coastal Hazards – To reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence, and pollution.*

The proposed action will have no impact on hazards to life and property resulting from tsunamis, storm waves, stream flooding, erosion, subsidence, and pollution.

*Managing Development – To improve the development review process, communication, and public participation in the management of coastal resources and hazards.*

The proposed action requires an environmental review with respect to HRS Chapter 343 and its required consultation comment period, draft environmental assessment period. In addition a Board permit is required for the project. The Board permit process also includes a public hearing. The review process, communication and public participation process have been achieved by the foregoing steps.

*Public Participation – To stimulate public awareness, education, and participation in coastal management; and maintain a public advisory body to identify coastal management problems and provide policy advice and assistance to the CZM program.*

The proposed action has had substantial public participation in the Chapter 343 review process and the Board permit process provides for a separate public hearing.

The aspects of this policy item with respect to policy advice and assistance are not relevant.

*Beach Protection – To protect beaches for public use and recreation; locate new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion.*

Beach protection is not a relevant policy with respect to the proposed action.

*Marine Resources – To implement the state's ocean resources management plan.*

Ocean resources management planning is not a relevant policy with respect to the proposed action.

## VI. Summary of Major Impacts

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### A. Short-Term

The project involves development of vacant and overgrown portion of the property into one new residence. The short-term impacts are primarily associated with construction and construction activities such as a small amount of earth moving and house construction.

### B. Long-Term

The long-term impacts are primarily associated with the permanent demand on services that will be created. The affected services are water, sewer, electric, telephone and cable.



## **VII. Alternatives Considered**

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### **A. No Action**

The no action alternative would leave the project in its existing condition. The dryland portion of the parcel would remain vacant and overgrown.

**Negative impacts of status quo include the following:**

- Unauthorized dumping would continue
- Feral predators such as mongoose and rats would continue to live in the overgrown area
- Wetland would not have owner nearby to monitor and solve problems

**Positive impacts of the no action alternative include the following:**

- No short-term construction impact on nearby residents
- The nearby residents would not be concerned about a loss of view plane

The owners wish to live on the property. Therefore this alternative has been rejected.

### **B. Develop With Smaller Home**

This option would provide a smaller home on the property. The current design is less than the 5000 square foot maximum that is allowed on conservation-zoned properties of over 1 acre. This alternative has also been rejected because it does not meet the needs of the owners.

## VIII. Findings and Determination

### 8.1 Summary of potential permits and approvals

- A. Conservation District Use Permit
- B. Sewer Connection Application
- C. Construction Plan Approval
- D. Driveway connection to Kiukee Place
- E. Building permit for individual home
- F. Any necessary grading and trenching permits

### 8.2 Summary of potential impacts and mitigation

<i>Resource Category</i>	<i>Potential Impacts</i> <i>Positive: + Negative: - Minimal: 0</i>	<i>Mitigation Proposed</i>
Hydrology	0	NA
Potable Water	0	NA
Surface Water	- Soil may discharge to water during construction	Minimize surface area of exposed soil, install swales to maximize retention of water on dryland, install soil retention fencing per BMPs Install landscaping as soon as possible after ground surface exposed
Waterbirds	+ Habitat enhancement	NA
	+ Reduced pedestrian access to wetland on one side	NA
	+ Reduction in feral predators + Reduction in pet access to wetland	NA NA
	- Short term disturbance during construction	Implement BMPs Position construction staging on non-wetland side of residence
	- Protected waterbirds may venture onto dryland area	If protected waterbirds are observed near the construction area, efforts will be made to minimize their disturbance
Botanical Resources	+ Use of native plants in landscaping and reduce/remove invasive species that threaten quality of wetland vegetation	NA

<b>Aquatic Resources</b>	- Short-term disturbance during construction if soil discharges into water	Minimize surface area of exposed soil, install swales to maximize retention of water on dryland, install soil retention fencing per BMPs
<b>Historical, Cultural and Archaeological</b>	0 No Historical, Cultural and Archaeological resources are expected to be impacted by the project	NA
<b>Ambient Noise</b>	- Short-duration noise associated with construction equipment may disturb nearby residents.	Noise levels will be within regulatory limits at the property line Construction will occur during standard working hours
<b>Health &amp; Safety</b>	+ Access to sidewalk and street by domestic geese will be discouraged by new fencing	NA
	+ Developed land will discourage unauthorized dumping	NA
<b>Traffic &amp; Parking</b>	- Pedestrian hazard due to addition of driveway	Landscaping will be grass near street to ensure visibility of pedestrians crossing driveway
	- Nearby residents are concerned about lack of parking on street.	Plan includes areas for off-street parking for guests, plus 3 car garage
<b>Scenic &amp; Aesthetic Resources</b>	+ Enhance appearance of overgrown property	NA
	+ Wetland observation area enhanced	NA
	- Nearby residents are concerned about losing "green space"	Fence along Kiukee Place is set back 20' from property line. House and garage are set back 76 feet and 59 feet respectively from Kiukee Place property line. Landscaping will increase look of greenspace.
<b>Socio-economics</b>	+ Possible increase in property values in neighborhood	NA
	+ Short-term impact on construction jobs	NA
<b>Utilities</b>	0 Negligible impact on water supply, power or sewer	NA
<b>Air Quality</b>	- Minimal construction-related fugitive dust	Implement BMPs as needed such as dampening the soil to control dust.

### 8.3 Determination, Findings and Reasons for Supporting Determination

It is anticipated that the proposed project will not significantly impact the environment and therefore a Finding of No Significant Impact (FONSI) is anticipated. It is anticipated that the preparation and processing of an Environmental Impact Statement will not be required for this project. This statement of findings is based on an evaluation of the significance criteria.

**Significance Criteria:** According to the Department of Health Rules (I 1-200-12), an applicant or agency must determine whether an action may have a significant impact on the environment, including all phases of the project, its expected consequences both primary and secondary, its cumulative impact with other projects, and its short and long-term effects. In making the determination, the Rules establish "Significance Criteria" to be used as a basis for identifying whether significant environmental impact will occur. According to the Rules, an action shall be determined to have a significant impact on the environment if it meets any one of the following criteria:

**A. The Project Will Not Involve an Irrevocable Commitment to Loss or Destruction of any Natural or Cultural Resources.**

The site has thick layers of fill that raised the land elevation. There are no known archeological sites or cultural resources on or associated with the parcel.

**B. The Project Will Not Curtail the Range of Beneficial Uses of the Environment.**

The subject area is overgrown with California Grass, Koa Haole and other invasive weeds. It is, for the most part, virtually impenetrable. The public viewing area of the adjacent Ka'elepulu wetland remains accessible and it will be improved with the addition of native plants, trees and other landscaping.

**C. The Project Will Not Conflict With the State's Long-Term Environmental Policies or Goals and Guidelines as Expressed in Chapter 344, Hawaii Revised Statutes, and any Revisions Thereof and Amendments Thereto, Court Decisions or Executive Orders.**

The project will not conflict with the environmental policies set forth in the State Plan and Chapter 344, Hawaii Revised Statutes (HRS) in that the project will not damage sensitive natural resources or emit contaminants. In the unlikely event that historic/archaeological sites, including human burials, are uncovered during routine construction activities associated with the proposed project, all work in the vicinity will stop and the State Historic Preservation Division will be contacted.

**D. The Project Will Not Substantially Affect the Economic or Social Welfare of the Community or State.**

The project consists of the addition of one residence. This project is too small to substantially affect the economic or social welfare of the community or State.

**E. The Project Will Not Substantially Affect Public Health.**

No impact on public health is anticipated.

**F. The Project Will Not Involve Substantial Secondary Impacts, Such as Population Change or Effects in Public Facilities.**

The project will not influence population change or impact substantially on existing infrastructure.

**G. The Project Will Not Involve a Substantial Degradation of Environmental Quality.**

Environmental quality will be essentially the same as that which exists prior to project implementation.

**H. The Project is Individually Limited and Will Not Cumulatively Have a Considerable Effect Upon the Environment nor Involves a Commitment for Larger Actions.**

The project involves the addition of one residence on a 3-acre portion of the parcel which is in a suburban neighborhood surrounded by 22 existing residences. The project is individually limited and there are no commitments for larger actions as a result of this project.

**I. The Project Will Not Substantially Affect a Rare, Threatened or Endangered Species, or its Habitat.**

The residence is located 100 feet and more from the edge of the wetland and water. According to experts we have consulted, no rare, threatened or endangered species will be substantially affected by the project. The project area is not habitat for rare, threatened or endangered species. The project is likely to benefit the endangered waterbirds that live in the adjacent wetland because the project will remove habitat for predators and will enable the owners to monitor and maintain the wetland more effectively.

**J. The Project Will Not Detrimentially Affect Air Quality, Water Quality or Ambient Noise Levels.**

Short-term impacts may occur during the construction of the project. However, the contractor must comply with current Department of Health regulations with respect to construction noise and dust control and must adhere to and provide Best Management Practices (BMPs).

**K. The Project Will Not Affect an Environmentally Sensitive Area Such as a Flood Plain, Tsunami Zone, Erosion-Prone Area, Geologically Hazardous Land, Estuary, Fresh Water, or Coastal Waters.**

The project site is not located in a Flood Plain, Tsunami Zone, Erosion-Prone Area, Geologically Hazardous Land, Estuary, Fresh Water, or Coastal Waters.

**L. The Project Will Not Substantially Affect Scenic Vistas or View Lanes as Identified in County or State Plans or Studies.**

The proposed project will allow a more pleasant experience when viewing the wetlands from the 260-foot long public viewing area. The size of the public viewing area from State or County roads will not be altered. The Ka'elepulu wetlands are not identified in County or State Plans or Studies as scenic vistas or view lanes.

**M. The Proposed Project Will Not Require Substantial Energy Consumption.**

The project's one residence will require a slight increase in energy consumption. However, any increased needs cannot be considered substantial or significant.

## IX. Summary of Unresolved Issues

### 9.1 Final House Siting

The final position on the house may be adjusted during the CDUA process. Experts consulted have confirmed that the 100-foot setback from the water is more than generous, however the issue is still being discussed.

Note: Measurements on Exhibit 5 have been changed to more accurately reflect the distance from the house to the wetland.

## X. List of Persons, Firms, or Agencies that Prepared the Statement

The following list identifies the persons, firms and governmental agencies involved in the preparation of the environmental assessment for the proposed action.

EA Project Manager: David B. Bills, President  
Bills Engineering Inc.

Project Civil Engineer: Bills Engineering Inc.

Owners: Cindy Turner & Hugo de Vries

Project Architect: Jim Schmit

Landscape Architect: Steve Mechler

## XI. Consultation Comments Received Prior to EA Preparation



March 2, 2004

«Title» «FirstName» «LastName»  
«JobTitle»  
«Company»  
«Address1»  
«Address2»  
«City» «State» «PostalCode»

**SUBJECT: Conservation District – Use Permit Environmental Assessment  
de Vries Single Family Home - Kiukee Place  
Kailua, Hawaii 96734  
TMK: 4-2-2: 15**

---

Gentlemen:

Hugo de Vries and Cindy Turner de Vries are in the process of purchasing the subject property of approximately 16.6 acres (723,096 square feet). The plan is to develop one single-family home on the portion of the property that fronts Kiukee Place. A portion of the property is designated in perpetuity as a wetland. This project will not touch the wetland portion of the parcel. Figure 1 shows a vicinity map, Figure 2 shows State zoning designations, Figure 3 shows the proposed site plan with the designated wetland and an elevation of the home, and Figure 4 shows the landscape plan.

The property is located in State of Hawaii, DLNR, Conservation District, General Subzone. (See Figure 2) and a Conservation District Use Permit is required. In accordance with the Conservation District Use Permit application process an Environmental Assessment meeting the requirements of Chapter 343, Hawaii Revised Statutes (Environmental Impact Statements) is required. One of the steps in the process is early consultation with affected entities and this notification is being circulated to meet the consultation requirement. The property is not located in the City and County of Honolulu Special Management Area.

The following provides project information for the purpose of soliciting consultation comments.

**PROJECT DESCRIPTION:**

The project will consist of one single-family residence of approximately 3,120 square feet of floor area with a covered lanai of 780 square feet, a garage of 730 square feet and a swimming pool of 360 square feet. The total area of these improvements is less than 5,000 square feet. The home will be single story with a small 2-story viewing tower with a height limitation of 25 feet in accordance with the City and County of Honolulu Land Use Ordinance. It has 4 bedrooms and 3½ baths. Landscaping will be provided.

Access to the property will be by a 13-foot wide concrete driveway connecting to Kiukee Place. The elevation of Kiukee Place is 8.0 feet and the elevation of the main portion of the property where the home will be built is approximately 14.0 feet.

Minimal grading is required (less than 1,500 cubic yards) of excavation and embankment.

The site plan respects the required setback on the front, sides and back of 25-feet.

«Title» «FirstName» «LastName»  
«JobTitle»  
«Company»  
March 2, 2004  
Page 2

The project utility service will be provided City services with respect to water. There is City sewer available to the property though a septic system may be required depending on sewer capacity. A domestic meter will provide water and fire protection is provided by a fire hydrant adjacent to the property on Kiukee Place. The Board of Water Supply has an existing main in Kiukee Place. Electric, telephone and cable services will be provided by HEI, Verizon and Oceanic Cable, respectively and the on-site service will be underground.

The Draft Environmental Assessment (to be prepared after receipt of consultation comments) will include the following:

1. Alternatives including lesser home and no develop will be discussed.
2. Description of the action's technical, economic, social and environmental characteristics.
3. Assessment of archaeological/cultural considerations based on consultation with the State Historic Preservation Office.
4. Mitigation measures for impacts.
5. All additional required content information required for an Environmental Assessment.

The project is a "private" project and the Environmental Assessment will be prepared and processed by the project's consultant, Bills Engineering. The accepting authority will be the State of Hawaii, Department of Land and Natural Resources.

We are providing the enclosed information to solicit your comments with respect the content and the preparation of the Draft Environmental Assessment (DEA). Please send your comments to our office: Bills Engineering, Inc., 7 Waterfront Plaza, Suite 400, 500 Ala Moana Boulevard, Honolulu, Hawaii 96813.

Should you have any questions regarding this matter, please contact me at 543-6453. E-mail responses can be sent to [dbills@hawaii.rr.com](mailto:dbills@hawaii.rr.com).

Very truly yours,  
BILLS ENGINEERING, INC.

David B. Bills

DBB:flb  
Enclosures  
016-00

Figure 1: Vicinity Map

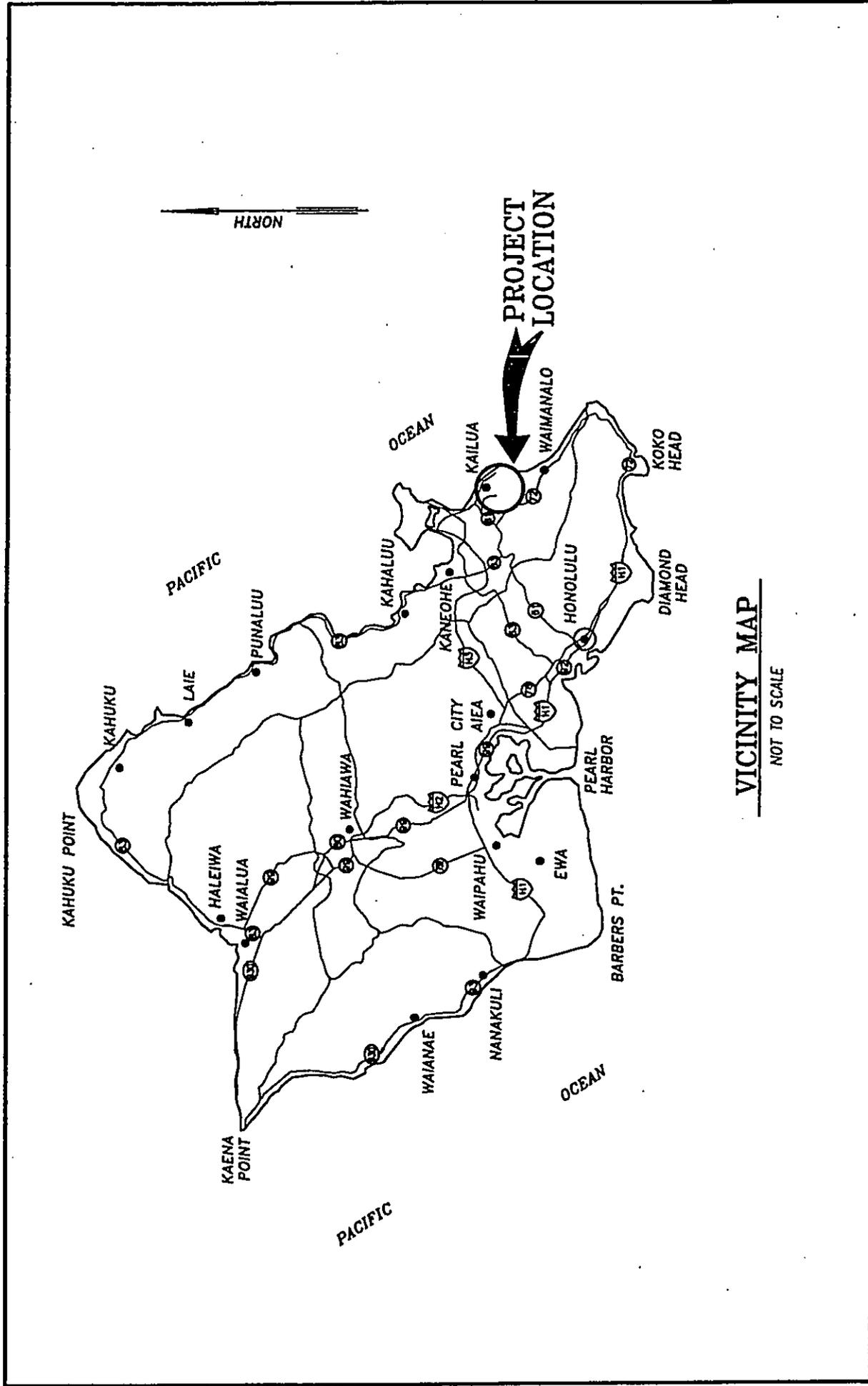


Figure 2: State Zoning Boundary Map

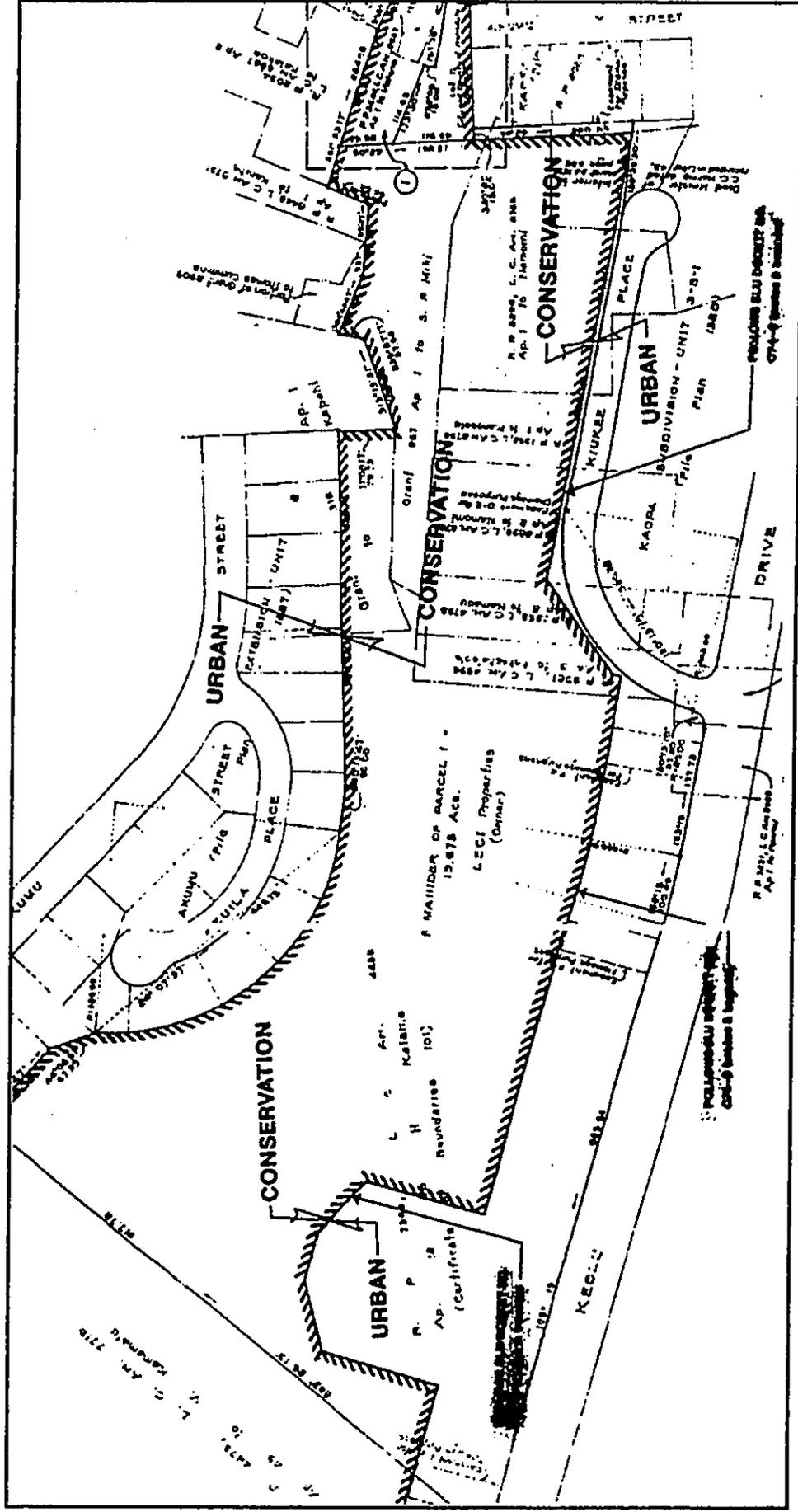


Figure 3: Site Plan and Elevation

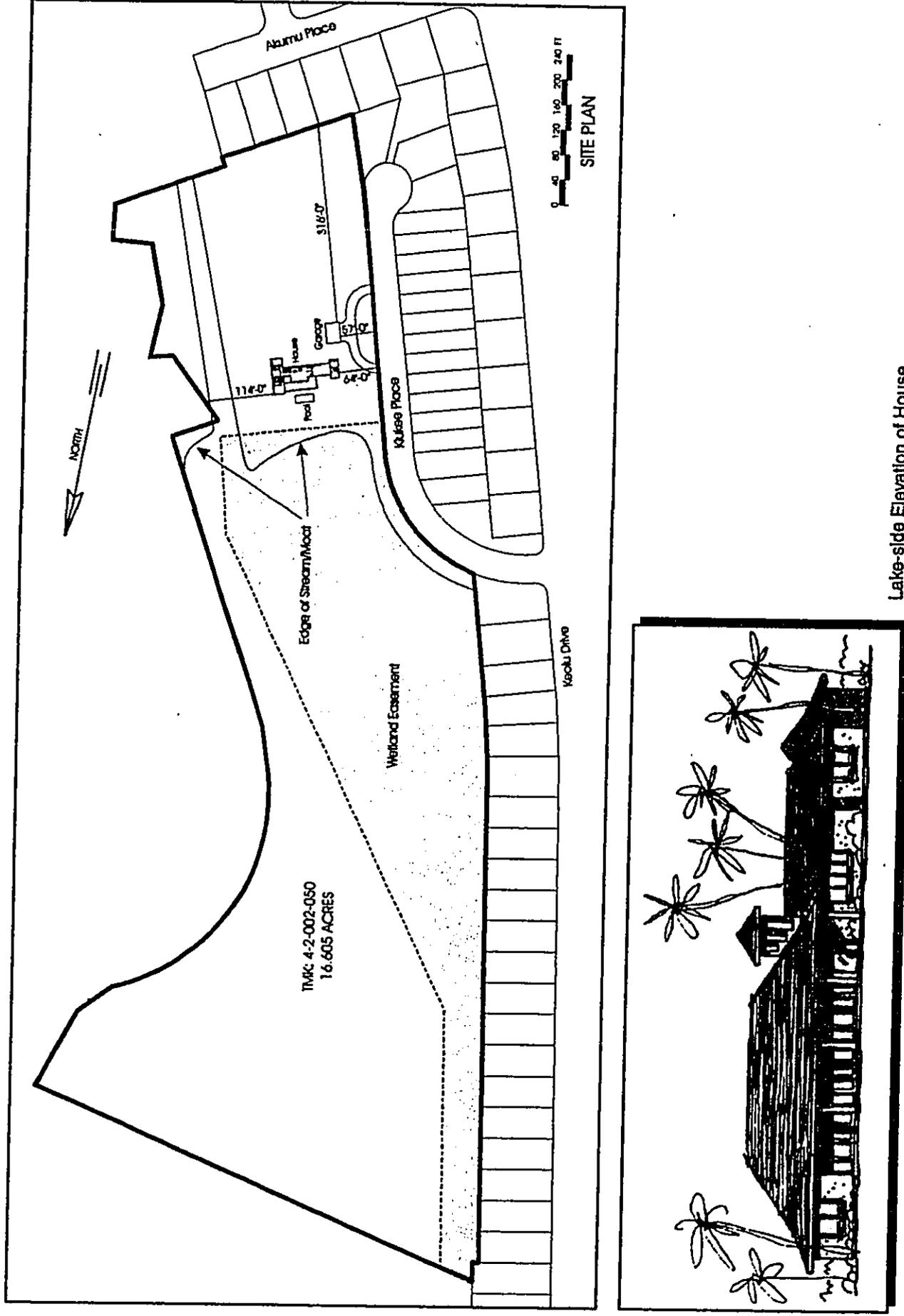
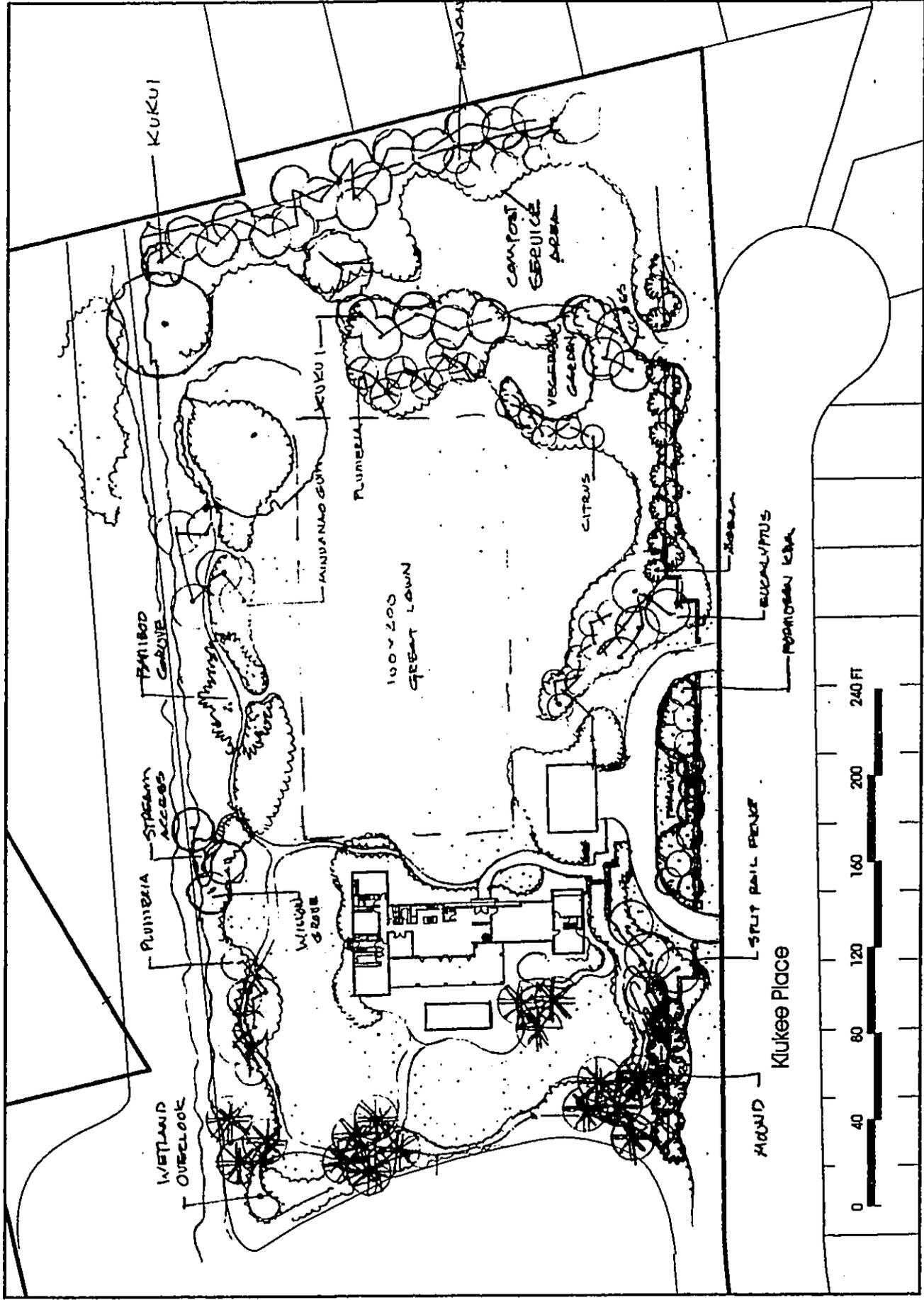


Figure 4: Landscape Plan





*The Senate*  
*State of Hawaii*

STATE CAPITOL  
HONOLULU, HAWAII 96813

Senator Bob Hogue  
415 S. Beretania St.  
State Capitol, Room 204  
Honolulu, HI 96813

April 5, 2004

To whom it may concern:

I'm writing to express my strong support for Cindy Turner's application to build a single family home on the dryland portion of the property she owns adjacent to Kaelepulu wetland, Tax Map Key #4-2-002-050.

This dryland portion is currently overgrown with invasive species, haole koa and California grass. I believe that replacing these unsightly weeds with a nicely landscaped residence will improve the appearance of the neighborhood.

I have spoken with Ms. Turner, and I know she is concerned about the environment and will do a good job of maintaining the adjoining wetlands. I feel that she is an ideal person to assume stewardship of this community resource and preserve the natural beauty of the marshland.

Please feel free to distribute copies of this letter as necessary to gain the required approvals and permits for this worthwhile project.

Sincerely,

  
Senator Bob Hogue



DEPARTMENT OF THE ARMY  
U. S. ARMY ENGINEER DISTRICT, HONOLULU  
FT. SHAFTER, HAWAII 96858-5440

May 6, 2004

REPLY TO  
ATTENTION OF

Regulatory Branch

Mr. David B. Bills  
Bills Engineering  
7 Waterfront Plaza, Suite 400  
500 Ala Moana Boulevard  
Honolulu, Hawaii 96813

Dear Mr. Bills:

This letter responds to your request for comments dated March 4, 2004 concerning the proposed de Vries single family home at Kiukee Place. Based on the information you provided and a site visit by a member of my staff, I have determined there are no waters of the U.S., including wetlands which would be affected by the project and therefore a Department of the Army (DA) permit will not be required for this project.

The proposed location of the house is adjacent to a wetland that is a mitigation site for a Corps permit issued in 1991. The house location is not in the wetland, and is not expected to have an adverse effect on the mitigation site.

This determination does not relieve your clients from obtaining other authorizations from the State of Hawaii or the City and County of Honolulu.

If you have any questions concerning this determination, please contact William Lennan of my staff at 438-6986 or FAX 438-4060, and reference File No. 200400189.

Sincerely,

A handwritten signature in black ink, appearing to read "George P. Young".

George P. Young, P.E.  
Chief, Regulatory Branch

**David Bills**

---

**From:** Steveholck@aol.com  
**Sent:** Friday, March 05, 2004 10:34 AM  
**To:** dbills@hawaii.rr.com  
**Subject:** Kiukee Place/016/00/deFries

Our family is very excited to see the plans you sent us in the mail. We absolutely do not mind the construction/dust or whatever.

We support this project 100% and will do whatever we can to help see it completed. Be careful about the foundation, I think the land moves around here!

My cell number is 224-4000. Call me if I can assist in any way.

Aloha,  
Steve & Wendy Holck & Family  
1495 Kiukee Place

Ps I'm the guy that has been mowing the grass for the last 25 years. I also have the tent at the end of the street with the classic cars inside. Let me know when you need them moved so I can find another place for them. Tell the deFries that I just bought a new lawn tractor from Sears which I only use for their property. Maybe they want it! I'll keep the mowing up until they are ready to change things.

3/5/2004

LINDA LINGLE  
GOVERNOR OF HAWAII



GENEVIEVE SALMONSON  
DIRECTOR

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET  
SUITE 702  
HONOLULU, HAWAII 96813  
TELEPHONE (808) 586-4185  
FACSIMILE (808) 586-4188  
E-mail: oeqc@health.state.hi.us

TO: <u>DB</u>
MAR - 9 2004
PROJECT NO: <u>016700</u>
ACTION: _____

March 8, 2004

Mr. David Bills  
Bills Engineering  
500 Ala Moana Blvd.  
7 Waterfront Plaza Suite 400  
Honolulu, Hawaii 96813

Subject: Conservation District Use Permit for deVries Single Family House,  
Kiukee Place, Kailua, Hawaii 96734

Dear Mr. Bills,

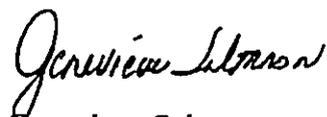
We have reviewed the information provided for the proposed deVries Single Family Home CDUP. We have the following suggestions:

1. Applicant should consider sustainable building design (guidelines may be found on OEQC's website)
2. Address visual impacts of the tower and home
3. Consult with neighbors and cultural consultants
4. Address how the applicant will assure that there will be no runoff from their property to the wetlands

We have no other comments to offer at this time, but will reserve further comments when the documents are submitted.

Should you have any questions, please call our office at 586-4185.

Sincerely,

  
Genevieve Salmonson  
Director

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING, ROOM 555  
601 KAMOKILA BOULEVARD  
KAPOLEI, HAWAII 96707

PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON  
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU  
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

March 16, 2004

David Bills  
Bills Engineering  
7 Waterfront Plaza, Suite 400  
500 Ala Moana Blvd.  
Honolulu, Hawaii 96813

LOG NO: 2004.0731  
DOC NO: 0403EJ27

Dear Mr. Bills:

**SUBJECT: Chapter 6E-42 Historic Preservation Review- CDUP Pre-Environmental Assessment Consultation for the de Vries Single Family Home, Kiukee Place, Kailua, O'ahu, Kailua, Ko'olaupoko, O'ahu  
TMK: (1) 4-2-002:050**

Thank you for the opportunity to provide comment during the preparation of an Environmental Assessment for the de Vries Single Family Home. We received your request for comment on March 4, 2004 and additional information on March 9, 2004. We appreciate your speedy response to our request for the additional information.

The de Vries family plans to develop a single-family home on a portion of this parcel that fronts Kiukee Place. A designated wetland is located adjacent to the portion of the property proposed for development. According to you and the landowner development of the dry land parcel will require minimal grading and excavation to a depth of 2 feet in limited areas. Information also provided by you indicates that the dry land area is comprised of fill soils from development of the Enchanted Lakes subdivision. Test holes excavated at the project location confirmed the fill deposition.

A review of our records shows that there are no known historic sites at this location. Although no archaeological inventory survey has been conducted of this parcel, aerial and site photographs indicate that no surface historic sites exist. Also based on the information that the project will be located on fill soils, where historic sites are not likely to exist, we believe that "no historic properties will be affected" by the proposed home.

Should you have any questions, please feel free to call Sara Collins at 692-8026 or Elaine Jourdane at 692-8027.

Aloha,

*P. Holly McEldowney*

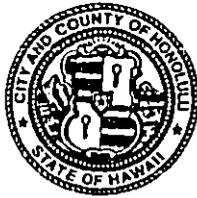
P. Holly McEldowney, Administrator  
State Historic Preservation Division

EJ:jen

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

801 SOUTH BERETANIA STREET  
HONOLULU, HAWAII 96813 - AREA CODE (808) 529-3111  
<http://www.honolulu.org>  
[www.co.honolulu.hi.us](http://www.co.honolulu.hi.us)

JEREMY HARRIS  
MAYOR



LEE D. DONOHUE  
CHIEF

GLEN R. KAJIYAMA  
PAUL D. PUTZULU  
DEPUTY CHIEFS

OUR REFERENCE CS-KP

March 9, 2004

Mr. David B. Bills  
Bills Engineering, Inc.  
7 Waterfront Plaza, Suite 400  
500 Ala Moana Boulevard  
Honolulu, Hawaii 96813

Dear Mr. Bills:

Thank you for the opportunity to review and comment on the Conservation District Use Permit Environmental Assessment for the de Vries Single Family Home at Kiukee Place in Kailua.

This project should have negligible impact on the facilities and services provided by the Honolulu Police Department.

If there are any questions, please call Captain Michael Correa of District 4 at 247-2166 or Ms. Carol Sodetani of the Support Services Bureau at 529-3658.

Sincerely,

LEE D. DONOHUE  
Chief of Police

By   
KARL GODSEY  
Assistant Chief of Police  
Support Services Bureau

*Serving and Protecting with Aloha*

DEPARTMENT OF FACILITY MAINTENANCE  
**CITY AND COUNTY OF HONOLULU**  
1000 ULUOHIA STREET, KAPOLEI HALE, SUITE 215, KAPOLEI, HAWAII 96707  
TELEPHONE : (808) 692-5054 FAX: (808) 692-5857

JEREMY HARRIS  
MAYOR



LARRY J. LEOPARDI, P.E.  
DIRECTOR AND CHIEF ENGINEER

ALVIN K. C. AU  
DEPUTY DIRECTOR

IN REPLY REFER TO:  
DRM 04-248

March 16, 2004

Mr. David Bills  
Bills Engineering, Inc.  
7 Waterfront Plaza, Suite 400  
500 Ala Moana Boulevard  
Honolulu, Hawaii 96813

Dear Mr. Bills:

**Subject: Conservation District - Use of Permit Environmental Assessment  
De Vries Single Family Home - Kiukee Place, TMK:4-2-2:15**

We have no comments to offer regarding your preparation of the Draft Environmental Assessment at this time.

Please keep me informed as to the progress of your project.

Very truly yours,

A handwritten signature in cursive script that reads "Larry Leopardi".

LARRY LEOPARDI, P.E.  
Director and Chief Engineer

DEPARTMENT OF PARKS AND RECREATION  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 10TH FLOOR • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 523-4182 • FAX: (808) 527-5725 • INTERNET: www.co.honolulu.hi.us

JEREMY HARRIS  
MAYOR



WILLIAM D. BALFOUR, JR.  
DIRECTOR

EDWARD T. "SKIPPA" DIAZ  
DEPUTY DIRECTOR

March 16, 2004

Mr. David B. Bills  
Bills Engineering, Inc.  
7 Waterfront Plaza, Suite 400  
500 Ala Moana Blvd.  
Honolulu, Hawaii 96813

Dear Mr. Bills:

Subject: Conservation District-Use Permit Environmental Assessment  
de Vries Single Family Home-Kiukee Place Kailua, Hawaii  
TMK 4-2-2:15

Thank you for the opportunity to review and comment on the Conservation District Use Permit Environmental Assessment relating to the proposed de Vries single family home in Kailua.

The Department of Parks and Recreation has no comment on this project.

Should you have any questions, please contact Mr. John Reid, Planner,  
at 692-5454.

Sincerely,

*W.D. Balfour, Jr.*  
WILLIAM D. BALFOUR, JR.  
Director

WDB:mk  
(53970)



March 16, 2004

P.O. Box 3000  
Honolulu, Hawaii 96802-3000

Bills Engineering, Inc.  
7 Waterfront Plaza, Suite 400  
500 Ala Moana Boulevard  
Honolulu, Hawaii 96813

Attention: Mr. David B. Bills

Gentlemen:

Subject: Draft Environmental Assessment for  
de Vries Single Family Home, Kiukee Place

In response to your letter dated March 2, 2004, we are returning Figures 1-4 with project area defined. Based on our review of the maps provided, it has been determined that the project area defined is currently clear of utility gas facilities.

Thank you for the opportunity to comment on the Draft Environmental Assessment. Should there be any questions, or if additional information is desired, please call Chris Anderson at 594-5564.

Sincerely,

The Gas Company, LLC

Charles E. Calvet, P.E.  
Manager, Engineering

CEC:krs  
04-165

Attachments

**Attn: David B. Bills**

**From: Dr. and Mrs. Raymond Lockwood**

**Re: Conservation District Use Permit for de Vries Single Family Home- Kiukee.**

We appreciate the chance to comment on the proposed project of the de Vries single family home. As stated the project is to occur in a conservation district and as a result we do have specific concerns regarding the wildlife on and around the site of the proposed project in addition to concerns which may affect the surrounding neighbors.

It is stated that the proposed project will not be in the wetland however, impacts to the wetland environment resulting from construction (such as soil runoff and silting) are a possibility if not contained properly. Also how is dust and noise from the construction project going to be minimized?

Although the site of the proposed project is dominated by alien vegetation, it does provide some habitat for the endangered moorhen (*Gallinula sandvicensis*) and the threatened black-crowned night-heron (*Nycticorax hoactli*). Both wetland bird species have been seen on the site of the proposed development, and we are concerned about this.

Another concern is the current condition of the wetland mitigation site. During periods of low water level, some areas of the moat depth is 0, meaning exposed, which is far from the minimum depth requirements as stated in Army Core's PODCO permit. Moat way depth is extremely important in preventing predators such as the introduced mongoose and rats from preying on native bird nesting sites. We would like to know how the land owner and agencies involved would best try to comply with such permit conditions.

Thank you again for the chance to comment.

Dr. and Mrs. Raymond Lockwood.

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
EPO-04-045

March 11, 2004

Mr. David B. Bills  
Bills Engineering, Inc.  
7 Waterfront Plaza,  
Suite 400, 500 Ala Moana Boulevard  
Honolulu, Hawaii 96813

Dear Mr. Bills:

SUBJECT: Conservation District – Use Permit Environmental Assessment  
de Vries Single Family Home – Kiukee Place  
Kailua, Hawaii 96734  
TMK: 4-2-2: 15

Thank you for allowing us to review and comment on the subject document. We have the attached standard comments to offer. If you have any questions about the attached standard comments please contact Ryan Davenport at 586-4346.

Sincerely,

A handwritten signature in cursive script that reads "June F. Harrigan-Lum".

JUNE F. HARRIGAN-LUM, MANAGER  
Environmental Planning Office

Enclosures

c: CAB  
EPO  
SHWB  
NRAIQ  
CWB  
WWB  
HEER

## Standard Comments

Environmental Planning Office Dated 3/2/04

The Environmental Planning Office (EPO) is responsible for several surface water quality management programs mandated by the federal Clean Water Act or dictated by State policy. (<http://www.state.hi.us/doh/eh/epo/wqm/wqm.htm>). Among these responsibilities, EPO:

- maintains the *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)* (<http://www.state.hi.us/doh/eh/epo/wqm/303dpcfinal.pdf>);
- develops and establishes Total Maximum Daily Loads (TMDLs) for listed waters (suggesting how much existing pollutant loads should be reduced in order to attain water quality standards, please see <http://www.epa.gov/owow/tmdl/intro.html>);
- writes TMDL Implementation Plans describing how suggested pollutant load reductions can be achieved; and
- conducts assessments of stream habitat quality and biological integrity.

To facilitate TMDL development and planning, and to assist our assessment of the potential impact of proposed actions upon water quality, pollutant loading, and biological resources in receiving waters, we suggest that environmental review documents, permit applications, and related submittals include the following standard information and analyses:

### Waterbody type and class

1. Identify the waterbody type and class, as defined in Hawaii Administrative Rules Chapter 11-54 (<http://www.state.hi.us/doh/rules/11-54.pdf>), of all potentially affected water bodies<sup>1</sup>.

### Existing water quality management actions

2. Identify any existing National Pollutant Discharge Elimination System (NPDES) permits and related connection permits (issued by permittees) that will govern the management of water that runs off or is discharged from the proposed project site or facility. Please include NPDES and other permit numbers; names of permittees, permitted facilities, and receiving waters (including waterbody type and class as in 1. above); diagrams showing drainage/discharge pathways and outfall locations; and note any permit conditions that may specifically apply to the proposed project.
3. Identify any planning documents, groups, and projects that include specific prescriptions for water quality management at the proposed project site and in the

potentially affected waterbodies. Please note those prescriptions that may specifically apply to the proposed project.

#### **Pending water quality management actions**

4. Identify all potentially affected water bodies that appear on the current *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)* including the listed waterbody, geographic scope of listing, and pollutant(s) (See Table 7 at <http://www.state.hi.us/doh/eh/epo/wqm/303dpcfinal.pdf>).
5. If the proposed project involves potentially affected water bodies that appear on the current *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)*, identify and quantify expected changes in the following site and watershed conditions and characteristics:
  - surface permeability
  - hydrologic response of surface (timing, magnitude, and pathways)
  - receiving water hydrology
  - runoff and discharge constituents
  - pollutant concentrations and loads in receiving waters
  - aquatic habitat quality and the integrity of aquatic biota

Where TMDLs are already established they include pollutant load allocations for the surrounding lands and point source discharges. In these cases, we suggest that the submittal specify how the proposed project would contribute to achieving the applicable load reductions.

Where TMDLs are yet to be established and implemented, a first step in achieving TMDL objectives is to prevent any project-related increases in pollutant loads. This is generally accomplished through the proper application of suitable best management practices in all phases of the project and adherence to any applicable ordinances, standards, and permit conditions. In these cases we suggest that the submittal specify how the proposed project would contribute to reducing the polluted discharge and runoff entering the receiving waters, including plans for additional pollutant load reduction practices in future management of the surrounding lands and drainage/discharge systems.

#### **Proposed Action and Alternatives Considered**

We suggest that each submittal identify and analyze potential project impacts at a watershed scale by considering consider the potential contribution of the proposed project to cumulative, multi-project watershed effects on hydrology, water quality, and aquatic and riparian ecosystems.

We also suggest that each submittal broadly evaluate project alternatives by identifying more than one engineering solution for proposed projects. In particular, we suggest the consideration of "alternative," "soft," and "green" engineering solutions for channel

modifications that would provide a more environmentally friendly and aesthetically pleasing channel environment and minimize the destruction of natural landscapes.

If you have any questions about these comments or EPO programs, please contact Ryan Davenport at 586-4346.

"Potentially affected waterbodies" means those in which proposed project activity would take place and any that could receive water discharged by the proposed project activity or water flowing down from the proposed project site. These waterbodies can be presented as a chain of receiving waters whose top link is at the project site upslope and whose bottom link is in the Pacific Ocean, and can be named according to conventions established by Chapter 11-54 and the *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)*. For example, a recent project proposed for Nuhelewai Stream, Oahu might potentially affect Nuhelewai Stream, Kapalama Canal, and Honolulu Harbor and Shore Areas.

[OTHER EXAMPLES OR DIAGRAM??]

**Solid and Hazardous Waste Branch** Dated 3/2/04

1)

The OSWM recommends the development of a solid waste management plan that encompasses all project phases including demolition, construction, and occupation/operation of the completed project.

Specific examples of elements that the plan should address include:

- The recycling of green-waste during clear and grub activities;
- Recycling construction and demolition wastes, if appropriate;
- The use of locally produced compost in landscaping;
- The use of recycled content building materials;
- The provision of recycling facilities in the design of the project.

-----  
2)

The developer shall ensure that all solid waste generated during project construction is directed to a Department of Health permitted solid waste disposal or recycling facility.

-----  
3)

The developer should consider providing space in the development for recycling activities. The provision of space for recycling bins for paper, glass, and food/wet waste would help to encourage the recycling of solid waste(s) generated by building occupants.

-----  
4)

The discussion of solid waste issues contained in the document is restricted to activities within the completed project. The OSWM recommends the development of a solid waste management plan that encompasses all project phases, from construction (and or demolition) to occupation of the project.

Specific examples of plan elements include: the recycling of green-waste during clear and grub activities; maximizing the recycling of construction and demolition wastes; the use of locally produced compost in the landscaping of the project; and the provision of recycling facilities in the design of the project.

5)

Hawaii Revised Statutes Chapter 103D-407 stipulates that all highway and road construction and improvement projects funded by the State or a county or roadways that are to be accepted by the State or a county as public roads shall utilize a minimum of ten per cent crushed glass aggregate as specified by the department of transportation in all base-course (treated or untreated) and sub-base when the glass is available to the quarry or contractor at a price no greater than that of the equivalent aggregate.

If you have any questions, please contact the Solid and Hazardous Waste Branch at (808) 586-4240.

**Noise, Radiation & Indoor Air Quality Branch** Dated 3/2/04

"Project activities shall comply with the Administrative Rules of the Department of Health:

- Chapter 11-39            Air Conditioning and Ventilating.
- Chapter 11-45            Radiation Control.
- Chapter 11-46            Community Noise Control.
- Chapter 11-501           Asbestos Requirements.
- Chapter 11-502           Asbestos-Containing Materials in Schools.
- Chapter 11-503           Fees for Asbestos Removal and Certification
- Chapter 11-504           Asbestos Abatement Certification Program

Should there be any questions, please contact Russell S. Takata, Environmental Health Program Manager, Noise, Radiation and Indoor Air Quality Branch, at 586-4701."

**Clean Water Branch** Dated 3/2/04

1. The Army Corps of Engineers should be contacted at (808) 438-9258 to identify whether a Federal license or permit (including a Department of Army permit) is required for this project. Pursuant to Section 401(a)(1) of the Federal Water Pollution Act (commonly known as the "Clean Water Act"), a Section 401 Water Quality Certification is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters...."
2. A National Pollutant Discharge Elimination System (NPDES) general permit coverage is required for the following activities:
  - a. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi).

- b. Construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. **An NPDES permit is required before the commencement of the construction activities.**
- c. Discharges of treated effluent from leaking underground storage tank remedial activities.
- d. Discharges of once through cooling water less than one (1) million gallons per day.
- e. Discharges of hydrotesting water.
- f. Discharges of construction dewatering effluent.
- g. Discharges of treated effluent from petroleum bulk stations and terminals.
- h. Discharges of treated effluent from well drilling activities.
- i. Discharges of treated effluent from recycled water distribution systems.
- j. Discharges of storm water from a small municipal separate storm sewer system.
- k. Discharges of circulation water from decorative ponds or tanks.

The CWB requires that a Notice of Intent (NOI) to be covered by a NPDES general permit for any of the above activities be submitted at least 30 days before the commencement of the respective activities. The NOI forms may be picked up at our office or downloaded from our website at <http://www.state.hi.us/health/eh/cwb/forms/genl-index.html>.

- 3. The applicant may be required to apply for an individual NPDES permit if there is any type of activity in which wastewater is discharged from the project into State waters and/or coverage of the discharge(s) under the NPDES general permit(s) is not permissible (i.e. NPDES general permits do not cover discharges into Class 1 or Class AA receiving waters). An application for the NPDES permit is to be submitted at least 180 days before the commencement of the respective activities. The NPDES application forms may also be picked up at our office or downloaded from our website at <http://www.state.hi.us/health/eh/cwb/forms/indiv-index.html>.
- 4. Hawaii Administrative Rules, Section 11-55-38, also requires the owner to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. Please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.

If you have any questions, please contact the CWB at 586-4309.

**Waste Water Branch** Dated 3/2/04

All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems". We do reserve the right to review the detailed wastewater plans for conformance to applicable rules.

Should you have any questions, please contact the Planning & Design Section of the Wastewater Branch at 586-4294.

**Clean Air Branch** Dated 3/2/04

**Construction/Demolition Involving Asbestos:**

Since the proposed project would entail renovation/demolition activities which may involve asbestos, the applicant should contact the Asbestos Abatement Office in the Noise, Radiation and Indoor Air Quality Branch at 586-5800.

**Control of Fugitive Dust:**

A significant potential for fugitive dust emissions exists during all phases of construction. Proposed construction activities will occur in proximity to **existing residences, businesses, public areas and thoroughfares**, thereby exacerbating potential dust problems. It is recommended that a dust control management plan be developed which identifies and addresses all activities that have a potential to generate fugitive dust. Implementation of adequate dust control measures during all phases of development and construction activities is warranted.

Construction activities must comply with the provisions of Hawaii Administrative Rules, §11-60.1-33 on Fugitive Dust.

The contractor should provide adequate measures to control dust from the road areas and during the various phases of construction. These measures include, but are not limited to, the following:

- a) Plan the different phases of construction, focusing on minimizing the amount of dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;
- b) Provide an adequate water source at the site prior to start-up of construction activities;
- c) Landscape and provide rapid covering of bare areas, including slopes, starting from the initial grading phase;
- d) Minimize dust from shoulders and access roads;
- e) Provide adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
- f) Control dust from debris being hauled away from the project site.

**Hazard Evaluation and Emergency Response Office(HEER) Dated 3/2/04**

1. A phase I Environmental Site Assessment (ESA) should be conducted for developments or redevelopments. If the investigation shows that a release of petroleum, hazardous substance, pollutants or contaminants occurred at the site, the site should be properly characterized through an approved Hawaii State Department of Health (DOH)/Hazard Evaluation and Emergency Response Office (HEER) soil and or groundwater sampling plan. If the site is found to be contaminated, then all removal and remedial actions to clean up hazardous substance or oil releases by past and present owners/tenants must comply with chapter 128D, Environmental Response Law, HRS, and Title 11, Chapter 451, HAR, State Contingency Plan.
2. All lands formerly in the production of sugarcane should be characterized for arsenic contamination, If arsenic is detected above the US EPA Region (preliminary remediation goal (PRG) for non-cancer effects, then a removal and or remedial plan must be submitted to the Hazard Evaluation and Emergency Response (HEER) Office of the State Department of Health for approval. The plan must comply with Chapter 128D, Environmental Response Law, HRS, and Title 11, Chapter 451, HAR, State Contingency Plan.
3. If the land has a history of previous releases of petroleum, hazardous substances, pollutants, or contaminants, we recommend that the applicant request a "no further action" (NFA) letter from the Hawaii State Department of Health (DOH)/ Hazard Evaluation and Emergency Response (HEER) Office prior to the approval of the land use change or permit approval.

**BOARD OF WATER SUPPLY**

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



March 17, 2004

JEREMY HARRIS, Mayor

EDDIE FLORES, JR., Chairman  
CHARLES A. STED, Vice-Chairman  
HERBERT S.K. KAOPUA, SR.  
DAROLYN H. LENDIO

RODNEY K. HARAGA, Ex-Officio  
LARRY J. LEOPARDI, Ex-Officio

CLIFFORD S. JAMILE  
Manager and Chief Engineer

DONNA FAY K. KIYOSAKI  
Deputy Manager and Chief Engineer

Mr. David B. Bills  
Bills Engineering  
7 Waterfront Plaza, Suite 400  
Honolulu, Hawaii 96813

Dear Mr. Bills:

Subject: Your Letter of March 2, 2004 on the Conservation District Use Permit  
Environmental Assessment for the de Vries Single-Family Home, TMK: 4-2-2: 50

Thank you for the opportunity to comment on the proposed development.

The existing water system is presently adequate to accommodate the proposed single-family dwelling. The availability of water will be confirmed when the building permit is approved. When water is made available, the applicant will be required to pay our Water System Facilities Charges for resource development, transmission and daily storage.

If you have any questions, please contact Joseph Kaakua at 748-5442.

Very truly yours,

*for* CLIFFORD S. JAMILE  
Manager and Chief Engineer

March 17, 2004

David B. Bills  
Bills Engineering, Inc.  
7 Waterfront Plaza, Suite 400  
500 Ala Moana Boulevard  
Honolulu, Hawaii 96813

SUBJECT: Conservation District – Use Permit Environmental Assessment  
de Vries Single Family Home – Kiukee Place  
Kailua, Hawaii 96734  
TMK: 4-2-2:50

Dear Mr. David Bills,

Thank you for your March 2, 2004 letter regarding the proposed single family home located in the State of Hawaii, DLNR, Conservation District, General Subzone. As a homeowner across the street from the subject property, I take this opportunity to express my comments and concerns.

Our home was purchased in 1997 at which time we understood that the subject property had been recently zoned Conservation. It was refreshing that amongst the suburban sprawl in Kailua, a parcel of land was set aside by the State of Hawaii for native wildlife to flourish. There are species of birds, such as the Hawaiian Stilt and the Hawaiian Coot that I have not seen anywhere else in my 38 years as a resident of Hawaii. I truly believe that the well-being of the wildlife currently residing in the wetlands is directly dependent on keeping the buffer that exists between the wetlands and the adjacent residences. At the very least, there is no doubt that the construction of the proposed residence, pool, and the grading and landscaping will adversely affect the present wildlife population. For these reasons, I do not believe that development of the property is consistent with the purpose of this particular Conservation district.

In 2003, the owner of the property was found to be in violation of the U.S. Army Corps of Engineers' requirements in regards to the upkeep of the wetlands. Vegetation was over-grown and not properly cleared to allow free flow of water; channels were not properly maintained; etc. Currently, the wetlands are in non-compliance with the aforementioned requirements as we understand them. Admittedly, upkeep of the wetlands is an undertaking of enormous proportions and requires adequate resources. In the past, the ownership had contracted out the upkeep work. In addition, volunteers from the neighborhood have spent their Saturdays helping to maintain the wetlands. There is a concern if the prospective new owners have a plan and/or finances to maintain the wetlands.

While the actual lot size is 16.6 acres, the wetlands comprise the majority of this acreage. The single-family residence, detached garage structure and swimming pool have a combined area of 4,990 S.F. A development of this size and spread on the remainder of the lot outside of the wetlands will definitely have an adverse effect on and diminish the existing 'open-space' characteristic. The proposed new residence and landscaping will have a visual impact. The view of the lake will be obscured by the proposed structures and landscaping, particularly from the Waimanalo end of the street.

These are my thoughts and concerns. I do not believe that any development of land zoned as Conservation is conducive to the original zoning purpose and intent.

Again, thank you for this opportunity to express my concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "Albert J. Fobel", written in a cursive style.

Albert J. Fobel

Cc: DLNR Office of Conservation and Coastal Lands

Mr. David Bills  
Bills Engineering  
7 Waterfront Plaza, Suite 400  
500 Ala Moana Blvd.  
Honolulu, HI. 96813

March 14, 2004

Dear Mr. Bills:

This letter is being written in response to your letter of March 2, 2004 asking for comment on a proposed Conservation District Use Permit for a single family residence to be built on a wetland adjacent to the homes on Kiukee Place, Kailua, Hawaii.

In your letter you state that the home will not touch the wetland. Let us remind you that the entire parcel is designated as wetland. The following are reasons and questions why we appose this project.

- 1) This is one of the last wetland areas on Oahu for native Hawaiian water birds to breed. And this proposed project will further encroach on the birds native habitat.
- 2) The height of the project will be higher than the surrounding homes and encroach on the existing neighbors view across the wetland area.
- 3) If we allow this one home to be built there is no guaranty that in the future the owners of this property will not try to further develop it.
- 4) This property was originally zoned R5 and we fought to have it down zoned in mid 1990s to protect the native birds. Preservation means Preservation and we intend to keep it that way.
- 5) The current owners ( LECI ) have not been able to comply with the army corps of engineers directives in maintaining the property and are currently in default and have been since they have owned it. In your letter there is nothing to indicate that your clients are going to comply with the directives set forth by the corp. of engineers. Or have the financial ability to protect the wetlands.
- 6) The current utilities can not handle any further development at this time. We experience problems with cable and telephone.
- 7) This is currently one of the sites for the eco tour companies to stop and with further development will most likely discourage them from stopping.
- 8) If the project is to be built it should be moved all the way to the other end of the property by Akumu Place so that it does not encroach on the bird sanctuary.

These are just a few of the reasons against this project and many more will be brought forward if this project proceeds to the hearing stage.

Sincerely,

Residents of Kiukee Place

Signatures below



CC: DLNR

Senator Bob Hogue  
Kailua, Lanikai Outdoor  
Siera Club of Hawaii

Mr. David B Bills  
Bills Engineering  
7 Waterfront Plaza, Suite 400  
500 Ala Moana Blvd.  
Honolulu Hawaii 96813

March 18, 2004

Subject: Kaelepulu Wetland Development Proposal

Mr. Bills;

Thank you for keeping us informed concerning development plans for the Kaelepulu Wetland Parcel in Enchanted Lake. As a homeowner bordering the wetland I believe I can speak for the large majority of my neighbors who look forward to the day when this valuable natural asset is properly managed. I appreciate the level of detail offered in the plans and am fully in accord with the concept for improvements to this property. I see no conflict in having a home on the dry land portion of the property if the home is occupied by those who are responsible for maintenance, upkeep, and management of the wetland area.

As a lake resident with some knowledge of natural resource management issues, I would like to offer a few suggestions for improvements to the plans as follows:

- The plans do not demarcate the storm drain swale at the back of the property. The past/present owner, LECI, has allowed this swale to become overgrown and filled with sediments eroded from properties above. Plans for this drainage way should be reflected in the site plan.
- A large portion of sediments to the wetland and Kaelepulu Pond beyond are delivered via the Kaelepulu Stream concrete storm channel that enters the property at the rear south eastern corner. The City, which is responsible for maintenance of the drainage channel, has rarely (if ever) cleared the mouth of the canal because of difficulties accessing the site. Once the sediments, debris, and trash are in your wetland, you will be responsible for their ultimate removal (unless of course it floats on past and either ends up in the ELRA portion of the pond, or eventually washes up on Kailua Beach). It would be much simpler to allow for access through your property by City maintenance vehicles to the mouth of the stream. If a trash and sediment collection device could be constructed at this site, it could greatly increase the ease of sediment and trash removal. I would think that such a practical non-point source pollution device would warrant funding through KBAC, EPA 319, or FWS funding sources.
- There does not appear to be any facility for storage of boats, tractors, mowers, or other similar maintenance equipment likely to be used on the facility. To prevent a collection of equipment from becoming an eyesore to neighboring homes, a storage shed or barn facility should be noted on the plans.

None of the above points should be considered to be a condition of approval, but merely as suggestions to an already well thought out development plan.

I have known the deVries family for a number of years (their daughter is one mean soccer fullback) and look forward to welcoming them into our neighborhood. I believe they have both the right attitude and the correct skills to make this wetland property into the successful waterfowl preserve that it was intended to become.

Sincerely,



Robert E. Bourke  
437 Keolu Drive  
Kailua, Hawaii 96734

**ENCHANTED LAKE RESIDENTS ASSOCIATION**

**P.O. BOX 1485  
KAILUA, HI 96734  
(808) 262-7178**

March 18, 2004

**Bills Engineering  
7 Waterfront Plaza Suite 400  
500 Ala Moana Blvd.  
Honolulu, HI 96813**

**RE: Conservation District -- Use Permit Environmental Assessment  
De Vries Single Family Home -- Kiukee Place TMK: 1--4-2-2-15**

Dear David:

This letter is written under the authorization of the Enchanted Lake Residents Association Board of Directors and represents the homeowners of properties that abut Enchanted Lake proper.

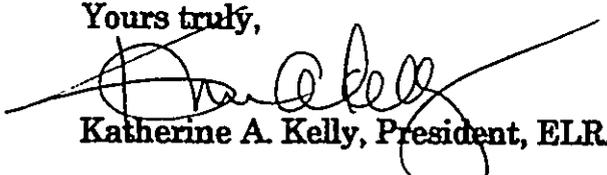
The ELRA approves the building of a single family dwelling on the above mentioned property. It will be a great improvement to have an owner of the wetlands living in direct proximity to the wetlands rather than what has existed in the past with an absentee landlord of a trust.

ELRA believes that with the design and building of the single family dwelling consideration will be taken into account regarding the large amount of trash that is "dumped" into Enchanted Lake from the area of the wetlands. It may be prudent to consider a method to collect the large amount of debris that comes from the adjacent hillsides at the back (southern most) end of the property. This could avoid considerable problems with future trash build-up in the area of the wetlands.

ELRA also believes that it would be advantageous to give the City and County some means of access through the property to be able to clean debris that flows into the wetlands through the City and County storm drains. Recently, during a heavy storm, one of the storm drains which run under Keolu Drive deposited a very large amount of trash directly into the wetland. City and County crews were able to clean this up using access through the area proposed for the building of the single family dwelling.

ELRA wishes to commend the de Vries on the proposed plan for their home. The planting of the area surrounding the home will most certainly enhance the property from what currently exists there. Such planting may also discourage erosion, which is the cause of serious problems in the wetlands and in Enchanted Lake as well.

Yours truly,

  
Katherine A. Kelly, President, ELRA

LINDA LINGLE  
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

PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON  
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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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

REF.:TM:OCCL

Correspondence: OA 04-131

David B. Bills  
Bills Engineering, Inc.  
7 Waterfront Plaza, Suite 400  
500 Ala Moana Boulevard  
Honolulu, Hawaii 96813

MAR 22 2004

Dear Mr. Bills,

**SUBJECT: Pre-Environmental Assessment Consultation for the Proposed Single Family Residence Located at Kiukee Place, Koolaupoko District, Kailua, Island of Oahu, TMK: (1) 4-2-002-050**

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your letter dated March 2, 2004 regarding pre-environmental assessment consultation for the proposed Single family Residence (SFR) located at Kiukee Place, Koolaupoko district, Kailua, island of Oahu, TMK: (1) 4-2-002-050.

OCCL notes that our records indicate that the subject parcel lies within the General subzone of the Conservation District. Any and all identified land use within the Conservation District requires the Department or Board of Land and Natural Resources approval. A Single Family Residence(SFR) is an identified land use pursuant to § 13-5-24, R-8, (D-1), A single family residence that conforms to design standards as outlined in this chapter. As you have noted, a Conservation District Use Permit (CDUP) is required. This would require a Board permit.

Please review Chapter 13-5, Hawaii Administrative Rules for the Conservation District. Of particular importance is Exhibit 4, Single Family Residential Standards. Please note Compatibility Provisions state that all structures (including the garage) should be connected or best alternative with only one kitchen. The square footage of both levels of the small two story-viewing tower should be included with the total area of the Maximum Developable Area (MDA). If the covered lanai of 780 square feet is enclosed on three sides then it should also be included with the total area of the MDA.

Please note the subject parcel TMK is (1) 4-2-002:050 and not (1) 4-2-002:015. All future references to the subject parcel should reflect this. According to your information, the property is not located in the City and County of Honolulu Special Management

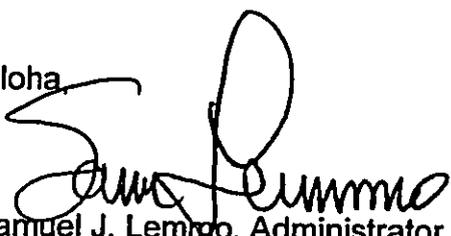
David B. Bills  
Bills Engineering

Correspondence OA 04-131

Area (SMA). An official determination that the proposed land use is outside the SMA will be required by OCCL for processing of your proposed Conservation District Use Application (CDUA). The adjacent landowners, the Enchanted Lake Residents Association and the Kailua Neighborhood Board should be consulted regarding the proposed SFR.

You will find Chapter 13-5, Hawaii Administrative Rules, and the Conservation District Use Application (CDUA) on the Office of Conservation and Coastal Lands website at [www.hawaii.gov/dlnr/occl/documents](http://www.hawaii.gov/dlnr/occl/documents). The Department is attaching a CDUA for your perusal. Should you have any questions, please feel free to contact Tiger Mills of our Office of Conservation and Coastal Lands at (808) 587-0382.

Aloha,



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

cc: City and County of Honolulu, Department of Planning and Permitting  
Oahu District Land Agent  
Kailua Neighborhood Board  
Enchanted Lake Residents Association



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE  
GOVERNOR  
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DIRECTOR  
STEVE BRETSCHNEIDER  
DEPUTY DIRECTOR  
MARY LOU KOBAYASHI  
ADMINISTRATOR  
OFFICE OF PLANNING

**OFFICE OF PLANNING**

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2848  
Fax: (808) 587-2824

Ref. No. P-10421

March 25, 2004

Mr. David B. Bills  
Bills Engineering  
7 Waterfront Plaza, Suite 400  
500 Ala Moana Boulevard  
Honolulu, Hawaii 96813

Dear Mr. Bills:

Subject: Conservation District Use Permit Environmental Assessment  
de Vries Single Family Home-Kiukee Place  
Kailua, Hawaii, TMK: 4-2-2: 50

The 16.6-acre parcel is located within the General Subzone of the State Land Use Conservation District at the southwestern corner of Ka'elepulu Pond, and identified by TMK 4-2-2: 50. The current owner, LECI Properties, purchased the property in 1989.

According to the information provided by Bills Engineering, Hugo and Cindy Turner de Vries are in the process of purchasing the property. The proposed use for the property is to develop a portion of the property (less than 1%) identified to be out of the wetland for residential use. The project will cover approximately 5,000 square feet of the property directly fronting Kiukee Place and will include a 4-bedroom, 3½-bath single-family house (3,120 sq. ft.), with a covered lanai (780 sq. ft.), swimming pool (360 sq. ft.), and garage (730 sq. ft.). The residence will also include a viewing tower.

Ka'elepulu Pond represents a segment of the Kailua region's water ecosystem that includes Kawainui Marsh to the west, and Hamakua Marsh/Canal to the north. Ka'elepulu Pond is an inland brackish water pond with its water levels influenced by ocean tides and rainfall. Water from the Pond flows through canals and streams (Ka'elepulu Stream) through a residential community (Kailua) and discharges into the ocean at Kailua Beach.

Before the construction of a flood control levee in the early 1960's, all three water systems were connected. Hamakua Marsh and Stream were the primary drainage areas for Kawainui Marsh. With its outlet to the ocean cut off, water levels in Hamakua Marsh

Mr. Bill B. Bills  
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March 25, 2004

are solely dependent on rainwater. Kawainui Marsh and Ka'elepulu Pond drain into Kailua Bay.

Ka'elepulu Pond is surrounded by the urban residential community of Enchanted Lake, and is vulnerable to domestic predators (cats and dogs) and mongoose. Although populations of non-native species are growing, Ka'elepulu Pond, like Kawainui Marsh and Hamakua Marsh provides a wetland habitat for several native wildlife species including the endangered Hawaiian Stilt (Ac'o), Hawaiian Coot ('Alaek'e'oke'o), Hawaiian Moorhen (Alae'ula) and Hawaiian Duck (Koloa). Ka'elepulu Pond also provides alternative habitat when water levels are low in the nearby Hamakua Marsh. There are ongoing programs to remedy the impact that non-native bird populations have on Hawaiian species.

The information provided indicates that the project (construction and landscaping) will occur outside of the area designated in perpetuity as wetland, but does not state whether the wetland boundary was formally determined according to Army Corps of Engineers wetland delineation methods pursuant to Section 404 of the Clean Water Act.

We recommend that you contact the State Department of Health regarding disposal of wastewater effluent and surface runoff for the project. We further recommend that you contact the Army Corps of Engineers to identify whether a Federal permit and Department of Army Permit will be required for the project. Section 404 of the Act authorizes the Corps to issue permits for the discharge of dredged or fill material into areas including wetlands. Due to the project's location within a wetland, the project will be required to comply with Title 33 Code of Federal Regulation, Part 322 Permits For Structures or Work in or Affecting Navigable Waters of the United States and Part 323, Permits for Discharges of Dredged or Fill Material into Waters of the United States.

Although the property will have access to City and County of Honolulu sewer lines, we note that if Hugo and Cindy de Vries purchase the property, they may install a septic system. Recent rainstorms have caused overflows of several sewer facilities on Oahu causing hundreds of thousands of gallons of untreated or partially treated sewage to erupt from manhole covers and overflow into drainage ditches and streams. Sewage overflows into drainage ditches and streams during heavy rains are very common along the Windward Coast. Ka'elepulu Stream, Kailua Bay and Enchanted Lake are often among the list of affected areas. Causes of the spills vary by location, but predictability of their occurrence during heavy rainstorms signals evidence of systemic problems. A septic system located within such close proximity to a wetland may intensify these problems.

Mr. Bill B. Bills  
Page 3  
March 25, 2004

There are ongoing State and Federal programs to improve conditions at Ka'elepulu Pond. The EA should provide discussion on the type of septic system envisioned. The results of a study on Kailua Bay conducted by the University of Hawaii Water Resources Research Center in 1993, indicate that the deterioration of water quality along the Beach at Kailua Bay is primarily affected by the streams. There may be impacts from the proposed swimming pool as well. The EA should explain where and how the pool will be drained.

Water samples completed during the study from sites along Ka'elepulu Pond and Stream, the Mokapu Outfall, and Kawainui Channel, identified the sources of the polluted runoff into Kailua Bay. The polluted runoff came from soil, nutrients, and wastes from the marsh and residences adjacent to the streams; storm drains; raw sewage from sewer breaks; and emergency bypasses from the Ka'elepulu Pond emptying into Ka'elepulu Stream; and bird droppings.

We recommend that the future owners be informed of an ongoing problem with regard to Ka'elepulu Pond. Homes situated near or fronting Ka'elepulu Pond are subject to foul odors emanating from the Pond. The odors are caused by low water flow, overgrown vegetation, and large bird populations consisting largely of non-native species. Further, the windward sewer systems are strained during heavy rains and Ka'elepulu Pond is vulnerable to sewage spills.

The present owner, LECI Properties, paid a contractor \$10,000 to cut grass around the edges of the pond, deepen the channel and trim grass on islands used by waterbirds for nesting. The Army Corps of Engineers, which has jurisdiction over U.S. waterways, issued a permit to enhance the bird habitat in the mid-1990s as mitigation for illegal dumping by a previous owner. The permit contains a list of requirements that LECI is responsible for, including dredging a moat around the islands, keeping the grass cut and controlling feral ducks and geese. The Environmental Assessment should identify the Corps of Engineer's requirements for maintaining the wetland, as well as the de Vries' plans for maintaining Ka'elepulu Pond as a bird habitat while controlling populations of non-native bird species.

The project will require grading resulting in approximately 1,500 cubic yards of excavation and embankment. The Environmental Assessment should disclose any plans to fill in areas of wetland or offsite disposal of soil removed from the property. The resultant impacts and mitigation of these actions should be discussed.

Our office may have other comments when we have the opportunity to review the Environmental Assessment.

Mr. Bill B. Bills  
Page 4  
March 25, 2004

If you have any questions, please call Judith Henry at 587-2803.

Sincerely,

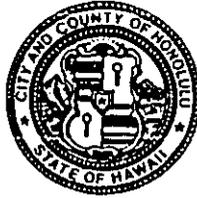
*Mary Lou Kobayashi*

Mary Lou Kobayashi  
Administrator  
Office of Planning

DEPARTMENT OF TRANSPORTATION SERVICES  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 3RD FLOOR • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 523-4529 • FAX: (808) 523-4730 • INTERNET: www.co.honolulu.hi.us

JEREMY HARRIS  
MAYOR



CHERYL D. SOON  
DIRECTOR

GEORGE "KEOKI" MIYAMOTO  
DEPUTY DIRECTOR

TP3/04-53948R

March 30, 2004

Mr. David B. Bills  
Bills Engineering, Inc.  
7 Waterfront Plaza, Suite 400  
500 Ala Moana Boulevard  
Honolulu, Hawaii 96813

Dear Mr. Bills:

Subject: de Vries Single Family Home – Kiukee Place

In response to your March 2, 2004 letter, we have reviewed the project information provided and have the following comments regarding the proposed 13-foot concrete driveway ramp to the garage.

This driveway ramp will require two driveway aprons on Kiukee Place. The Department of Planning and Permitting should be consulted regarding approval for the construction of the driveway aprons.

We look forward to reviewing the draft environmental assessment. Should you have any questions regarding this matter, please contact Faith Miyamoto of the Transportation Planning Division at 527-6976.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl D. Soon".

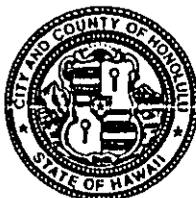
CHERYL D. SOON  
Director

FIRE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

3375 KOAPAKA STREET, SUITE H425 • HONOLULU, HAWAII 96819 • 1869  
TELEPHONE: (808) 831-7761 • FAX: (808) 831-7750 • INTERNET: www.honolulufire.org



JEREMY HARRIS  
MAYOR



ATTILIO K. LEONARDI  
FIRE CHIEF

JOHN CLARK  
DEPUTY FIRE CHIEF

March 31, 2004

Mr. David B. Bills  
Bills Engineering, Inc.  
Suite 400, Seven Waterfront Plaza  
500 Ala Moana Boulevard  
Honolulu, Hawaii 96813

Dear Mr. Bills:

Subject: Conservation District-Use Permit Environmental Assessment  
de Vries Single-Family Home; Kiukee Place  
Kailua, Oahu, Hawaii  
Tax Map Key: 4-2-002: 015

We received your letter dated March 2, 2004, requesting our comments on the above-mentioned project.

The Honolulu Fire Department conducted an on-site assessment of the property and has no objections to the proposed project.

Should you have any questions, please call Battalion Chief Lloyd Rogers of our Fire Prevention Bureau at 831-7778.

Sincerely,

A handwritten signature in black ink, appearing to read "Attilio K. Leonardi".

ATTILIO K. LEONARDI  
Fire Chief

AKL/LT:hh

## D Bills

---

**From:** arlene green [arlene7783@hotmail.com]  
**Sent:** Tuesday, April 13, 2004 7:01 AM  
**To:** dbills@hawaii.rr.com  
**Cc:** green001@hawaii.rr.com  
**Subject:** environmental assessment

This is in response to your letter dated March 2.

1. My number one thought is that the filled in portion of the wetlands right in front of my "boat ramp" is full of debris (beach balls, plastic bottles, slippers, and Mangroves. It would be wonderful to have water here as it used to have but it would be good also to have it cleared and cleaned when necessary. It's like having a junk yard in your back yard. Some of my coconut have fallen into the mess as well and we clean them out from time to time. In fact, there are some in there right now. I don't have a boat so cleanup is when there is less water. We have paid numerous people to clean and work on removal of mangroves and other foliage. When it's dry the California grass ends up in the middle of my dock if I don't pay someone to remove it.

2. The mote has never been dredged according to the court agreement which means when the water levels drop the water becomes stagnant and living in the neighborhood at that time is quite frankly a health hazard. The latest storms have made it possible for mongooses, etc. to just walk across to the island where the endangered birds nest.

3. The document you sent did not say how long this project would be in process or how long it would take for the landscaping. I mention this because of the probability of runoff because of the construction. This is a quiet, private neighborhood. I would not like to see that change.

4. Do you intend to complete the wetlands according to the court order and maintain it?

There may be further comments depending on how the project proceeds. I hope it will benefit all of us by having you "on site" to witness problems as they present themselves.

Aloha,

Scott Lautner  
Arlene Green  
1216 Akumu St.

---

Free up your inbox with MSN Hotmail Extra Storage! Multiple plans available.

4/13/2004

**D Bills**

---

**From:** williams [alohawilliams@hawaii.rr.com]  
**Sent:** Thursday, April 15, 2004 9:58 PM  
**To:** dbills@hawaii.rr.com  
**Subject:** FW: response to letter

-----Original Message-----

**From:** David Bills [mailto:dbills@hawaii.rr.com]  
**Sent:** Wednesday, April 14, 2004 8:23 AM  
**To:** williams  
**Subject:** RE: response to letter

Thank you for your comments. They will be part of the record. Can you please add an address to your signature

Thanks

David Bills

-----Original Message-----

**From:** williams [mailto:alohawilliams@hawaii.rr.com]  
**Sent:** Tuesday, April 13, 2004 10:55 PM  
**To:** dbills@hawaii.rr.com  
**Subject:** response to letter

Dear Mr. Bills,

This letter is in response to your March 2, 2004 request for comments on a proposed construction district use permit for a single family residence to be built on the wetland adjacent to Kiukee Place, Kailua, Hawaii. We support the idea of a responsible development of the property in a way that is compatible with the surrounding wetland and the current environment for the neighbors on Kiukee Place. In general, we would much prefer to have a single resident family who would have a vested interest in maintaining and improving the wetland conditions, over the current situation. However, we have the following objections to some of the specifics of the proposed plan.

1. We are concerned that the house and pool are too close to the water. This would encroach unnecessarily on the wetland. If the project is to be built it should be moved to the other end of the property to minimize encroachment on the bird sanctuary.
2. With a twenty-five foot high structure sitting six feet above street level, the proposed structures are much higher than the surrounding homes. This would degrade the current view plane for the surrounding neighborhood.
3. Your current plan makes no mention of guarantee that future structures could not be built on the property, or that any owners in the future could further subdivide.
4. It is our understanding that the current zoning is P1 and P2 (preservation) and many of the neighbors have worked hard to keep it that way. The proposed plan does not appear to preserve much, if any, of the current conditions.
5. It is our understanding that the current owners (LECI) have not been able to comply with the Army Corps of Engineers directives in maintaining the property, and have been in default since they have owned it. In your letter, there is nothing to indicate that your clients are going to comply with the directives set forth by the Corps or have the financial ability to protect the wetlands.
6. Although the house and structures maintain a twenty-five foot set-back from the street, the plan shows a mound or berm and many landscaping plants and trees and a fence within that 25 foot set-

4/16/2004

back. Some of these trees are types that can grow quite high. Again, this would adversely affect the view plane and feeling of open space currently enjoyed by the neighbors and passers-by. Currently there is a 35-foot flat open area from the sidewalk to the tree/brush line. This should be maintained.

7. Kiukee Place is narrower than most of the other streets in the area and street parking is restricted to the wetland side. The current residents are reliant on that parking due to the density of the dwellings on their side of the street. The proposed driveway, with two openings and landscaping, unnecessarily takes up twice the usable parking and adds more of a traffic hazard for the passing vehicles and pedestrians, many of whom are young children. One opening should suffice. Whatever driveway is eventually constructed, the view around it should remain unobstructed by vegetation or other obstacles.

We would like to express our appreciation for the opportunity to comment on the proposed project. Again, we support the project in principle provided the specific concerns listed above can be addressed.

Sincerely,  
The Williams  
1471 Kiukee Place

4/20/2004



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122, Box 50088  
Honolulu, Hawaii 96850



APR 30 2004

In Reply Refer To:  
PN-04-168  
(x-ref: PI-03-16)

David Bills  
Bills Engineering  
7 Waterfront Plaza Suite 400  
500 Ala Moana Blvd.  
Honolulu HI 96813

**Subject:** Pre-Environmental Assessment Consultation Request: CDUA for de Vries Single Family Home, Kailua, Oahu, Hawaii.

Dear Mr. Bills:

The U.S. Fish and Wildlife Service (Service) has reviewed the preliminary plans for development of a single family home in Kailua, Oahu. The sponsors of the proposed project are Cindy Turner and Hugo deVries. A draft Environmental Assessment (DEA) for the proposed project will be prepared by Bills Engineering for submission to the Hawaii Department of Land and Natural Resources. The following comments are provided for your consideration.

The purpose of the proposed project is to construct a 3,120-square-foot single family home on a 16.6-acre lot adjacent to Kaelepulu Pond in Kailua, Oahu. A managed wetland is located on this lot. Creation and management of the wetland resulted from the resolution of Clean Water Act violations by previous owners. This wetland is to remain in perpetuity, and ongoing and future management actions are to be consistent with enforceable terms and conditions issued by the U.S. Army Corps of Engineers, Honolulu District, Regulatory Branch.

The Service's primary project-related concern is the potential for construction of the proposed home to result in detrimental effects to the physical structure and function of the wetland. The terms and conditions that specify requirements for establishment and management of the wetland specify that a fence be maintained along the wetland boundary, that a hedge be maintained to limit disturbance to wildlife species that inhabit the wetland, and that invasive vegetation be maintained throughout the site. We recommend that the plans to construct the proposed home be reviewed for consistency with the Corps terms and conditions document and other management guidance, and that the Draft EA specifically describe how home construction, homesite preparation and landscaping can be shown to be consistent with the wetland management

Mr. David Bills

2

requirements. In addition, we recommend that standard best management practices as specified by the Hawaii Department of Health, Clean Water Branch, such as silt fences and rapid revegetation of exposed soils, be utilized to control impacts to water quality.

We are concerned that there is potential to disturb sensitive wildlife species found within the wetland, specifically native endangered waterbirds, migratory waterfowl and shorebirds. Predation of eggs and chicks by feral predators and pets is recognized to result in significant decrease to nesting success by native waterbirds. Because of this, we recommend the Draft EA describe any potential impacts due to increased access by pets and feral animals from upland portions of the property.

As we understand the preliminary site plans, no structures are planned within 80 feet of the wetland margin. Based on our familiarity with the site and our review of preliminary plans sent to us, we do not believe that home construction on upland areas of the property will significantly impact the wetland or its resident and migratory bird community. We recommend that construction activities on the wetland side of the home site be minimized specifically to reduce noise and visual disturbance to the waterbirds and shorebirds that use the wetland habitat.

We appreciate the opportunity to provide these early comments on the proposed project, and we look forward to reviewing the DEA when it becomes available. If you have questions regarding this letter, please contact Fish and Wildlife Biologist Gordon Smith either by telephone (808/541-3441) or by email ([gordon\\_smith@fws.gov](mailto:gordon_smith@fws.gov)).

Sincerely,



R. Mark Sattelberg  
Acting Field Supervisor

cc:

EPA Region IX, Honolulu  
ACOE, Honolulu  
ACOE (Regulatory), Honolulu  
Ms. Cindy Turner, Kailua

**From:** Paul Conry [mailto:conryp001@hawaii.rr.com]  
**Sent:** Saturday, April 17, 2004 2:37 PM  
**To:** dbills@hawaii.rr.com  
**Subject:** de Vries CDUP for Kaelepulu Wetland  
**To be emailed to:** [dbills@hawaii.rr.com](mailto:dbills@hawaii.rr.com)  
4/15/04

**To:** David Bills, Bills Engineering  
**Fr:** Paul Conry, 1308 Akumu Street.  
**Su:** Conservation District Use Permit:EA for de Vries Single Family Home-Kiukee Place.

Dear Mr. Bills.

I am a Wildlife Biologist and work for the State Department of Land and Natural Resources, Division of Forestry and Wildlife. I am also a neighbor to the de Vries and own a property immediately adjacent to the de Vries at 1308 Akumu Street. The comments I offer herein are being provided as a private citizen and interested neighbor.

**General Comment:** The original intent of the conservation district zoning for the site was to provide habitat for endangered waterbirds (Hawaiian stilt, Hawaiian coot, Common Moorhen, and Hawaiian duck) and migratory waterfowl and shorebirds. It was set aside for conservation purposes as mitigation for filling portions of Enchanted Lake along Keolu Drive. The ponds were created to provide shallow water habitat for waterbird nesting and feeding. The upland area was also set aside to provide feeding habitat for the birds and as a buffer. A condition of the permit was that both areas be managed to provide wildlife habitat for endangered waterbirds in perpetuity. The site is popular for visits by birdwatchers, adjacent schools and the residents in the neighborhood because it offers a unique opportunity to see waterbirds up close.

The previous owner committed to maintain the property in perpetuity as a condition for filling wetland and to obtain a building permit on the housing site. The maintenance of the property should include: maintaining ponds at proper depth and condition – i.e. occasional dredging and control of noxious weeds and invasive species in the ponds, control of predators, and maintaining the upland site in short grass to provide foraging habitat for the birds.

The property is in a state of neglect and is not living up to the potential for which it was set-aside in the conservation district. The site needs restoration and ongoing maintenance to maintain its habitat qualities. The sale of the property to the de Vries and their interest in stewardship of the property is encouraging.

I support the planned development of the site provided it can be done with only minor disturbance and reduction in the quantity and usefulness of the habitat for the endangered waterbirds, and minor reduction in the value of the site for education and wildlife viewing. This will be possible with some modifications in the proposed plans. The management responsibilities will also need to be transferred to the new owner.

**Specific Comments about the proposed plans.**

1. The proposed location and orientation of the house on the lot will reduce the habitat value of the site for endangered waterbirds for the following reasons:

- a. The house lot is located too near the ponds and therefore has the potential to disturb the birds using the adjacent pond area. This will likely reduce the quantity, quality and effectiveness of the habitat at the site.
- b. The positioning of the house so that it cuts across the width of the property blocks access and reduces the amount of useable upland habitat on the property. By positioning the house length-wise across the width of the property, it establishing a structural barrier across the upland habitat that would block access from the ponds to and across the lot. Hawaiian stilts use large open fields for feeding. Locating the house in the middle of the lot, reduces the amount of useful habitat on the property - because the areas immediately adjacent to the house will be avoided and the areas behind the house will likely receive reduced use.

2. Locating the house lot adjacent to the pond area will reduce the scenic value that the site now has for bird watching and visitation by schools and the many people that come there to see the birds. Even though it is in an urban setting, it has the feel of a wildlife sanctuary preserved for the birds. Building a large house, pool and garage immediately adjacent to the pond areas will diminish that setting.

Moving the location of the house to the southwest side of the property along Kuikee Street, with the length of the house running parallel to the street, would reduce the impacts of the project on the birds, reduce the amount of useable habitat lost to the project, and retain the wildlife sanctuary setting of the site.

3. Landscaping Plans. Stilt, ducks and shorebirds use short grass fields for feeding and loafing. The more area put into grass the better the habitat value for the birds. The stilt from Kaelepulu mitigation ponds regularly fly to the ball fields at the nearby schools to feed and loaf. Likewise, open fields provide protection from predators – the predators are easy to see and avoid out in the open. Dense trees and shrubs provide shelter and hiding places for mammalian predators – cats, dogs, mongoose, and rats; and avian predators – owls, cattle egrets, black-crowned night-herons. Planting the site with large trees will provide roosting and vantage points for avian predators and other urban pests birds – mynas, doves, pigeons, bulbuls. To fit the best needs of the site, the landscaping should be shrubs or small trees along the perimeter of the property to provide visual screen. The interior portion of the upland area should be maintained in short grass habitat to provide feeding and loafing sites for the waterbirds. The landscaping plan should be designed to not attract or harbor pests or predators.

**Suggested mitigation measures:**

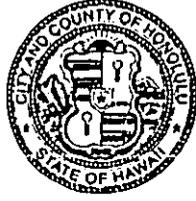
1. Locate the house and associated structures on the southwest portion of the property away from the ponds and interior portions of the upland habitat.
2. Restore wildlife habitat values on the site by planting and maintaining short grass habitat on the upland portions of the property.
3. Monitor and control any aquatic weeds introduced to the ponds.
4. Control mammalian predators on the site.
5. Maintain the pond areas and upland habitat in a condition beneficial to the waterbirds.

Thank you for the opportunity to provide comments.

Aloha. Paul Conry

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 523-4414 • FAX: (808) 527-6743 • INTERNET: [www.co.honolulu.hi.us](http://www.co.honolulu.hi.us)



JEREMY HARRIS  
MAYOR

ERIC G. CRISPIN, AIA  
DIRECTOR

BARBARA KIM STANTON  
DEPUTY DIRECTOR  
KATHY SOKUGAWA  
ACTING DEPUTY DIRECTOR

2004/ELOG-470(ry)

May 10, 2004

Mr. David B. Bills  
Bills Engineering  
7 Waterfront Plaza, Suite 400  
500 Ala Moana Boulevard  
Honolulu, Hawaii 96813

Dear Mr. Bills:

Subject: Consultation for Preparation of Draft Environmental Assessment for de Vries  
Single-family Dwelling, Tax Map Key: 4-2-2: 50, Kailua, Hawaii

We have reviewed the above proposal and have the following comments:

1. Koolaupoko Sustainable Communities Plan (SCP)

The project site is located at the northern terminus of Kaelepulu Pond and is designated by the Land Use Commission as Conservation. It is part of a drainage system that originates from Olomana Stream. Under Section 3.1.3.4 of the SCP, guidelines for streams and drainage ways indicate that they are to be preserved as part of the open space system. In addition, the site appears to be outside the SCP's Urban Growth Boundary, and is by definition, within the SCP's Preservation Boundary. This boundary is intended to include lands within the State Conservation District and other areas within the City's Preservation district.

Thus, the environmental assessment should discuss the projects consistency with the Koolaupoko SCP.

2. Wastewater Disposal

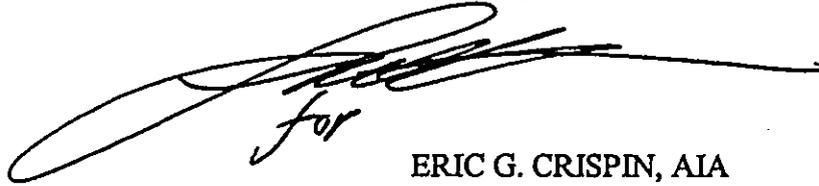
The City's sewer system is adequate but currently not available without the construction of a lateral connection at the applicant's cost. The owners are also responsible for payment of a Wastewater System Facility Charge.

Mr. David B. Bills  
Bills Engineering  
Page 2

3. It appears that the correct tax map key for the site is 4-2-2: 50.

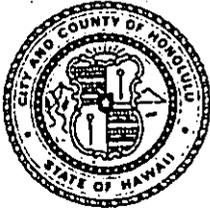
Thank you for the opportunity to comment. If you have any questions, please contact Raymond Young of our staff at 527-5839.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Eric G. Crispin", with a long horizontal flourish extending to the right. Below the signature, the word "for" is written in a cursive script.

ERIC G. CRISPIN, AIA  
Director of Planning and Permitting

EGC:lh  
Doc 294586



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065 / TELEPHONE 547-7000

**BARBARA MARSHALL – DISTRICT 3**  
(808)547-7003 [BMARSHALL@CO.HONOLULU.HI.US](mailto:BMARSHALL@CO.HONOLULU.HI.US)

June 23, 2004

David Bills, President, and CEO  
Bills Engineering  
1124 Fort Street Mall, Suite 200  
Honolulu, Hawaii 96813

Dear Mr. Bills,

I support the Cindy Turner and Hugo de Vries application for a Conservation District Use Application (CDUA) permit to build a single family dwelling on the 3 acres of conservation-zoned land in the dry-land portion adjacent to the wetland, Tax Map Key #4-2-002-050.

This property is currently overgrown with invasive species such as Haole Koa and California grass.

I believe the Turner de Vries family will be responsible caretakers of the wetland area that abuts their property.

Please feel free to contact me or my Legislative Aide, Nancy Azeri, at 547-7003 if you need further information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Marshall".

Barbara Marshall  
Councilmember, District 3

BM:na

xc: Cindy Turner and Hugo de Vries

## XII. Comment Letters and Responses Received During the DEA Review Period

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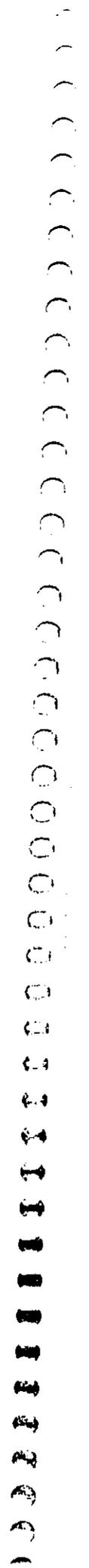
The Draft Environmental Assessment was published in the October 8, 2004 OEQC Bulletin. The 30 day public comment period ran from October 8, 2004 to November 8, 2004. A public hearing took place on November 9, 2004 and written comments submitted during the hearing are also included here.

A list of persons and agencies providing comments is provided below.

The comment letters and our responses provided follow in this section.

### Comments Received:

Larry Abbott  
Maile Bay, Kailua Bay Advisory Council  
Robert Bourke  
Eric Crispin, Director of Planning and Permitting, City and County of Honolulu  
Patricia Edwards, DLNR, Conservation and Resource Enforcement  
Albert Fobel  
Wond Hart  
Mark Heilbron  
Eric Hirano, DLNR, Engineering Division  
Dennis Lau, Clean Water Branch, State of Hawaii, Department of Health  
Scott Lautner and Arlene Green  
Samuel Lemmo, Office of Conservation and Coastal Lands  
Aimee McCullough  
Jay Pahed  
Genevieve Salmonson, Office of Environmental Quality Control  
Richard Sixberry, DLNR, Division of Aquatic Resources  
Representative Cynthia Theilen, State of Hawaii  
Holly Turl  
George Young, Department of the Army, US Army Engineer District, Honolulu  
Ronald Walker, Hawaiian Bio Graphics  
Michael Walther, Oahu Nature Tours  
Donna Wong, Kailua Neighborhood Board





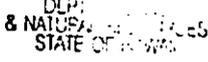
November 28, 2004

Tiger Mills  
Department of Land and Natural Resources  
Kalanimoku Bldg.  
1151 Punchbowl Street, Rm 131  
PO Box 621, Honolulu, Hawaii

11/6/04

RE: CDUA OA-3203

Larry Abbott  
665 Iliaina Street  
Kailua, HI 96734



RECEIVED

04 NOV 28 P3 51

This is a letter in support of the proposed home to be built by Ka'eiepulu Wetland. The site currently is overgrown by guinea grass and has no value to the adjacent wetland or stream. To clear away these alien weeds and provide usable habitat or at least to remove cat and rat cover would be a plus for the marsh and stream.

An added benefit to the rare birds of this wetland would be the presence of the wetlands' owners.

I have known this family for years. As a former president of the Kawai'i Heritage Foundation, I have known of Cindy Turner's work in the Kailua community. These birds and this resource could not have a more caring and protective family to watch over them.

Cindy and Hugo have worked with community and governmental agencies to promote a clean and green Kailua. This home will be built to the specifications and standards needed to protect the environment.

Sincerely,

Larry Abbott

Mr. Larry Abbott  
665 Iliaina Street  
Kailua, Hawaii 96734

Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'eiepulu Wetland Caretaker's Single Family Residence  
1460 Kiukee Place, TMK: 4-2-002:050

Dear Mr. Abbott:

Your letter supporting the project is appreciated and will be included in the Final EA. Your response is valued based on your expertise in Windward wetlands.

Very truly yours,

BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb

Job No. 010500

Letter to Samuel Lemmo  
November 1, 2004  
Page 2 of 3



November 1, 2004

Samuel J. Lemmo  
Administrator  
Office of Conservation and Coastal Lands  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii'i 96809

Re: CDUA OA-3203 Ka'ielepulu Pond Caretaker Residence

Dear Mr. Lemmo,

Mahalo for the opportunity to review the Conservation District Use Application for the single-family residence located at 1460 Kiukee Place, Kailua, O'ahu.

As we understand the facts of this application, the owners are requesting the Land Board's discretionary approval to build on five acres of "fast land" on their 17-acre parcel, Lot 24 in the General Subzone of the Conservation District. The remaining 13 acres of the 17-acre parcel are wetland. Specifically, they are requesting to build an approximately 3,000 square foot home with a swimming pool on the "fast land" that was created by fill actions of two former developers, one in the early 1960's and other in the early 1990's. Both fill activities created "fast land" around the shores of Ka'ielepulu Pond to build the current housing. As part of the mitigation for the last fill action, the U.S. Army Corps required the developer to mitigate by enhancing the wetland for Lot 24 and establishing a conservation easement for wetland protection, open space, and bird habitat on the parcel. The specifics, such as size and limitations, about that conservation easement are unclear from the application, but appear to have not been perfected by the former landowner until May 2004.

Furthermore, the consultant for the owners appears to have left the status of the sewer connection for the parcel in a "grey" area, noting that the sewer utility may be unavailable because the parcel is in the State Conservation District and not in the City's master planned sewer district.

As a side note, KBAC has been in contact with the landowners about the potential for limited access to a portion of their parcel to be used as a demonstration site for best

management practices to improve water quality in the pond. This project effort can be accomplished whether the house is built or the area remains open space.

Based on the landowners' CDUA and the mission of Kailua Bay Advisory Council to provide measures to improve water quality in the Ko'olaupoko area, KBAC offers the following comments:

The parcel, Lot 24, is located in the Conservation District, General Subzone, governed by the State. Thus, the area has been recognized as a "conservation resource" serving as a buffer between the adjacent urban residential areas and the wetland. In considering the CDUA, the Land Board should be certain to protect the resource and to mitigate any use, therefore, retaining and protecting the buffer area with the appropriate management measures required by the Army Corps permit and the conservation easement.

Should the Land Board find that the proposed single-family house use is an "urban" activity at this site, the land owner should be directed to reclassify the five acres of fast land area as "urban," and, thus, place it under the City and County of Honolulu's (City) regulatory scheme, including the master planned sewer district.

Alternatively, should the Land Board retain jurisdiction and allow, at its discretion, the construction of a single family home, it should require that as the first condition precedent to the approval that the land owner be required to obtain approval by the City to connect to the local sewer. Allowing a septic system that is adjacent to a wetland may significantly contribute to nutrient loading, one of the major water quality problems and complaints by the local residents at Ka'ielepulu Pond (Enchanted Lake). The City's current facility plan for the area can accommodate the sewer hook up for the property (per KBAC staff conversation with City and County of Honolulu's Department of Environmental Services).

The specifics regarding the mitigation measures that established a conservation easement for Lot 24 remain cloudy. The purposes of the conservation easement are measures that can improve water quality, i.e., open space, wetland enhancement, and habitat, and also are protocols recognized as best management practices. However, to be effective a conservation easement also needs to be enforceable against the current and future landowners. Thus, a third party must hold the conservation easement and have the capacity to enforce the terms of that easement against a defaulting landowner. In the given situation, it appears that the conservation easement for this parcel may not have been adequately perfected by the former landowner and that the present easement provides little protection to ensure the ongoing implementation of the measures to improve the water quality for the previous fill activities for this parcel. The Land Board has an opportunity to condition any further activities on this parcel to correct any deficiencies to the implementation of that conservation easement that may exist.

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DEPT  
& NATURAL  
RESOURCES

Letter to Samuel Lemmo  
November 1, 2004  
Page 3 of 3

With KBAC having a charter to improve water quality, it believes that the connection to the sewer system must be a CDUA requirement and the enforcement of previously determined conditions on easement and open space must also be part of any agreement.

Thanks you for the opportunity to comment on this CDUA. Should you have any questions, please contact me at 225-9210.

Sincerely yours,

  
Maile Bay  
Executive Director

cc: Cindy Turner/Hugo de Vries, CDUA applicant

November 29, 2004



Ms. Maile Bay, Executive Director  
Kailua Bay Advisory Council  
P.O. Box 81421  
Honolulu, Hawaii 96839-1421

**Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'olepulu Wetland Caretaker's Single Family Residence  
1460 Kiukoo Place, TMK: 4-2-002:050**

Dear Ms. Bay:

We have received a copy of your November 1, 2004 correspondence regarding the subject project. We are providing the following responses and corrections to inaccuracies in your statements:

The area of dry land is approximately 3 acres, not 5 acres. The wetland portion of the parcel is 5.8 acres and the remaining 7.9 acres are underwater and contiguous with Enchanted Lake. The 3-acre area that is the subject of this CDUA does not encompass any of the wetland mitigation area.

According to our research, Lone Star created the fast land in the early 60s. The action against LECI, the previous owner, was taken by Army Corps of Engineers for the fill activity done by Lone Star. The Army permit, PODCO 2151, which detailed the mitigation requirements for this original fill activity, allowed additional fill to be placed on top of the existing fill. This permit authorized the construction of a wetland area as mitigation. The size and limits of the wetland mitigation area are clearly delineated in a map that is part of the PODCO permit.

You state that "the specifics, such as size and limitations, about that conservation easement are unclear from the application..."; however, the size of the wetland easement area is clearly stated on page 7 of the draft EA and is clearly delineated on an aerial photo on page 28 and again in the file plan showing easements on page 30 of the Draft EA.

Your statement "based on the landowners' CDUA and the mission of Kailua Bay Advisory Council to provide measures to improve water quality in the Ko'olaupoko area" is a misstatement of the landowners' CDUA. While the landowners are in favor of improving water quality in the watershed and their wetland, these goals are not specified as part of the CDUA. They believe that actions they have already taken and will continue to take in the future will be in line with KBAC's water quality improvement

vision; however their primary obligation is to the wetland. The goal of the wetland is to provide habitat for the water birds, and they feel that their presence on the property, tending it on a daily basis will best promote the waterfowl habitat improvement goals of the wetland.

You state that the Land Board "should be certain to protect the resource and to mitigate any use, therefore, retaining and protecting the buffer area with the appropriate management measures required by the Army Corps permit and the conservation easement." The buffer area is clearly defined in the PODCO permit. The 3-acre area project area does not encroach on this buffer area. Presently the project area is overgrown with invasive species that harbor predators and clearly the removal of this predator habitat is in the best interest of the endangered species, whose best interest is the primary goal of this wetland.

The owners are not seeking to change the zoning to Urban, which would allow for the development of multiple houses on a parcel of this size. They are only seeking to build a single-family residence, which is an allowable use for General Subzone Conservation district land.

The owners have been issued an approved sewer connection application to allow connection to the municipal sewer system.

You state that the "specifics regarding the mitigation measures that established a conservation easement remain cloudy." To the contrary, the specifics of the mitigation measures are very clearly outlined in the documents prepared by Army Corps of Engineers in their PODCO permit 2151. Your confusion appears to be derived from differences in the goals of KBAC and the goals of the mitigation established for the property. As stated above, while goals of improved water quality are paramount from KBAC's perspective, the primary goal of the mitigation measure that established this wetland is to provide wetland habitat for endangered water birds. There is no requirement in the PODCO permit for a third party to hold the conservation easement or enforcement rights. The Corps has always and will continue to retain the authority over the proper management of the wetland.

The PODCO permit did not mandate the creation of "a conservation easement," rather Section D of the Special Conditions states "the mitigation wetland shall be encumbered with a conservation easement or other binding mechanism to designate the site as wetland habitat in perpetuity." The present "Declaration of Wetland Habitat Easement", which was recorded July 27, 2004, was approved by Gaylord Tom, attorney for LECl, Jeffrey Grad, the current owners' attorney and Patricia Billington, attorney for the Army Corps of Engineers, to ensure that it fulfilled the requirements for a "binding mechanism to designate the site as wetland habitat in perpetuity" as set forth in the permit.

Regarding your request that "the enforcement of previously determined conditions on easement and open space must be part of any agreement" - there are no requirements in the PODCO permit relating to open space in the 3-acre subject area and the easement designating the mitigation site as wetland habitat in perpetuity has been recorded.

We thank you for your comments. Your correspondence will be included in the Final EA.

Very truly yours,  
BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb

Job No. 016-00

November 9, 2004

Mr. Sam Lemmo  
Department of Land and Natural Resources  
Conservation and Coastal Lands  
Land Board

Subject: Kaelepu Wetland House Construction Variance Request

Dear Mr. Lemmo and attending Board Members;

Thank you for coming out to our community and offering us the opportunity to speak to this important matter. I wish to offer testimony in favor of allowing a single house unit to be constructed on the fast lands of the subject property adjoining the Kaelepu Wetlands.

As a professional environmental scientist I have been interested in the ecology and water quality of the Kaelepu estuary system for over 20 years. I am also a board member of the Enchanted Lake Residents Association and project manager for their DOH 319 funded grant to remove mangrove and assess the sources of pollutants to the Kaelepu system. I do not speak for the ELRA this evening, but only mention this to show my active level of involvement in the health and welfare of this ecosystem. My property on Keolu Drive directly adjoins the Kaelepu wetland.

For several years I attempted to coordinate with the previous owners of the wetland through their legal representative to improve the level of care and maintenance of the wetland. My efforts met with very limited success. I believe this was due in part to the physical distance of the land manager from the project site and his priority to manage the financial assets above the natural resource assets. Since the present owners have purchased the property there has been a real change in attitude towards maintenance of the site. For the first time in years I have actually witnessed others removing accumulated trash and invasive species from the wetland.

I have known the property owners for about 4 years, having coached their daughter in soccer, and believe that they are genuine in their desire to maintain and improve the habitat ecology in both the short and long term. I strongly urge you to approve their application. If they build their house in the designated location directly down wind of the wetland they will be the first to know if things go wrong.

Thank you  
  
Bob Bourke  
437 Keolu Drive  
Kailua, Hawaii 96734

November 29, 2004



Mr. Robert Bourke  
437 Keolu Drive  
Kailua, Hawaii 96734

Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'elepulu Wetland Carstaker's Single Family Residence  
1460 Kiukee Place, TMK: 4-2-002:050

Dear Mr. Bourke:

Your letter supporting the project is appreciated and will be included in the Final EA. Your response is valued based on your technical expertise relating to wetlands and endangered native bird issues that are a part of the subject matter of the Final EA and the project.

Very truly yours,  
BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb  
Job No. 016-00

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**  
650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 523-4514 • FAX: (808) 527-8743  
DEPT. WEB SITE: [www.honolulu.gov](http://www.honolulu.gov) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)



TELEPHONE  
MAILBOX

ERIC G. CRISPIN, AIA  
DIRECTOR  
BARBARA KUM STANTON  
DEPUTY DIRECTOR

2004/VELOG-2217 (ny)

November 1, 2004

Mr. Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands  
Department of Land and Natural Resources  
State of Hawaii  
P. O. Box 621  
Honolulu, Hawaii 96809

Subject: Conservation District Use Application and Draft Environmental Assessment  
for Kaelepu Wetland's Caretaker's Single-family Residence  
Tax Map Key 4-2-2-50, Keolu, Oahu, Hawaii

The Department of Planning and Permitting has reviewed the subject documents. Our comments are as follows:

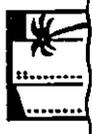
1. With respect to Section 8.1 of the Draft Environmental Assessment (DEA), the project is subject to obtaining grading and trenching permits from the Department of Planning and Permitting.
2. The project is subject to the submission of a soils report in accordance with Section 4-14.2(d)(1) of the Revised Ordinances of Honolulu. The report should address the allegation made by the Hoek family regarding foundation problems at the site.
3. Urban runoff, including dechlorinated swimming pool water discharge, should be either detained or retained on the site or directed to flow away from the wetlands.
4. A sewer connection application, file no. 2003/SCA-0623, for this project was applied for by Cindy Turner and denied on November 10, 2003, due to capacity concerns. The applicant should be required to connect to the municipal sewer system when capacity becomes available.
5. The DEA should address the impact of outdoor lighting on wetland avifauna and any mitigation measures. At a minimum, outdoor lighting should be full cutoff luminaires, directed downward and away from the wetland to avoid adverse impacts to wetland avifauna.

If you have any questions, please contact Raymond Young of our staff at 527-5839.

Sincerely yours,

ERIC G. CRISPIN, AIA  
Director of Planning & Permitting

EC:lh  
Doc. 332257



**BILLS ENGINEERING INC.**  
Civil/Environmental Engineering

November 29, 2004

Mr. Eric Crispin, AIA  
Director of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'elepulu Wetland Caretaker's Single Family Residence  
1460 Kiukee Place, TMK: 4-2-002:050

Dear Mr. Crispin:

We have received a copy of your November 1, 2004 correspondence regarding the subject project. We are providing the following responses:

1. The necessary grading and trenching permits will be obtained prior to construction the Department of Planning and Permitting. The Final EA will be revised to add grading and trenching permits under the Section identifying potential permits and approvals.
2. A soils report will be submitted for the house/structure construction and to support any site grading. The report will accompany any grading and building permit plans and will be submitted at the time of application. It will address adequate foundation requirements at the site.
3. Runoff from the subject area will be directed to flow away from the wetland or retained on site. However, there are multiple City and County storm drains that empty directly into the wetland that is part of this parcel, and there is one City and County storm drain that empties onto land at the back of the subject area that then flows down a swale and into the stream that flows to the wetland. All of these feed urban runoff, silt and pollution into the wetland. The owners hope to work with the city to find cost-effective methods to minimize the damage to the wetland caused by these storm drains.
4. The owners have re-applied for a sewer connection application and based on additional research, it has been determined that the property was originally included in the sewer district. Based on the additional information, a sewer connection application has been granted (File no. 2004/SCA-0691).

Mr. Eric Crispin, AIA  
Director of Planning and Permitting  
City and County of Honolulu  
November 28, 2004  
Page 2

5. There will be no outdoor lighting directed toward the wetland. The Final EA will be revised to state this fact.

We thank you for your comments. Your correspondence will be included in the Final EA.

Very truly yours,  
BILLS ENGINEERING INC.

By:  \_\_\_\_\_  
David B. Bills, President

DBB:flb

Job No. 016-00

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LANDS DIVISION  
OFFICE OF LAND



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Office of Conservation and Coastal Lands  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

RECEIVED  
2004 OCT -1 PM 2:29  
PETER S. YOUNG  
CHAIRMAN  
BOARD OF LAND AND NATURAL RESOURCES  
DAN DAVIDSON  
DEPUTY DIRECTOR - LAND  
ERNEST Y. LEUNG  
DEPUTY DIRECTOR - WTR  
DAVID J. LEMMO  
ADMINISTRATOR  
OFFICE OF CONSERVATION AND COASTAL LANDS  
PETER J. WALKER  
DEPUTY DIRECTOR - WTR  
OFFICE OF LAND AND NATURAL RESOURCES

November 29, 2004



Ms. Patricia Edwards  
Conservation and Resource Enforcement  
1151 Punchbowl Street, Room 311  
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'eiepulu Wetland Caretaker's Single Family Residence  
1460 Kiukee Place, TMK: 4-2-002:050

Ref. OCCL: TM

File No.: OA 3203  
180 Day Expiration Date: March 20, 2005  
SUSPENSE DATE: 21 Days from  
stamped date SEP 30 2004

MEMORANDUM:

TO: Aquatic Resources, Historic Preservation, Engineering, Oahu District  
Land Agent, Forestry and Wildlife, Conservation and Resource  
Enforcement

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

SUBJECT: REQUEST FOR COMMENTS  
Conservation District Use Application OA-3203  
BOARD PERMIT  
Kaelepu Wetlands Caretaker's Single Family Residence

RECEIVED  
OCT 5 11 23  
STATE OF HAWAII  
OFFICE OF CONSERVATION AND COASTAL LANDS

APPLICANT: David Bills of Bills Engineering

TMKS: See Materials

LOCATION: See Acceptance Letter and attachments

PUBLIC HEARING: YES X NO

Please contact Tiger Mills at 587-0382, should you have any questions on this matter.

If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

Comments Attached

No Comments

Attachment(s)

- 1. The house lot is located too near the ponds
- 2. Is maintenance of the wetland going to be part of the CDUA? (As scheduled w/ Bill Edwards)

Dear Ms. Edwards:

We have received a copy of your October 1, 2004 correspondence regarding the subject project. We are providing the following responses:

1. Experts that we have consulted feel that the home is more than adequately set back from the pond. In fact, at the closest point, the home will be 100 feet back from the water. This is significantly farther from the water and the wetland bird habitat than 44 other existing houses that border the wetland. Please see the attached aerial photo. Homes that are closer to the water and wetland are marked with a yellow dot. Also, because the house has a stepped front and the wetland boundary is curved, the average distance of the front of the house from the water is actually 110 feet.

The endangered birds that inhabit this wetland are used to living in close proximity to people. We believe that this house, located 100 ft. and more back from the water, will have no negative impact on these birds.

U.S. Fish and Wildlife Service works with the Army Corps of Engineers regarding the wildlife at the Kaelepu Wetland. R. Mark Sattelberg, Acting Field Supervisor at U.S. Fish and Wildlife Service writes, "Based on our familiarity with the site and our review of preliminary plans sent to us, we do not believe that home construction on upland areas of the property will significantly impact the wetland or its resident and migratory bird community."

Ron Walker, a Wildlife Consultant with Hawaiian Bio-Graphics and former wildlife biologist with U.S. Fish and Wildlife Service concurs with the above statement.

Phil Bruner, an Environmental Consultant who teaches at BYU, also agrees that "the 100-foot setback would seem more than adequate given the proximity of existing houses."

1151 Punchbowl Street, Room 311, Honolulu, HI 96813 • Tel: 808-942-0372 • Fax: 808-932-2033 • Email: info@billsengineering.com

Ms. Patricia Edwards  
Conservation and Resource Enforcement  
November 29, 2004  
Page 2

According to Kevin Eckert, a former member of a Massachusetts Conservation Commission and now a 10-year Kailua resident and president of Arbor Global, a buffer of 100 feet from the edge of the wetlands is required under the Massachusetts Wetlands Protection Act. Within the 100-foot buffer area, one is permitted to conduct development or work but mitigation measures to protect the wetland must be taken. Beyond 100 feet, there are absolutely no restrictions. Massachusetts Department of Environmental Protection regulations are likely to be the most stringent wetland protection regulations in the country.

The owners want the house to be located far enough from the wetland to not disturb the birds yet close enough to be able to monitor the wetlands to prevent trespassers, fishing in the conservation area, etc. Between 50 and 100 feet from the water is where the house needs to be sited to serve these two purposes. By locating the closest point of the house 100 feet from the water, the owners chose to put the house farther back rather than closer.

2. Maintenance of the wetland is already a legal obligation that has been assumed by the present owners. The U.S. Fish and Wildlife Service has compiled a Wetland Management Guide and established a Maintenance Schedule for the wetland mitigation area and the new owners are following this schedule. The Guide and Schedule appear on the last 4 pages of the Draft EA. The schedule has been followed since the new owners purchased the property. The Army Corps of Engineers oversees the general wetland management and the U.S. Fish and Wildlife Service oversees items specific to wildlife and habitat management.

The wetland area is not part of the project area of this CDUA and since a maintenance schedule already exists there is no need to add it to the CDUA.

We thank you for your comments. Your correspondence will be included in the Final EA.

Very truly yours,  
BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb  
Enclosure

Job No 016-00



### Proximity to Wetland Bird Habitat

At 100 feet from the water, the proposed home is set back farther from the water and wetland bird habitat than 44 existing houses.

Homes that are closer are marked with a yellow dot.

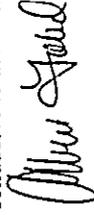
As you know, the subject property is zoned Conservation. There is a thriving wildlife population of native Hawaiian birds and therefore I do not feel that development of the preservation lands bordering the wetlands is consistent with the purpose of this particular Conservation district. In addition, a development of this size and spread on the remainder of the Conservation land outside of the area designated in perpetuity as wetland will definitely have an adverse effect and diminish the existing "open space" characteristic that now exists.

We have seen drawings and descriptions regarding the proposed development of the property. However, what we have not seen or received is a plan regarding the maintenance of the wetlands (for example who and how will the wetlands be maintained?). Maintenance of the wetlands is an undertaking of enormous proportions. Do the new owners of the property have the resources to perform the necessary maintenance? Are subcontractors going to be used? If so, how will that be financed? Are government monies to be received? If so, are these monies guaranteed through perpetuity? And if so, how are the monies regulated to ensure that 100% is spent for its intended purpose?

The proposed residence with covered lanai is 3900 SF in size. The detached garage is 730 SF and the lakefront swimming pool is 360 SF. In addition, the remainder of the land outside of the wetlands area is proposed to be landscaped which includes a Great Lawn. In my opinion, this is an Estate - not a "caretakers" home.

Finally, some questions:

1. Why does a caretakers residence need to be so large?
2. Why does a caretakers detached garage need to be 730 SF practically double the size of a standard residential garage of 400 SF?
3. How are we ensured that the maintenance of the wetlands will be a long-term commitment by the new owners as opposed to a build, sell and profit scheme?
4. How can this proposed development which includes grading be conducive to the well-being of the wildlife?

  
Albert Fobel



November 29, 2004

Mr. Albert Fobel  
1461 Kiukee Place  
Kailua, Hawaii 96734

**Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'elepulu Wetland Caretaker's Single Family Residence  
1460 Kiukee Place, TMK: 4-2-002:050**

Dear Mr. Fobel:

We have received a copy of your undated correspondence regarding the subject project. We are providing the following responses to your general comments and numbered responses to your questions:

A single-family residence is an allowable use for General Subzone Conservation district land.

The home and garage are less than the 5,000 sq. ft. maximum allowed for residences on conservation land over 1 acre in size. The project area is approximately 3 acres or 130,680 sq. ft. A 5,000 square foot house would cover less than 4% of this area. The feeling of "open space" will be minimally affected because the fence line along Kiukee Place is set back 20 to 25 feet from the property line. This fence will be lushly planted with Areca palms, ferns and other trees. Rather than the existing scrub and weeds, the landscaping will enhance the appearance along this side of Kiukee Place. Note: Other residences opposite the subject property on Kiukee Place have a home-to-land ratio of between 29% and 72%, according to tax office records.

The U.S. Fish and Wildlife Service prepared a Wetland Management Guide and Maintenance Schedule for the wetland mitigation area and the new owners are following this schedule. The Guide and Schedule appear on the last 4 pages of the Draft EA. The schedule has been followed since the new owners purchased the property.

LECI established a trust fund and the interest earned from the trust fund is used to maintain the wetland mitigation area. The new owners manage the disbursement of the funds and the Army Corps of Engineers has approval of expenditures.

The new owners have already hired subcontractors for some of the maintenance work and have done some of the work themselves. Since the new owners purchased the property they have removed more than 500 mangrove trees and seedlings, 20,000 pounds of invasive plants have been removed from the wetland and moat banks and more than 25 truckloads have been taken to green waste. A subcontractor now comes 2 days a week to work on the wetland. Work on the wetland is paid for with interest from the trust fund.

The home will be used as the new owners' residence. They have assumed the responsibility of caretaking for the wetland thus, the term "Caretaker Residence." The home is designed in an attractive traditional Hawaiian architectural style using natural materials and colors. It will be constructed following sustainable building guidelines.

1. The home and garage are less than the 5,000 sq. ft. maximum allowed for residences on conservation land over 1 acre in size.
2. The 730 sq. ft. garage accommodates 3 cars. Two spaces will be used for the owners' cars. The third space will be used to store maintenance equipment such as mowers and boats that are likely to be needed.
3. Whoever owns this property will be required by permits and easements, which flow with the property, to maintain the wetland mitigation area. The new owners lived in their previous home for over 20 years. They are building this home with the intention of living in it for a very long time. In addition to the potential of the property, there is the appeal of living in a close-knit neighborhood with many children for their own two kids to play with.
4. According to Ron Walker, Wildlife Consultant with Hawaiian Bio-Graphics and Former Wildlife Biologist with U.S. Fish and Wildlife: "The main advantages are that (1) there will be a permanent human presence at the site to help prevent vandalism and undue disturbance to the habitat and native bird life; (2) the removal of the thick alien vegetation on the upland area will eliminate the present haven for predators (particularly rats); (3) new lawn areas will offer habitat not now available to migratory and resident native birds; (4) the replacement of alien vegetation with native species will enhance the naturalness of the site; and (5) the design will not impede opportunities for the public to view wildlife in a natural habitat."

We thank you for your comments and questions. Your correspondence will be included in the Final EA.

Very truly yours,  
BILLS ENGINEERING INC.

  
By: David B. Bills, President

DBB:flb

Job No. 015-00

(1)

1-9-04

TO: MR. PETERE YOUNG  
CHARM D.L.A.R.

FROM: WOULD M. HART

EUCHANTZ LAKE RESIDENT.  
I HAVE LIVED AT MY HOME ADJUTING  
THE KAECEPULU BIRD SANCTUARY  
SINCE 1973 WHICH PRECEDED THE  
ESTABLISHMENT OF THE SANCTUARY.

MIR JIM LEE WHO CREATED SOME  
HOUSE LOTS IN THE WETLANDS ALONG  
KAECEPULU ACROSS FROM KAECEPULU  
AND EXEMPTED ME FROM THE WORKED  
IT OUT WITH THE ARMY CORP OF  
ENGINEERS TO CREATE THE SANCTUARY  
AND PROVIDE A TRUST OF 250,000.00  
TO CARE FOR IT AS A SETBACKMENT  
FOR HIS ILLEGAL ACTIVITY IN CROS-  
SING THE HOUSE LOTS.

THE INTEREST EARNED WOULD  
MAINTAIN THE SANCTUARY AND "DUCK  
ARE LOTS" WERE TO MAINTAIN IT.

THINGS HAVE CHANGED AND THE  
FORCES INVOLVED HAVE SOLD THE 164

(2)

ACRES OF THE 19 PLUS ACRES OF  
WETLANDS.

WHAT'S HAPPENING WITH THE 3  
ACRES NOT SOLD? WHO IS INSURING THEM.

I FEEL THE TOTAL PARCEL INCLUD-  
ING THE HIGH GROUND SHOULD STAY AS  
IS WITH NO HOME SIGHT DEVELOP-  
MENT ALLOWED.

WE EITHER HAVE A PRESTIGE BIRD  
SANCTUARY OR AN AREA REDUCED  
FOR THE WILD LIFE AND A MULTI-  
MILLION DOLLAR ESTATE THAT NOT  
IN KEEPING WITH THE SANCTUARY.

WE SHOULD HAVE THE STATE AIDED  
EXPERTS TO DETERMINE HOW TO CARE  
FOR THE SANCTUARY. A 6 MONTH MA-  
INTENANCE OF THE WILDLIFE CYCLES  
WOULD HELP.

I HAVE COME TO CHEER IT (SANCTUARY)  
AS IT IS. ITS BETTER AS SANCTUARIES GOT  
WAY REDUCE IT FURTHER.

THE CITY COULD USE PRISON HELP TO  
MAINTAIN IT AND WE CAN ALL KEEP AN  
EYE ON IT.

De Hart



November 29, 2004

Mr. Wond M. Hart  
1198 Akulua Place  
Kailua, Hawaii 96734

**Subject:** Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'alepulu Wetland Caretaker's Single Family Residence  
1460 Kiukee Place, TMK: 4-2-002:050

Dear Mr. Hart:

We have received a copy of your November 9, 2004 correspondence regarding the subject project. We are providing the following responses:

Mr. Jim Lee's company LECI did establish a trust fund and the interest earned from the trust fund is used to maintain the wetland mitigation area.

According to the previous property owner's attorney, Gaylord Tom, Ducks Unlimited was offered the wetland area but declined it.

The 19 plus acres you refer to is probably the 20.349-acre lot that LECI Properties purchased from Lone Star. This was subdivided into 24 lots. Twenty-three (23) of these lots are along Keolu Drive and the subject property is the 24<sup>th</sup> lot consisting of the remaining 18.605 acres. The owners of these 23 lots are responsible for insuring them.

A single-family residence is an allowable use for General Subzone Conservation district land.

The 3-acre area that is the subject of this CDUA is not a pristine bird sanctuary. The project area is on fast land that was never part of the wetland mitigation area. It is not a habitat for endangered water birds and there are no requirements for it to be. It is covered for the most part with California Grass and Koa Haole. The project calls for the removal of this thick alien vegetation and will eliminate the present haven for predators.

The U.S. Fish and Wildlife Service compiled a Wetland Management Guide and Maintenance Schedule for the wetland mitigation area and the new owners are following this schedule. The owners welcome any additional expert advice the State would like to provide.

Mr. Wond M. Hart  
November 29, 2004  
Page 2

We thank you for your comments. Your correspondence will be included in the Final EA.

Very truly yours,  
BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb

Job No. 016-00

M.F.H. CONSULTANTS, INC.

November 7, 2004

State of Hawaii  
Board Of Land And Natural Resources  
Peter Young, Chairperson

Re: Conservation District Use Application No. OA-1203 for the Kaelepuu Pond Wetlands  
Caretaker's Single Family Residence at Kailua, Oahu.

Aloha, Board.

These comments are meant to set the record straight and to appose the project under consideration for the following reasons.

- 1) In 1997 the Board Of Land And Natural Resources conducted a hearing at the request of the Federal Wildlife Agency to downzone the Kaelepuu Pond Wetlands for the purpose of preserving one of the last natural nesting grounds for endangered native birds on Oahu. At the time Mr. Jimmy Lee the owner was the only one in opposition as the property was zoned R3 residential and his plan was to fill in all of the wetland area and build a subdivision. The board took unanimous action and did what was right to preserve the nesting area for these endangered species.
- 2) We now are faced with a similar situation whereby the new current owner has proposed to build a single family three thousand square foot residence and turn the sixteen acres into a private estate for their own personal use. The plan calls for the destruction of the dry land nesting grounds for other bird species as well as other types of wildlife which the endangered wetland waterfowl depend on for their survival. The plan also calls for a wall to be built around the perimeter of the property to keep out anyone else who may want to observe the natural beauty of the preservation area.
- 3) For the residents that live around the preserve area the plan calls for the destruction of the view plane across the preserve from their homes, putting the State of Hawaii in jeopardy or liability of property values going down and legal challenges to the plan if it is voted on favorably.
- 4) The previous owner Mr. Jimmy Lee (LECI), was never in compliance with the army corps of engineers mandated directives to clean up and maintain the wetland area, and in the current plan well. There is no budget for the maintenance and nobody knows if the mandated directives as the financial ability to maintain the wetland area. Yet they are applying for a permit to build a three thousand square foot private residence for the sole purpose to be used as a caretakers home. If they let me live in the house I will take care of the wetland area!
- 5) The property was recently purchase by the new owners for \$170,000. There plan is to invest approximately \$500,000 in the new residence and landscaping. How much is a sixteen acre estate worth in Hawaii today?
- 6) If this project is permitted to go through there is no guaranty that the new owners or subsequent owner will not attempt to rezone the land on the side of the property away from the wetland area further destroying the whole preserve site.
- 7) In the environmental impact statement filed, the research is incomplete as to the impact on the waterfowl because the methodology which was used is inconclusive as to the impact on the conducted incorrectly. In order for the findings to be conclusive you must conduct your observations of the habitat over several seasons. In this case the research was conducted over a few months.

Administrative Office: 1459 Kiukee Place • Kailua, Hawaii 96734  
Phone: 808-754-6611 • Fax: 808-262-4735

M.F.H. CONSULTANTS, INC.

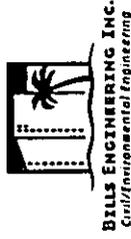
8) If the board does permit this project to proceed, the residence at the very lease should be reduced in size and be moved to the farthest corner of the property away from the wetland nesting area.

Respectfully submitted,  
Mark Heilbron



Administrative Office: 1459 Kiukee Place • Kailua, Hawaii 96734  
Phone: 808-754-6611 • Fax: 808-262-4735

November 22, 2004



Mr. Mark Heilbron  
M.F.H. Consultants, Inc.  
November 28, 2004  
Page 2

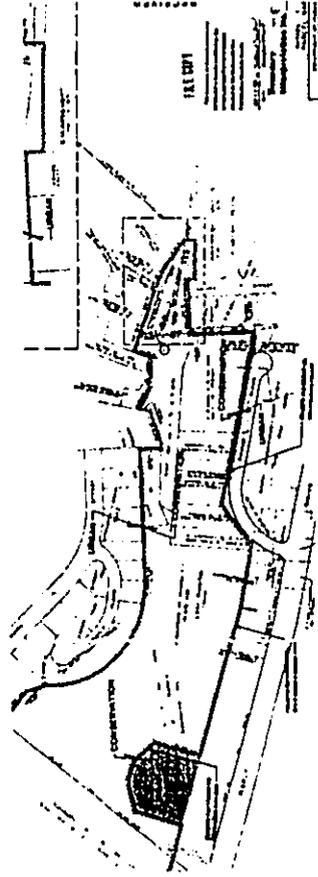
Mr. Mark Heilbron  
M.F.H. Consultants, Inc.  
1459 Kiukee Place  
Kailua, Hawaii 96734

**Subject:** Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'eiepulu Wetland Caretaker's Single Family Residence  
1460 Kiukee Place, TMK: 4-2-002:050

Dear Mr. Heilbron:

We have received a copy of your November 7, 2004 correspondence regarding the subject project. We are providing the following responses to your numbered comments:

1. In 1998, only a small portion of the 16,605-acre parcel was rezoned from R-5 to P-2 (City Ordinance #98-45). This portion was located in what is now the wetland. (See the Boundary Interpretation Map below, the area changed to P-2 is shaded gray, the project area is at the far right of the map on the opposite side of the property from this action.) This was a city zoning change only, and did not alter the state zoning, which is still zoned urban. The action did not affect or change the zoning in the 3-acre project area, and is not relevant to the current project.



While Ka'eiepulu Wetland is a valuable resource, to state that it is one of the last remaining nesting grounds for endangered Hawaiian birds is inaccurate. The 5.8 acres do not compare to the following:

- a) Neighboring Hamakua Wetland Preserve, which is 22.7 acres;
- b) Kawai Nui Marsh is the largest remaining wetland in the state at 1,000 acres;
- c) Nu'upia Ponds at the Kaneohe Marine Corps Base is 482 acres;
- d) The James Campbell National Wildlife Refuge is 164 acres. The refuge was established specifically for the endangered Hawaiian Stilt, Coots, Gallinules, and Koloa; and
- e) Pearl Harbor National Wildlife Refuge is comprised of 2 units: the 37-acre Honouliuli Preserve, and the 25-acre Waialo Preserve.

2. The project area where the residence will be built is approximately 3 acres. The 16-acre parcel is private property and it is in the best interest of the wetland and its inhabitants to restrict access.

The endangered wetland birds do not depend on wildlife from the scrub area that will be changed by the project for their survival. Rather this area is a haven for predators, such as rats, cats and mongoose who present a danger to the water birds.

There is a 260 linear-foot public viewing area along Kiukee Place, which provides ample space for visitors to enjoy views of the wetland. Planned fencing with landscaping along Kiukee Place does not restrict access to the public viewing area. It will only prevent trespassers from accessing portions of the private property where they are not authorized to go.

3. Property values are more likely to go up when landscaping replaces the unsightly weeds that grow there now such as Koa Haole and California Grass, and illegal dumping and trespassing problems are eliminated. View planes across the site are currently limited by the height of the existing vegetation. The total amount of physical structure on the site will cover less than 4 percent (4%) of the 3-acre project area. While it is true that there will be a partial reduction in some specific view planes, we do not believe it will be "significant".

4. Maintenance funds for the wetland come from a trust fund established by LECI. Interest from the trust pays for maintenance of the wetland area. The Army Corps of Engineers approves the expenditures, and the owners manage the

Mr. Mark Heilbron  
M.F.H. Consultants, Inc.  
November 28, 2004  
Page 4

wetland must be taken. Beyond 100 feet, there are absolutely no restrictions. Massachusetts Department of Environmental Protection regulations are likely to be the most stringent wetland protection regulations in the country.

If the home is moved as you suggest to the farthest corner of the property away from the wetland, the wetland would be just marginally visible from the caretakers' residence. The owners want the house to be located far enough from the wetland to not disturb the birds yet close enough to be able to monitor the wetlands to prevent trespassers, fishing in the conservation area, etc. Between 50 and 100 feet from the water is where the house needs to be sited to serve these two purposes. By locating the closest point of the house 100 feet from the water, the owners chose to put the house farther back rather than closer.

The proposed home and garage are less than the 5,000 sq. ft. maximum allowed for residences on conservation land over 1 acre in size. The house is also small than or similar in size to several of the neighboring houses along the Keolu Drive property boundary that are built on 5,750 sq. ft. lots.

We thank you for your comments. Your correspondence will be included in the Final EA.

Very truly yours,

BILLS ENGINEERING INC.

By:  David B. Bills, President

DBB:flb

Job No. 015-00

Mr. Mark Heilbron  
M.F.H. Consultants, Inc.  
November 28, 2004  
Page 3

disbursement of the payments. Currently, the owners pay for the maintenance expenses from their own funds and are reimbursed every two months.

5. The purchase price is not accurate and this is not relevant to the CDUA.

6. Any rezoning would need to go through another CDUA process.

7. The survey conducted is standard and accepted for this type of development project.

8. Experts that we have consulted feel that the home is more than adequately set back from the wetland. In fact, at the closest point, the home will be 100 feet back from the water. This is significantly farther from the water and the wetland bird habitat than 44 other existing houses that border the wetland. Please see the attached aerial photo. Homes that are closer to the water and wetland are marked with a yellow dot. Also, because the house has a stepped front and the wetland boundary is curved, the average distance of the front of the house from the water is actually 110 feet.

The endangered birds that inhabit this wetland are used to living in close proximity to people. We believe that this house, located 100 ft. and more back from the water, will have no negative impact on these birds.

U.S. Fish and Wildlife Service works with the Army Corps of Engineers regarding the wildlife at the Kālelepu Wetland. R. Mark Sattelberg, Acting Field Supervisor at U.S. Fish and Wildlife Service writes, "Based on our familiarity with the site and our review of preliminary plans sent to us, we do not believe that home construction on upland areas of the property will significantly impact the wetland or its resident and migratory bird community."

Ron Walker, a Wildlife Consultant with Hawaiian Bio-Graphics and former wildlife biologist with U.S. Fish and Wildlife Service concurs with the above statement.

Phil Bruner, an Environmental Consultant who teaches at BYU, also agrees that "the 100-foot setback would seem more than adequate given the proximity of existing houses."

According to Kevin Eckert, a former member of a Massachusetts Conservation Commission and now a 10-year Kailua resident and president of Arbor Global, a buffer of 100 feet from the edge of the wetlands is required under the Massachusetts Wetlands Protection Act. Within the 100-foot buffer area, one is permitted to conduct development or work but mitigation measures to protect the

DEPARTMENT OF LAND AND NATURAL RESOURCES  
ENGINEERING DIVISION

November 29, 2004



LD/NAV  
Ref: OCCL:TM

COMMENTS

- (X) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone X. The National Flood Insurance Program does not have any regulations for development within Zone X.
- ( ) Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone.
- ( ) Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is \_\_\_\_\_.
- ( ) Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyan-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

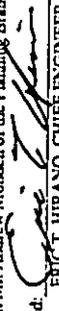
- ( ) Mr. Robert Sumarino at (808) 523-4254 or Mr. Mario Su Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting
- ( ) Mr. Kelly Gomez at (808) 961-8327 (Hilo) or Mr. Kiran Emter at (808) 327-3550 (Kona) of the County of Hawaii, Department of Public Works
- ( ) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning
- ( ) Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

- ( ) The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
- ( ) The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

( ) Additional Comments: \_\_\_\_\_

( ) Other: \_\_\_\_\_

Should you have any questions, please call Mr. Andrew Monden of the Planning Branch at 587-0229.

Signed:   
ERIC T. HIRANO, CHIEF ENGINEER

Date: 10/6/04

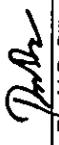
Mr. Eric Hirano, Chief Engineer  
Department of Land and Natural Resources  
Engineering Division  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'eolepulu Wetland Caretaker's Single Family Residence  
1450 Kiukee Place, TMK: 4-2-002:050

Dear Mr. Hirano:

We have received a copy of your correspondence dated October 6, 2004. Thank you for confirming that the project site is in FIRM Zone X, as is stated in our Draft EA.

Very truly yours,  
BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb

Job No. 015-00



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 1378  
HONOLULU, HAWAII 96801-1378

10073CEC.04

October 26, 2004

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

From: Dennis R. Lau, P.E., Chief  
Clean Water Branch

Subject: Request for Comments  
Draft Environmental Assessment (DEA) and  
Conservation District Use Application (CDUA)  
Kaelepu Wetland Caretaker's Single Family Residences  
Board Permit File No. OA-3203, TMK: 4-2-002:050

RECEIVED  
OCT 27 11 26 AM '04  
HAWAII STATE

The Department of Health (Department), Clean Water Branch (CWB), has reviewed the subject DEA and CDUUA and offers the following comments:

1. Total area of the parcel is 16.605 acres. The proposed construction activity will involve the disturbance of three (3) acres of land area. A National Pollutant Discharge Elimination System (NPDES) permit coverage is required for any construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the commencement of the proposed construction activities.

In addition, an NPDES permit may also be required if the discharge of hydrotesting water or construction dewatering effluent is anticipated.

The NPDES application forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>.

2. Both the Enchanted Lake and Kaelepu Stream are identified by the Department in the "Final 2004 List of Impaired Waters in Hawaii" as "Water Quality-Limited Segment" for "nutrients" and "turbidity" pursuant to Clean Water Act (CWA), Subsection 303(d). The DEA should discuss this issue and provide mitigative measures to ensure that the construction and operation of the proposed caretaker's single family residence will not result in net increase of "turbidity" and "nutrients" discharges into Enchanted Lake or the Kaelepu Stream.

Samuel J. Lemmo, Administrator  
October 26, 2004  
Page 2

3. Pursuant to Hawaii Administrative Rules (HAR), Chapter 11-54 (Tilled Water Quality Standards), Site-Specific Construction Best Management Practices shall be designed, implemented, operated, and maintained by the applicant and the contractor in a manner to properly isolate and confine the construction activity(ies) and to contain and prevent any potential pollutant(s) discharges from adversely impacting the State waters.

4. The applicant must ensure that the proposed construction activities will not result in any discharge of dredged spoils or fill material into receiving State waters without first securing a Department of the Army permit. Pursuant to Clean Water Act (CWA), Paragraph 401(a)(1), a Section 401 Water Quality Certification is required for "any applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters..." (Emphasis added) The term "discharge" is defined in CWA, Subsection 502(16), 502(12), and 502(6). HAR, Chapter 11-54 governs the processing of a Section 401 WQC application.

If you have any questions, please contact Mr. Edward Chen of the Engineering Section, CWB, at 586-4309.

EC:np

c: Regulatory Branch, HED, COE  
CZM, Office of Planning, DBEDT  
Mr. David Bills, Bills Engineering, Inc.

November 29, 2004

Mr. Dennis Lau, P.E., Chief  
Clean Water Branch  
Department of Health, State of Hawaii  
P.O. Box 3378  
Honolulu, Hawaii'i 96801



**Subject:** Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'elepulu Wetland Caretaker's Single Family Residence  
1460 Kiukoo Place, TMK: 4-2-002:050

Dear Mr. Lau:

We have received a copy of your October 26, 2004 correspondence regarding the subject project. We are providing the following responses:

1. The project development will include the disturbance (grading) of less than 1.0 acre of land and therefore a specific NPDES permit is not required for construction activities.
2. The house/garage site area and paved driveway and walkway areas total less than 9,000 sq. ft. Portions of the landscaped areas closest to the home will be cleared during construction, however they will be less than 12,000 sq. ft. This totals approximately 21,000 sq. ft., or less than half an acre. The balance of the project area is landscaping that will be installed by mowing the California Grass, then mulching and seeding with the preferred grass or spot digging to plant trees and shrubs. The area cleared by spot digging to plant trees and shrubs will be less than half an acre. The mow and seed method is being used to minimize exposed soil.
3. The effects of surface water runoff, which would be the source of increased turbidity and nutrients, discharged into Enchanted Lake or Ka'elepulu Stream is discussed on page 34 of the Draft EA. The construction and operation of the caretakers' single-family residence will not result in a net increase of turbidity and nutrients discharged into Enchanted Lake or Ka'elepulu Stream. BMPs will be in place during construction to insure that runoff from the subject area will be directed to flow away from the wetland or retained on site. After construction, the site will be replanted with ground cover and landscaping. The ground cover will continue to catch and trap sediment as documented by best management practices criteria. There is likely to be a net decrease in turbidity and nutrients discharged after the residence and landscaping are completed because areas

Mr. Dennis Lau, P.E., Chief  
Clean Water Branch  
Department of Health, State of Hawaii  
November 29, 2004  
Page 2

that now die back to bare dirt in summer months will be replaced by grass, shrubs and trees that stay green year round.

4. Site-specific construction BMPs will be designed, implemented, operated and maintained by the owner and the contractor to contain and prevent any pollutants from discharging and adversely impacting the State waters.
5. No dredged spoils or fill material will be discharged into State waters.

We thank you for your comments. Your correspondence will be included in the Final EA.

Very truly yours,  
BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb

Job No. 016-00



November 28, 2004

Mr. Scott Lautner  
Ms. Arlene Green  
1216 Akumu Street  
Kailua, Hawaii 96734

**Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Beard Permit, File No. OA-3203  
Ka'alepulu Wetland Caretaker's Single Family Residence  
1460 Kiukee Place, TMK: 4-2-002:050**

Dear Mr. Lautner and Ms. Green:

We have received a copy of your November 9, 2004 correspondence regarding the subject project. We are providing the following responses:

1. The home will be used as the owners' residence. They have assumed the responsibility of caretaking for the wetland thus, the term "Caretaker Residence." The home is designed in an attractive traditional Hawaiian architectural style using natural materials and colors. It will be constructed following sustainable building guidelines.

The proposed home and garage are less than the 5,000 sq. ft. maximum allowed for residences on conservation land over 1 acre in size. The house is also smaller than or similar in size to several of the neighboring houses along the Keolu Drive that are built on 5,750 sq. ft. lots.

2. The proposed home will not be located "very close to the fence." In fact, at the closest point, the home will be 88.5 feet back from the fence and the fence is 12 feet from the water. This puts the house, at over 100 feet back from the water, significantly farther from the water and the wetland bird habitat than 44 other existing houses that border the wetland. You probably did not realize that your own house is 40 feet closer to the water than the proposed home.

The area in front of the home will be cleared of California Grass and Koa Haole, and because the house is set so far back, it will be adding to the foraging area that some of the wetland birds may use occasionally rather than taking any away. The short-term disturbance to birds venturing out of the wetland area will be minimized by staging the construction at the rear of the house, away from the wetland.

November 9, 2004

To: DLNR,

I live directly across from the site that is proposed for a "caretaker's house"? I have several questions and concerns

1. The drawings look more like an estate than a caretaker's house.
2. It will be located very close to the fence. I'm aware of a "two day" study that shows the endangered birds did not use that area. I have seen them use that side of the wetlands.
3. The mote has never been dredged according to the court order. This allows the mongoose to walk right across to the biggest nesting area when the water dries up.
4. Will the money in the trust fund be transferred to the new owner?
5. What is the time line for the construction? What precautions will be taken to alleviate runoff while it is in progress
6. Is there a maintenance schedule that will be followed? It has been hit and miss in the past.
7. Who will make sure the court order will be followed? I know the original order states the Corp of Engineers will do that BUT it is obvious that is not what happened.
8. The property fronting my dock is part of the Conservation area. Will that be maintained? I have paid to keep it cleared in the past.

Sincerely,

Scott Lautner  
Arlene Green  
1216 Akumu St.  
Kailua, HI 96734

Mr. Scott Lautner  
Ms. Arlene Green  
November 29, 2004  
Page 2

3. The owners are looking into methods of deepening the moats that will minimize impact to the endangered birds that live adjacent to the moat. In the meantime, hand digging will be done if necessary to prevent a land bridge from providing access to the islands.
4. The LECI trust, which was established to provide for the maintenance of the wetland mitigation area, exists as its own entity. The new owners manage the disbursement of the funds and the Army Corps of Engineers has approval of expenditures.
5. Construction is expected to take 6 months. The surface area of exposed soil will be minimized and soil retention fencing will be installed per Best Management Practices.
6. We assume you are referring to the maintenance of the wetland area rather than the project area that is the subject of this CDUA. There is a maintenance schedule for the mitigation wetland that was prepared by the U.S. Fish and Wildlife Service; it appears on the last page of the Draft EA. It has been followed since the new owners purchased the property.
7. The Army Corps of Engineers are responsible for overseeing the general wetland management. U.S. Fish and Wildlife Service oversees items specific to the wildlife and their habitat management and enhancement.
8. The property fronting your dock is owned by Hugo de Vries and Cindy Turner and they are responsible for maintaining it.

We thank you for your comments and questions. Your correspondence will be included in the Final EA.

Very truly yours,  
BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb

Job No. 015-00

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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

PROJECT NO. 014-04  
ACTION

TO: 26  
DATE: 11/16/04

PETER T. YOUNG  
DIRECTOR  
BUREAU OF LAND AND NATURAL RESOURCES  
CHIEF OF BUREAU

DAVID DAVIDSON  
DEPUTY DIRECTOR - LAND

ERNEST W. LAU  
DEPUTY DIRECTOR - WATER

ADVISOR: DEPARTMENT OF LAND AND NATURAL RESOURCES  
BUREAU OF CONSERVATION AND COASTAL LANDS  
COMPARISON AND RESOURCES MANAGEMENT

UNIVERSITY AND WILDLIFE  
LAND  
HONOLULU ISLAND AIRPORT CONSTRUCTION  
PERMITS

REF: OCCL-TM

FILE NO.: OA-3203

Acceptance Date: September 21, 2004  
180-Day Expiration Date: March 20, 2005

David Bills, President  
Bills Engineering  
1124 Fort Street Mall, Suite 200  
Honolulu, Hawaii 96813

NOV 10 2004

Dear Mr. Bills,

**SUBJECT:** Conservation District Use Application (CDUA) OA-3203 For Kaelepu Pond Wetland Caretaker's Single Family Residence Located at 1460 Kiukee Place, Kailua, island of Oahu, TMK: (1) 4-2-002:050

This letter is regarding the processing of CDUA OA-3203 for the Kaelepu Pond Wetland Caretaker's Single Family Residence located at 1460 Kiukee Place, Kailua, island of Oahu, TMK: (1) 4-2-002:050.

The public and agency comment period on your application has closed (November 8, 2004). Attached to this letter are copies of the comments received by the Office of Conservation and Coastal Lands (OCCL) regarding your CDUA.

In addition, the OCCL would like to provide the following comments:

- With the proposed improvements and enhancements to the subject parcel, an increase of individuals with the purpose of viewing the wetland may cause impact to the neighborhood. Please discuss the potential impacts of increased visitors to the area and mitigative measures.
- The applicant should consider siting the Single Family Residence further away from the wetland.

Furthermore, in regards to Conservation District Use Permit OA-2545 for the Kaelepu Pond Wetland Enhancement, proposed work beyond hand clearing without the use of

David Bills, President

File No.: OA-3203

power tools, should be reviewed by the OCCL because the subject area is private property and under the jurisdiction of the Department.

Please send copies of your responses to the questions raised in these letters directly to the authoring agency as well as to the OCCL. The final copy of your Environmental Assessment (EA) needs to include your responses to the queries raised in these letters. These responses can be attached to the end of the Final EA document. Please send 6 (six) copies of the Final EA to the OCCL by December 8, 2004. Also include an Office of Environmental Quality Control (OEQC) Publication Form for the Final EA, and if the project summary has changed, a new summary on diskette.

After the OCCL receives the final version of your Environmental Assessment with all the necessary amendments your CDUA will be placed on the agenda of the Board of Land and Natural Resources for their consideration. Early submittal of your response to comments will expedite the review process. Should you have any questions, please contact Tiger Mills of our Office of Conservation and Coastal Lands at 587-0382.

Sincerely,

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

cc: Cindy Turner



November 28, 2004

Mr. Samuel Lemmo  
Office of Conservation and Coastal Lands  
PO Box 621  
Honolulu, Hawaii 96809

**Subject:** Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'alepulu Wetland Caretaker's Single Family Residence  
1460 Kiukee Place, TMK: 4-2-002:050

Dear Mr. Lemmo:

We have received a copy of your November 10, 2004 correspondence regarding the subject project. We are providing the following responses:

1. You asked that we discuss potential impact and mitigative measures of an increase in visitors due to the proposed improvements and enhancements to the wetlands. We feel that the proposed work will improve the visitor experience but not contribute significantly, if at all, to the numbers of visitors to the wetland. The wetland is already just one scheduled stop among many for an ecotour company -- the addition of landscaping to the viewing area and improvement of the habitat will not add at all to the number of people booking their tours. The wetland is already listed in many Hawaii bird guidebooks, so the improved condition will not alter its visibility to the bird watching community. Nearby residents often stop for a look at the wetland as they walk around the Keolu Drive loop, a popular exercise route in the afternoons. Adding trees and native plants will not increase the number of these types of visitors either. Because the owners will actively discourage feeding the ducks and geese once they live on the site, there may be a decrease in this type of visitor to the wetland. The owners believe there will be no significant increase in visitors, therefore no mitigation measures will be needed.
2. Experts that we have consulted feel that the home is more than adequately set back from the wetland. In fact, at the closest point, the home will be 100 feet back from the water. This is significantly farther from the water and the wetland bird habitat than 44 other existing houses that border the wetland. Please see the attached aerial photo. Homes that are closer to the water and wetland are marked with a yellow dot. Also, because the house has a stepped front and the wetland boundary is curved, the average distance of the front of the house from the water is actually 110 feet.

Mr. Samuel Lemmo  
Office of Conservation and Coastal Lands  
November 29, 2004  
Page 2

The endangered birds that inhabit this wetland are used to living in close proximity to people. We believe that this house, located 100 ft and more back from the water, will have no negative impact on these birds.

U.S. Fish and Wildlife Service works with the Army Corps of Engineers regarding the wildlife at the Ka'alepulu Wetland. R. Mark Sattlerberg, Acting Field Supervisor at U.S. Fish and Wildlife Service writes, "Based on our familiarity with the site and our review of preliminary plans sent to us, we do not believe that home construction on upland areas of the property will significantly impact the wetland or its resident and migratory bird community."

Ron Walker, a Wildlife Consultant with Hawaiian Bio-Graphics and former wildlife biologist with U.S. Fish and Wildlife Service concurs with the above statement and is in favor of this plan.

Phil Bruner, an Environmental Consultant who teaches at BYU, also agrees that "the 100 foot setback would seem more than adequate given the proximity of existing houses."

According to Kevin Eckert, a former member of a Massachusetts Conservation Commission and now a 10-year Kailua resident and president of Arbor Global, a buffer of 100 feet from the edge of the wetlands is required under the Massachusetts Wetlands Protection Act. Within the 100-foot buffer area, one is permitted to conduct development or work but mitigation measures to protect the wetland must be taken. Beyond 100 feet, there are absolutely no restrictions. Massachusetts Department of Environmental Protection regulations are likely the most stringent wetland protection regulations in the country.

The owners want the house to be located far enough from the wetland to not disturb the birds yet close enough to be able to monitor the wetlands to prevent trespassers, fishing in the conservation area, etc. Between 50 and 100 feet from the water is where the house needs to be sited to serve these two purposes. By locating the closest point of the house 100 feet from the water, the owners chose to put the house farther back rather than closer.

Although we believe the house is located an appropriate distance from the wetland, we have added the location of the house as an unresolved issue to the Final EA.

Mr. Samuel Lemmo  
Office of Conservation and Coastal Lands  
November 29, 2004  
Page 3

We thank you for your comments. Your correspondence will be included in the Final EA.

Very truly yours,  
BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb  
Enclosure  
Job No. 016-00

### Proximity to Wetland Bird Habitat

At 100 feet from the water, the proposed home is set back farther from the water and wetland bird habitat than 44 existing houses.

Homes that are closer are marked with a yellow dot.



RECEIVED AS FOLLOWS

November 7, 2004

Sam Lemmo  
Department of Land and Natural Resources  
Office of Conservation and Coastal Lands  
PO Box 621  
Honolulu, Hawaii 96809

RE: Ka'elepulu Pond Caretaker Residence, CDUA

Dear Mr. Lemmo,

We are neighbors living near the de Vries property. We support their application to build a single family home on the dryland portion of their property. This part of the property is overgrown with weeds and Haole Koa. It will be an improvement to have owners on the premises to care for it and the adjoining wetland.

Sincerely,



November 28, 2004



Ms. Almee McCullough  
1455 Kiukee Place  
Kailua, Hawaii 96734

**Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'elepulu Wetland Caretaker's Single Family Residence  
1460 Kiukee Place, TMK: 4-2-002:050**

Dear Ms. McCullough:

Your letter supporting the project is appreciated and will be included in the Final EA.

Very truly yours,  
BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb

Job No. 018-00

November 9, 2004

Mr. Samuel J. Lamm, Jr.  
Administrator  
Office of Conservation and Coastal Lands  
State of Hawaii D.L.N.R.  
Post Office Box 621  
Honolulu, Hawaii 96809

Reference: Conservation District Use Application OA-3203 for Kaelepu Pond  
Wetlands Caretaker's Single Family Residence.

Dear Mr. Lamm,

Mahalo for hosting this hearing being held tonight November 9, 2004 to hear and accept written testimony for the request for this District Use Application.

It was recently confirmed with your office that we were allowed to provide information after this hearing and within a reasonable amount of time. We therefore plan to do this no later than the close of the business day Friday, November 12, 2004 delivering it to your office or postmarking it the same day. For your reference as to the extended time needed, is that we are also providing additional picture clips and a video which was filmed over last weekends rain storms. We are currently transferring these to pictures, commonly used files and video format that would be available to your staff. The information is important to review and will support our concerns for the project and this area.

Again, thank you to your staff for being responsive whenever we needed additional information and being most courteous and patient in explaining the process available to our group.

Sincerely,  
  
Jay Pahed  
Friends of Kaelepu Pond  
Telephone 349-3283

November 28, 2004

Mr. Jay Pahed  
c/o Healthcare Hawaii  
350 Ward Avenue  
Suite 108  
Honolulu, Hawaii 96814

Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'elepulu Wetland Caretaker's Single Family Residence  
1460 Klukae Place, TMK: 4-2-002:050

Dear Mr. Pahed:

We have received a copy of your November 9, 2004 correspondence regarding the subject property. It will be included in the Final EA. DLNR did not receive the videos or picture clips that you were to have delivered or postmarked by November 12<sup>th</sup>, so we cannot make any comments regarding them.

Very truly yours,  
BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb  
Job No. 015-00





LINDA LINDLE  
GOVERNOR OF HAWAII



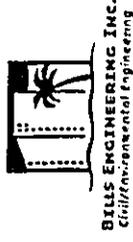
STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
200 SOUTH MAHELE STREET, 11  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 548-1100  
FACSIMILE: (808) 548-1100  
E-MAIL: EQC@STATE.HI.GOV

FILE COPY

GENEVEVE SALMONSON  
DIRECTOR

RECEIVED NOV 10 2004

November 28, 2004



BILLS ENGINEERING INC.  
Civil/Environmental Engineering

Ms. Genevieve Salmonson, Director  
State of Hawaii  
Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'elepulu Wetland Caretaker's Single Family Residence  
1450 Kiukoo Place, T11K; 4-2-002-950

Dear Ms. Salmonson:

Mr. Peter Young, Chair  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Young:

Subject: Draft Environmental Assessment for the Ka'elepulu Wetlands Caretaker's Residence,  
Oahu

Thank you for the opportunity to review the subject document. We have the following comments.

1. Please provide your findings and reasons for supporting the finding of no significant impact. Please see the enclosed example.
2. Please provide a list of permits that would be required.

Should you have any questions, please call Jeyan Thiruganaram at 586-4185.

Sincerely,

*Genevieve Salmonson*  
Genevieve Salmonson  
Director

c: Bills Engineering

We have received a copy of your November 4, 2004 correspondence regarding the subject project. We are providing the following responses:

1. Findings and reasons for supporting the finding of no significant impact have been added to the Final EA in section 8.3.
2. A summary of the potential permits and approvals is listed in section 8.1 of the Draft EA. One permit has been added in the Final EA. The list is as follows:
  - Conservation District Use Permit;
  - Sewer Connection Application;
  - Construction Plan Approval;
  - Driveway connection to Kiukoo Place;
  - Building permit for individual home; and
  - Any necessary grading and trenching permits.

We thank you for your comments. Your correspondence will be included in the Final EA.

Very truly yours,  
BILLS ENGINEERING INC.

By: *David B. Bills*  
David B. Bills, President

DBB:flb  
Enclosure

Job No. 016-00

1121 Fairview Blvd., Suite 700 • Honolulu, HI • 96813 • Tel: 533-9727 • Fax: 533-7233 • Email: info@billsengineering.com





HOUSE OF REPRESENTATIVES  
STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

November 16, 2004  
Sam Lemmo  
Department of Land and Natural Resources  
Office of Conservation and Coastal Lands  
P.O. Box 621  
Honolulu, HI 96809

Re: CDUA OA-3203

Dear Mr. Lemmo:

I am writing in support of the CDUA submitted by Hugo de Vries and Cynthia Turner. I have known Cindy Turner for years, through her work on behalf of environmental issues.

Cindy and Hugo will be caring and experienced stewards of this area. Their residence will improve the wetland habitat. The residence will be built on the dryland portion of the property, where alien weed will be removed, thereby eliminating the existing rat cover.

This is a win-win situation for government. Cindy and Hugo will be caretakers for the area, performing a function that will enhance the wetland for the public. I strongly urge that the Turner-de Vries CDUA be approved.

With sincere aloha,

*Cynthia Thielen*

Rep. Cynthia Thielen  
50<sup>th</sup> House District (Kailua/Kaneohe Bay)

November 29, 2004

Representative Cynthia Thielen  
50<sup>th</sup> House District (Kailua, Kaneohe Bay)  
House of Representatives  
State of Hawaii  
State Capitol  
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'elepulu Wetland Caretaker's Single Family Residence  
1460 Klukoo Place, TMK: 4-2-002:050

Dear Representative Thielen:

Your letter supporting the project is appreciated and will be included in the Final EA. Thank you for taking the time out of your busy day to write in support of Cindy and Hugo and their project.

Very truly yours,  
BILLS ENGINEERING INC.

By: *David B. Bills*  
David B. Bills, President

DBB:flb

Job No. 015-00



Hi my name is Holly Turi. I have been a resident of Kailua for over 28 years. I have known Hugo and Cindy deVries for more than ten years. I became acquainted with Cindy when I was president of the LaniKailua Outdoor Circle. She was a wonderful help to me. She totally understood and understands the core values of the Outdoor Circle and our vision of a clean, green, and beautiful Hawaii. I can't speak for the Outdoor Circle, but I certainly endorse them myself.

When I first learned Hugo and Cindy's dream of a home at 1460 Kiukee Place, my immediate thought was- "What a great fit." Hugo and Cindy are the perfect caretakers of this property. They are very intelligent and hardworking. They are most sensitive to the environment. I have reviewed the plans for their new home and I know that it will be an asset to this neighborhood. I hope their plans are given serious consideration and approval.

Sincerely,



Hollace A. "Holly" Turi

November 29, 2004



Ms. Hollace A. "Holly" Turi  
147 Kaha Street  
Kailua, Hawaii 96734

**Subject:** Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'elepulu Wetland Caretaker's Single Family Residence  
1460 Kiukee Place, TMK: 4-2-002:050

Dear Ms. Turi:

Your letter supporting the project is appreciated and will be included in the Final EA.

Very truly yours,  
BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb

Job No. 0115-00



**HAWAIIAN BIO - GRAPHICS**

46-305 HOAUNA STREET  
KANEHOE, HAWAII 96744  
PHONE: (808) 335-1681

**RONALD L. WALKER**

WILDLIFE CONSULTATION  
SCIENTIFIC ILLUSTRATION  
BIOLOGICAL SURVEYS

November 3, 2004

Mr. Sam Lennuo  
State of Hawaii  
Department of Land and Natural Resources  
Office of Conservation and Coastal Lands  
P.O. Box 621.

DEPT. OF LAND AND NATURAL RESOURCES  
STATE OF HAWAII

04 NOV -4 10 14

RECEIVED

Dear Mr. Lennuo:

Mr. Hugo de Vries and Ms. Cynthia Turner asked me to review the draft environmental "Assessment for the Kaelepuu Pond Cartaker Residence", including the letters of comment on the E.A.

As a former wildlife biologist with the U.S. Fish and Wildlife Service, I noted with interest that they, with some precautionary notes, believe that the construction of the residence will have no significant adverse impact on the wetland or its' native resident and migratory birds. I concur.

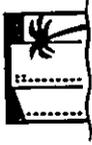
The main advantages of the residence would be that (1) there will be a permanent human presence at the site to help prevent vandalism and undue disturbance to the habitat and native bird life; (2) the removal of the thick alien vegetation on the upland area will eliminate the present haven for predators (particularly rats); (3) new lawn areas will offer habitat not now available to migratory and resident native birds; (4) the replacement of alien vegetation with native species will enhance the naturalness of the site; and (5) the design will not impede opportunities for the public to view wildlife in a natural habitat.

I have long sought better management of the waterbird habitat at the site and have been encouraged by the current owners' efforts to fulfill the U.S. Army Corps of Engineers permit conditions. These include removing invasive plants, creating waterways and developing nesting sites. I am in favor of this plan.

Sincerely yours,

Ronald L. Walker  
Hawaiian Bio-Graphics

CC: Turner and de Vries Ltd.



**BILLS ENGINEERING INC.**  
Civil/Environmental Engineering

November 28, 2004

Mr. Ronald Walker  
Hawaiian Bio-Graphics  
48-305 Hoana Street  
Kaneohe, Hawaii 96744

**Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Kaelepuu Wetland Cartaker's Single Family Residence  
1460 Klukeo Place, TMK: 4-2-002:050**

Dear Mr. Walker:

Your letter supporting the project is appreciated and will be included in the Final EA. Your response is valued based on your technical expertise relating to wetlands and endangered native bird issues that are a part of the subject matter of the Final EA and the project.

Very truly yours,

BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb

Job No. 016-00

**OAHU NATURE TOURS**

P.O. Box 8059, Honolulu, Hawaii, 96815  
Phone: (808) 924-2473, Fax: (808) 924-5395  
E-mail: [natureguide@oahunaturetours.com](mailto:natureguide@oahunaturetours.com)



November 4, 2004

Sam Lemmo  
State of Hawaii, Department of Land and Natural Resources  
Office of Conservation and Coastal Lands  
P.O. Box 621  
Honolulu, HI 96809

To Whom it May Concern,

We have been visiting the Kaelepuu Fishpond as part of one of our ecotours for the last several years and we believe no negative impact will be caused to us by the proposed Kaelepuu Pond Caretaker Residence project. In fact, the planned improvements should benefit both our guests as well as the public in general.

I am in full support of the proposed project by Hugo de Vries and Cynthia M. Turner. I believe their involvement at this location will be beneficial to the wetlands and the endangered species that utilize the area. Having met with them and upon hearing about their plans for the wetlands, I think they are very suitable caretakers for this area. They are interested in removing invasive vegetation, monitoring the wetlands on a daily basis, coordinating efforts to keep stray animals from the wetlands, planting suitable native plants around the borders of the wetland and coordinating efforts to improve this important resource. They demonstrate an interest in consulting with biological experts to ensure everything done at the Kaelepuu Pond will be correct.

I ask that you approve this project. Should you have any questions or need further comment from me, please contact me at 924-2473 or [natureguide@oahunaturetours.com](mailto:natureguide@oahunaturetours.com). Thank you for your time.

Sincerely,

  
Michael Walther  
President  
Oahu Nature Tours



**BILLS ENGINEERING INC.**  
Civil/Environmental Engineering

November 28, 2004

Mr. Michael Walther  
Oahu Nature Tours  
P.O. Box 8059  
Honolulu, Hawaii 96815

**Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'alepulu Wetland Caretaker's Single Family Residence  
1460 Klukoo Place, TMK: 4-2-002:050**

Dear Mr. Walther:

Your letter supporting the project is appreciated and will be included in the Final EA. Your response is valued based on your technical expertise relating to wetlands and endangered native bird issues that are a part of the subject matter of the Final EA and the project.

Very truly yours,  
BILLS ENGINEERING INC.

By:   
David B. Bills, President

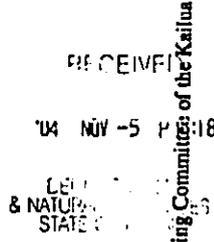
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Job No. 016-00

October 27, 2004

Kimberly Mills  
Department of Land and Natural Resources  
Office of Conservation & Coastal Lands  
PO Box 621  
Honolulu, Hawaii 96809

Re: DEA - Ka'elepulu Wetlands Caretaker's Single Family Residence  
Conservation District Use Application OA-3203



The following comments, questions and concerns from the Planning and Zoning Committee of the Kailua Neighborhood Board are in response to the DEA and CDUA:

1. In the 1990s this property was rezoned from R-5 to Conservation/Preservation to protect native birds. Since 3-acres of the 16.605 parcel are to be used for urban activities then it is more appropriate for the property owners to apply for a boundary change to urban for the 3-acre house site. The change in designation would better reflect the actual uses of urban and conservation.
2. The DEA states that if the property owner is unable to hook up to the City sewer system they will use "alternative" sewage disposal methods. Because the house site is close to the wetland and being built on fast land of unknown fill material the only environmentally acceptable method of sewage disposal must be hook up to the City system.

- Should alternative sewage disposal methods be used is there adequate setback from the wetland and stream for a leach field without impacting the wetland and stream?
- If a septic tank and leach field is constructed what measures will be used to prevent sewage percolation into the wetland, lake and stream?

3. The DEA, page 41, states that the owners not only bought the property but also the "responsibility for maintenance of the adjacent reconstructed wetland" yet we could not find a definition or outline of what those responsibilities are and who has oversight of those responsibilities.

In addition the project summary (pg. 5) states, "This project does not touch the wetland portion of the parcel and the project area is not a part of any agreements, permits, or requirements relating to the wetland and its maintenance."

- Which of the above statements is correct?
- If there are no agreements, permits, or requirements connected to the 3-acre "project area" then is it possible that the property owner, present and future, could build and live on the property and have no responsibility for wetland maintenance? If this is true, then who will be responsible for wetland maintenance on the private property?
- Is "maintenance" a condition of the sale of the property by a government agency and does that condition run with the land?
- If "maintenance of the adjacent reconstructed wetland" is not a condition of sale and does not run with the land how will continuous maintenance be assured?

- Do wetland maintenance responsibilities fall under the property owner or can others such as neighbors, a non-profit take on that responsibility? If so, who has the authority to make such agreements?

- Are there contractual agreements between the property owners and the DLNR, U.S. Fish and Wildlife and/or the ARMY Corp. regarding wetland maintenance obligations?
- What are the consequences to the property owner(s) if the wetlands are under their supervision and not properly maintained and who has final oversight?

4. If the 3 acres of fast land are not connected by agreement, permit or requirement to the wetland what assurances are there that the 3 acres will not be subdivided either from the wetland portion or for additional urban uses under present or future owners?

5. How will the public be assured that present and future "caretakers" will comply with the obligations, if there are any, for the current wetland mitigation site such as during low water level periods when most areas are exposed?

6. What methods will be used to meet the minimum depth requirements in the Army Corp's DODCO permit that is necessary to prevent mongoose and rats from preying on native bird nesting sites?

7. What Best Management Practices, other than silt fencing, will be used to prevent increased pollution and nutrient loading?

8. What are the anticipated cumulative impacts from short-term construction and long-term urban activities on the water quality of the wetland, stream and lake?

9. What is the plan to control noise and fugitive dust emissions, other than watering, so that the wetland and bird population are not impacted?

10. How will the "caretakers" manage the wetlands as water bird habitat to control non-native flora and fauna?

11. What is the funding source for the management activities and does the funding go to the property owner, a wetland manager or both? How much is the funding? Is funding provided in a lump sum or over a period of time?

12. Why wasn't a soil analysis included in the DEA? Since a portion, if not all, of the 3 acres is fill it is imperative that a soil analysis be conducted before any permits are granted in order to protect the homeowner, state and county agencies, the public and the wetland from any foreseen hazards. A soil study must analyze the fill for hazardous material and determine if the material is stable enough to adequately hold 4,959 sq. ft. of buildings and 3,800 sq. ft. of paved surfaces including a swimming pool.

13. Are there public viewing areas of the habitat islands and water birds other than from the public sidewalk?

- How many viewing areas are there for the public? What is the distance between the wetland, water bird habitat and viewing area(s)?
- If so, where are they located and who is responsible for maintenance of these areas and for keeping them open to the public?

- Are the viewing areas on public or private land? If on private land what are the hours open to the public and who determines those hours?
- If the only viewing areas are from the public sidewalks what is the sight distance from the sidewalk to the wetland and created habitat?
- If the viewing is only from the public sidewalk what provisions are there to ensure that the sight line will be kept open and free from trees and buildings on the private property?

14. If fencing is along Kiukee Place will public access to viewing areas be cut off or curtailed?
15. How will the property owner's, current and future, prevent their family pets from venturing onto sensitive areas?
16. What is the purpose of the 1,500 cubic yards of slop cut and 1,200 cubic yards of fill? Is it to create a house pad and does it increase the height of the property? If so, will the height be even or above the existing sidewalk? Will the fill be used to level the property on the lakeside? If so, what is the grade?
17. Unless the existing approximately 6-foot high berm is removed and the 3 acres taken down to street level the height of the house will be greater than the required 25-feet. This makes a house in the Conservation District higher than the surround homes in the urban district.
18. Since management oversight is under the supervision of Federal agencies is a Section 401 Water Quality Certification needed? If not, why not?
19. Is a National Pollutant Discharge Elimination System permit required? It seems that a NPDES permit is required for a non-city sewer disposal system, for discharging of swimming pool water and discharging of water during construction (DEA pg. 8).
20. Is there a Conservation Easement agreement? If not, is there some sort of formal and recorded maintenance agreement between the property owner and government agencies?
21. What is the purpose of the "Easement 7" (for Wetland Purposes) Exhibit 12 of the CDUA?
22. Who is responsible for maintenance of the stream that goes through the property?
23. What protective measures will be used to protect water birds when construction activities occur?
24. Does rendering (7B) on page 32 show the actual 76-foot (house) and 59 foot (garage) set back from Kiukee Street sidewalk? The photo makes the house appear closer to the street.

If you have any questions please contact me at 261-8292 and mail responses to 1525 Ulukoua Street, Kailua 96734.

*Donna Wong*  
Donna Wong, Chair  
Planning, Zoning and Environment Committee

CC: DOH - Clean Water Branch  
Council member Barbara Marshall

OEQC  
Senator Hogue

- 3 -



November 28, 2004

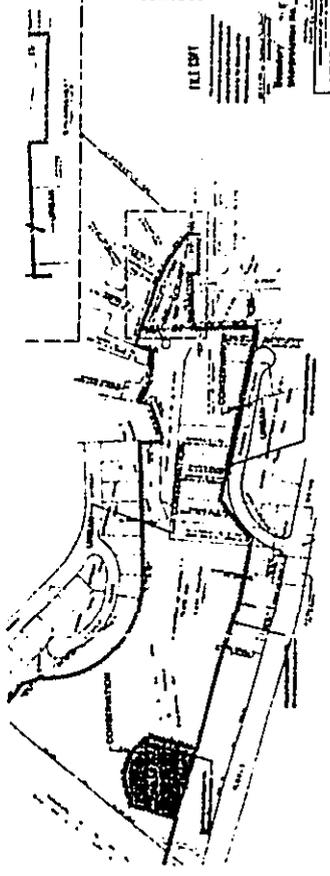
Ms. Donna Wong, Chair  
Planning, Zoning and Environment Committee  
Kailua Neighborhood Board  
1525 Ulukoua Street  
Kailua, Hawaii 96734

Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Ka'elepulu Wetland Caretaker's Single Family Residence  
1460 Kiukee Place, TMK: 4-2-002:050

Dear Ms. Wong:

We have received a copy of your October 27, 2004 correspondence regarding the subject project. We are providing the following responses:

1. In 1998, only a small portion of the 16.605-acre parcel was rezoned from R-5 to P-2 (City Ordinance #88-45). This portion was located in what is now the wetland. (See the Boundary Interpretation Map below, the area changed to P-2 is shaded gray, the project area is at the far right of the map on the opposite side of the property from this action.) This was a city zoning change only, and did not alter the state zoning, which is still zoned urban. The action did not affect or change the zoning in the 3-acre project area, and is not relevant to the current project.



One house on a 3-acre lot is not "urban" use. The owners are not seeking to change the zoning to Urban, which would allow for the development of many houses on a parcel of this size. They are only seeking to build a single-family residence, which is an allowable use for General Subzone Conservation district land.

2. The owners have been granted a sewer connection to the municipal sewer system (File no. 2004/SCA-0691), so this is no longer an issue.
3. Maintenance of the wetland is a legal obligation that has been assumed by the present owners. The U.S. Fish and Wildlife Service has compiled a Wetland Management Guide and established a Maintenance Schedule for the wetland mitigation area and the new owners are following this schedule. The Guide and Schedule appear on the last 4 pages of the Draft EA. The schedule has been followed since the new owners purchased the property. The Army Corps of Engineers oversees the general wetland management and the U.S. Fish and Wildlife Service oversees items specific to wildlife and habitat management.  
Exhibit 10 of the Draft EA shows the "Reconstructed Wetland," the "Dry Land Caretaker Area" and the "Existing Water Area." Only the 5.8-acre portion of the parcel labeled "Reconstructed Wetland" is subject to the requirements of the Army Corps of Engineers mitigation agreement, defined in PODCO permit 2151.
  - You ask, "Which statement is correct?" As you can see from the above explanations, both statements are correct.
  - Whoever owns the 5.8 portion of the parcel where the wetland mitigation area is located is responsible for its maintenance. It is a portion of parcel TMK: 4-2-002-050, of which the project area is also a portion. Therefore, it is not possible for the property owner, present or future, to build and live on the property and have no responsibility for wetland maintenance.
  - Assignment of the Army Corps of Engineers PODCO permit is a condition of the transfer of ownership of the parcel. Maintenance requirements are part of the permit and they flow with the ownership of the wetland mitigation area.
  - Refer to the above answer.
  - Wetland maintenance responsibilities belong to the property owner. They could assign this responsibility to a third party, be it neighbors or a non-profit, if they had the permission of the Army Corps of Engineers. The current owners have no desire to pass this responsibility to a third party. The previous owner did try to find a third party (including Ducks Unlimited) to take on the responsibility but was unable to do so.

- Yes. There are Maintenance Guidelines established by the U.S. Fish and Wildlife Service, they appear on the last 4 pages of the Draft EA. The Army Corps of Engineers permit lists special conditions that outline basic maintenance requirements.
  - The Army Corps of Engineers is a Federal Agency and as such they have a variety of enforcement means available to them. The ACOE has final oversight and authority.
4. This CDUA does not request a subdivision of the parcel. An owner wishing to subdivide this parcel would need to apply for a CDUP and I am sure that this would be an issue.
  5. The Army Corps of Engineers is a Federal Agency and as such they have a variety of enforcement means available to them.
  6. The owners are looking into methods of deepening the moats that will minimize impact to the endangered birds that live adjacent to the moat. In the meantime, hand digging will be done if necessary to prevent a land bridge from providing access to the islands.
  7. The primary BMP will be the use of a silt fence to protect silts from escaping the site when grading activities occur. Properly maintained silt fences are quite effective. Since a sewer connection application has been granted by the City, nutrients are not anticipated to be an environmental issue.
  8. There are no short-term or long-term activities associated with this project that are expected to impact the water quality of the wetland, stream and lake.
  9. Silt fences will be used around the project area. Construction staging will take place on the far side of the house, away from the wetland side. Note: Several other construction projects took place recently at homes located much closer to the wetland than the proposed home. There appeared to be no impact on the wetland birds.
  10. Live traps are used to catch mongoose and rats. Invasive plants are removed through a variety of methods including hand pulling, cutting with a brush cutter, and the application of a wetland-safe herbicide followed by hand removal of the dead vegetation. The owners have been doing some of this work and they have hired a contractor who works 2 days a week on the wetland.

- side of the house would be made to deflect water runoff away from the wetland and lake.
17. The City Building Code's 25-foot height limit is measured from the existing grade of the subject property. Some of the neighboring lots to the parcel are higher than the level of the ground at the proposed house location and some are lower. The proposed house will comply with the applicable building codes. The fill area you refer to will be landscaped and it is the intention not to move excessive amounts of material on or off the site.
18. The project area is outside of the wetland area and therefore not under the supervision of the Army Corps of Engineers.
19. NPDES permits are required for grading/construction activities over 1.10 acres. The area of land disturbance will be kept under 1.0 acres. NPDES permits are not required for non-city sewer disposal. This issue is moot since the residence has been granted a connection to the City sewer system. Page 8 of the Draft EA sites the potential short-term impact if soil discharges into water during construction. You'll notice that the mitigation proposed is: minimize surface of exposed soil, install swales to maximize retention of water on dry land, install soil retention fencing per BMPs. The mitigation measures will be used.
20. The PODCO permit did not mandate the creation of "a conservation easement," rather Section D of the Special Conditions states "the mitigation wetland shall be encumbered with a conservation easement or other binding mechanism to designate the site as wetland habitat in perpetuity." The present "Declaration of Wetland Habitat Easement", which was recorded July 27, 2004, was approved by Gaylord Tom, attorney for LECI, Jeffrey Grad, the current owners' attorney and Patricia Billington, attorney for the Army Corps of Engineers, to ensure that it fulfilled the requirements for a "binding mechanism to designate the site as wetland habitat in perpetuity" as set forth in the permit.
21. "Easement '7' for wetland purposes" is the wetland mitigation area that is further defined in the "Declaration of Wetland Habitat Easement" document, which was recorded on July 27, 2004.
22. The property owners are responsible for maintenance of the stream.
23. There will be no construction activity in areas that water birds frequent. Therefore, no protective measures are needed.
11. Maintenance funds for the wetland come from a trust fund established by LECI. Interest from the trust pays for maintenance of the wetland area. The value of the trust is approximately \$300,000. The Army Corps of Engineers approves the expenditures, and the owners manage the disbursement of the payments. Currently, the owners pay for the maintenance expenses from their own funds and are reimbursed every two months.
12. A soil analysis will be done prior to obtaining a building permit from the City.
13. Yes. There are public viewing areas of the wetland other than the public sidewalk.
- 260 linear feet of public viewing area is provided. This area is approximately 15 feet wide. Two of the three main islands of the wetland are directly in front of this viewing area. These islands are about 40 feet away.
  - The public viewing area is located along the fence that parallels Kiukee Place. The property owners are responsible for maintaining it.
  - It is on private land. There are no hours as it is impractical and unnecessary to have open and closing times.
  - The sidewalk is not the only viewing area.
  - The sidewalk is not the only viewing area. New landscaping is planned for the public viewing area and the land beyond the fence up to the moat. Native trees, shrubs and groundcover will be planted once the building permit for the house is approved and water for irrigation is available. These plantings will provide shade and improve the visitor experience. The views of the wetland will not be adversely affected. The proposed home does not block the view of the wetland from the public viewing area.
14. Planned fencing along Kiukee Place does not restrict access to the public viewing area. It will only prevent trespassers from accessing portions of the private property where they are not authorized to go.
15. The property owners have two house dogs that do not swim. These dogs will not venture onto the wetland. The owners do not have cats. Whoever resides at the caretakers residence will be responsible for the welfare of the wetlands, including ensuring that their pets do not venture into sensitive areas.
16. The purpose of the cut and fill is to create a house pad. It would not increase the height of the property. The property has a gentle slope up from the wetland side and the sidewalk side to the location of the house. The house will not be located on the highest portion of the property. Any changes to the slope on the wetland

Ms. Donna Wong, Chair  
Planning, Zoning and Environment Committee  
Kaliua Neighborhood Board  
November 29, 2004  
Page 6

24. The photo is an artist's concept. Set back dimensions are given on Exhibit 5.  
We thank you for your comments. Your correspondence will be included in the  
Final EA.

Very truly yours,  
BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb

Job No. 016-00

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DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, HONOLULU  
FT. SHAFTER, HAWAII 96854-5440

MEMO TO  
ATTENTION OF

October 15, 2004

Regulatory Branch

Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands  
Department of Land and Natural Resources  
State of Hawaii  
P.O. Box 621  
Honolulu, HI 96809

Subject: Conservation District Use Application (CDUA) OA-3203 for the Kaelepu Wetlands  
Caretaker's SFR, 1460 Kiukee Place, Kailua, Oahu, Hawaii (TMK: (1) 4-2-00 :050).

Dear Mr. Lemmo:

This office has reviewed the supporting materials and your notice of acceptance for the above-referenced project, which was received by our office October 4, 2004. The subject parcel has a total area of 16.605 acres, of which 3 acres are considered dry land, 5.8 acres a wetland preservation area, and the balance submerged land. The former land owner, LECI Properties, established a conservation easement and trust fund for perpetual preservation and maintenance of the 5.8-acre wetland area, which is a part of the former Kaelepu Fish Pond, as a requirement of the 1991 Department of the Army (DA) after-the-fact permit authorization (Permit No. WODCO 2151) for the discharge of fill to create residential lots along Keolu Drive.

A review of our files reveals that our office provided comments on the CDUA pre-assessment on May 6, 2004, determining that the proposed single family residence will not involve direct impacts to waters of the United States, including wetlands, nor is it expected to have an adverse effect on the adjacent wetland mitigation area. The requirement to preserve and maintain this wetland feature remains despite a change of ownership. The above-referenced DA permit was transferred to Hugo deVries and Cynthia Turner-de Vries on July 23, 2004. The new owners have expressed a commitment to maintaining this preservation area as a desirable habitat for native endangered water birds, as well as an attractive natural feature for the neighborhood, and have been actively making efforts to that end.

If you have any questions concerning this correspondence or the specifics of the wetland preservation area, please contact Ms. Connie Ramsey of this office by phone at 808-438-2039, by facsimile at 808-438-4060, or by electronic mail at [Connie.L.Ramsey@usace.army.mil](mailto:Connie.L.Ramsey@usace.army.mil).

Sincerely,

George P. Young, P.E.  
Chief, Regulatory Branch



BILLS ENGINEERING INC.  
Civil/Environmental Engineering

November 29, 2004

Mr. George Young, P.E.  
Department of the Army  
U.S. Army Engineer District, Honolulu  
Ft. Shafter, Hawaii 96858

Subject: Draft Environmental Assessment (DEA)  
Conservation District Use Application (CDUA)  
Board Permit, File No. OA-3203  
Kaelepu Wetland Caretaker's Single Family Residence  
1460 Kiukee Place, TMK: 4-2-002:050

Dear Mr. Young:

Your letter of October 15, 2004, writing that your office does not expect the project to have an adverse effect on the adjacent wetland mitigation area is appreciated and will be included in the Final EA.

Your response is valued based on your technical expertise relating to wetlands issues and your familiarity with the Kaelepu Wetland.

Very truly yours,

BILLS ENGINEERING INC.

By:   
David B. Bills, President

DBB:flb

Job No. 016-00

November 6, 2004

Sam Lemmo

Department of Land and Natural Resources

Office of Conservation and Coastal Lands

PO Box 621

Honolulu, Hawaii 96809

RE: Ka'elepulu Pond Caretaker Residence, CDUA

Dear Mr. Lemmo,

We are neighbors living near the de Vries property. We support their application to build a single family home on the dryland portion of their property. This part of the property is overgrown with weeds and Haole Koa. It will be an improvement to have owners on the premises to care for it and the adjoining wetland.

Sincerely,



Phil Curcio

PHIL CURCIO

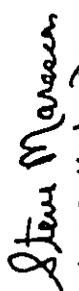
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KAILUA, HI 96734



R.E. Danks

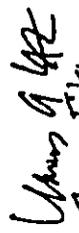
437 KEOHA DRIVE



Steve Marston

409 A KEOHA DR.

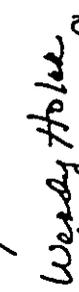
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Thomas Fitt

409 KEOHA DR

KAILUA, HI 96734



Wendy Holzer

1495 KIUKEE PL

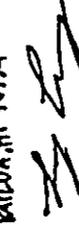
KAILUA HI 96734



Ron Jensen

1499 KIUKEE PL.

KAILUA, HI 96734



Keelo Rosales

445 KEOHA DR

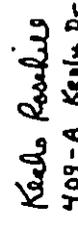
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Pat Puhama

1499 KIUKEE PL.

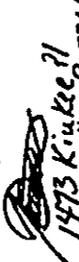
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Keelo Rosales

409-A KEOHA DR

KAILUA, HI 96734



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KAILUA, HI 96734

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## **Appendices**

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**Appendix A: Avifaunal Survey**

**Appendix B: Wetland Maintenance Guidelines**

## Appendix A

### Field Survey of Waterbirds at TMK 4-2-2-50

This report presents the findings of a two day field survey at TMK 4-2-2-50. The purpose of the field survey was to determine the use of the site by native waterbirds and document which species occur on the property and in particular if any endangered waterbirds are found on the area proposed for home.

All waterbirds seen or heard were tallied. The site was visited both early in the day (May 10, 2004) and in the afternoon (May 12, 2004). No night observations were taken. The parcel is divided into two distinct areas: The wetland islands and their surrounding waters; and the dryland portion (see attached map for area delineations).

#### Wetland Islands and Surrounding Waters

This portion of the parcel has several low man-made islands. Wetland vegetation consisting mainly of pickleweed and seashore paspalum dominates. Observations were made from the concrete wall at the edge of the wetland near 431 Keolu Drive and along the fenceline at Kiukee Place.

9 Koloa/Mallard hybrids were observed flying, foraging and resting in the moat waters surrounding Island 2. Two more were observed swimming in the moat by Island 1. Koloa (*Anas wyvillana*) are endemic to Hawaii and are listed as endangered. However the Mallard hybrids threaten to further diminish the Koloa population through interbreeding. No pure Koloa were observed.

A total of 41 Hawaiian Coots or 'Alae ke'oke'o (*Fulica alai*), an endemic and endangered waterbird were seen or heard on the first day. 34 were observed feeding or resting in the moat waters surrounding Island 2. One was observed sitting on a nest on Island 2. 3 adults and 3 chicks were observed in the moat water and seashore paspalum fringing Island 1.

8 Gallinule or 'Alae 'Ula (*Gallinula choloropus*), an endemic and endangered waterbird, were tallied. 3 were in the water and 5 were in the tall pickleweed of Island 2. One of these was sitting on a nest on Island 2. One was seen foraging in the seashore paspalum on Island 1.

3 Hawaiian Stilts or Ae'o (*Himantopus knudseni*) were observed wading and resting in the shallow mudflats of Island 1.

A total of 8 Black-crowned Night Heron or Aukuu (*Nycticorax Nycticorax*) were tallied on the first day. This is the only native waterbird that is not listed as endangered. 6 were flying or hunting for fish along the moat edges of Island 2. One of these was observed harassing a gallinule nesting on Island 2. Two were observed on Island 1.

A single Lesser Canadian Goose was observed resting on Island 1. It is protected as a migratory species.

3 white domestic geese were observed on the rock wall at the lake-most end of the parcel.

On the other observation day, 4 Koloa/Mallard hybrids, 50 Hawaiian Coot or Alae Keokeo (*Fulica alai*), 15 Gallinule or Alae Ula (*Gallinula choloropus*) and 2 Black-crowned Night Heron or Aukuu (*Nycticorax Nycticorax*) were tallied. 6 Hawaiian Stilts (*Himantopus knudseni*) were also tallied. The Lesser Canadian Goose and the domestic geese were not observed in the wetland area on the second day.

**Dryland Portion**

The dryland area of the parcel is predominately overgrown with brush and grass. The edges adjoining the moat at the north side and along the stream that runs parallel to Kiukee Place provide foraging habitat for waterbirds. Some nesting by geese or ducks may also occur in the vegetation along the stream. There is evidence that some of the taller koa haole trees both along the stream and in the interior of the dry area are used by herons for roosting.

4 Mallard hybrids were observed resting along the fence in the mowed area of the dryland. 2 domestic white geese and 3 domestic graylag geese were observed in the grassy area adjacent to Kiukee Place.

On the second observation day, 2 white geese, 3 graylag geese and 4 mallard hybrids were tallied.

No endangered waterbirds were observed on the dryland portion of the parcel on either day.

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APPENDIX B: WETLAND MANAGEMENT GUIDANCE  
Kaopa Wetland Mitigation Site, Kaelepulu Pond, Oahu

Introduction

A U.S. Department of the Army Corps of Engineers (Corps) permit (file number PODCO 2151) and associated special conditions, outlines design specifications, management requirements, and funding for establishment and maintenance of a wetland consisting of approximately 5 acres on the eastern margin of Kaelepulu Pond, Kailua, Oahu. These mitigation requirements were approved by the Corps on June 25, 1991.

The Service believes that future management of the mitigation wetland should be based on: 1) the design criteria and specifications of the original special conditions contained in the approved Corps permit; 2) minor improvements to the current management regime based upon current conditions and recent experience; and 3) expanded use of third party contractors on an ongoing basis to complete basic maintenance tasks such as vegetation control, feral animal control, and maintenance of waterways and moats.

Vegetation Control

Control of invasive vegetation is the primary ongoing management task at the Kalopa Wetland mitigation site. Vegetation control should be undertaken on an ongoing year-round basis (refer to attached annual schedule). In particular, vegetation that may encroach into and grow across the perimeter moat such as California grass (*Brachiaria mutica*), 'ae'ae or water hyssop (*Bacopa monnieri*), and woody vegetation such as fleabane (*Pluchea indica*) and red mangrove (*Rhizophora mangle*) on the low-lying islands within the wetland, should be controlled according to a regular schedule of annual vegetation control.

As indicated by the attached schedule, the annual cycle of vegetation maintenance should be timed to avoid and minimize potential disturbance to waterbirds from March through July, the period of most frequent nesting by Hawaiian waterbirds. During this period, human activity within the wetland should be limited to predator control activities. During these months of highest likelihood of nesting, vegetation control activities should be limited to the perimeter of the mitigation site and outer edges of the surrounding moat, and potentially halted if there is a demonstrated potential to disturb nesting birds.

Beginning in August, after the spring and summer peak of waterbird nesting, removal of vegetation that encroaches into deeper water from the margin of the moats should be undertaken. Vegetation that occurs on the low islands, such as pickleweed (*Batis maritima*) may be mowed from August through February. If, after mowing, the cut vegetation is greater than four inches deep, the cut material shall be removed and disposed of off-site.

In some areas, *B. maritima* grows in excessively thick and dense mats. This growth form creates conditions unfavorable to waterbirds. To address this, transplantation or introduction of *B. monnieri*, makai (*Bolboschoenus maritimus*), 'ahu'awa (*Cyperus javanicus*), and other native low-growing wetland plants to areas currently occupied by *B. maritima* may be undertaken in an effort to improve habitat conditions. Alternatively, *B. maritima* control may be undertaken using a roto-tiller on a trial basis. The above methods should be employed as

adaptive strategies developed as appropriate for the Kaopa Wetland and should be based upon carefully monitored trials and input from appropriate parties. As indicated by the special conditions of the permit, the goal of vegetation management efforts is to maintain 50 percent of the managed wetland area as unvegetated mudflat.

Mechanized equipment used for vegetation management should be limited to hand-held tools such as walk-behind mowers, brush-cutters and string trimmers. Use of riding mowers or other larger machinery within the wetland may be appropriate, but should be undertaken only after notification of the scheduled activity is provided to the Corps and the Service. In addition, the use of herbicides may be appropriate for some vegetation control activities. Use of herbicides in proximity to aquatic ecosystems is restricted, and the permittee is responsible for ensuring that all herbicide use is in conformance with applicable regulations.

#### Predator control

Predator control shall be undertaken on a routine basis at a level of 16 trap-days per month during the months of June through January throughout accessible areas of the wetland. This shall increase to a level of 32 trap-days per month during the months of February through May<sup>1</sup>. During the nesting season, trapping should take place in perimeter areas that may provide cover for predators and are unlikely to harbor nests or chicks.

Traps shall be humane live capture traps that are outfitted with water bottles and are constructed in such a manner as to provide ample shade and protection from extreme weather. Locations of traps should be changed frequently. Captured target animals (mongoose, feral cats) should be relocated to the Hawaii Humane Society. Non-target species (mynas, cardinals) shall be released immediately. Trapping logs shall record capture of target and non-target species, level of effort, trap placement and other relevant data for reporting as described below.

#### Other tasks

*Fence maintenance.* As specified in the design criteria, the bottom six inches of the fence surrounding the mitigation site shall be buried six inches below the ground to exclude predators. In addition, the maintenance access gate along the fence should be maintained in such a way as to exclude entry of predators into the fenced area. Sections of the fence and gate should be periodically inspected and brought into conformance with this requirement.

*Debris cleanup, storm drain cleaning.* Trash other debris that enters the site from any source should regularly be removed. In the event of a major input of trash or other pollutants from storm drain systems maintained by the City and County of Honolulu, the responsible city agencies should immediately be called for assistance (call Larry Leopardy, Division of Road

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<sup>1</sup> A trap-day is defined as a operation of one trap for a period of 24 hours. Typical trapping schedules could be undertaken as follows: 4 traps set for 48 hours twice per month = 16 trap-days; 4 traps set for 48 hours 4 times per month = 32 trap-days.

Maintenance at 523-4472 for large debris; Gerald Takayesu, Storm Water Quality Section at 527-6103 for other water-born pollutants).

*Feral animals.* Feral duck and geese should be relocated from the site when their numbers grow to be excessive. The permittee and their agents should strongly discourage inappropriate feeding of feral birds on the property.

**Success Criteria**

Achieving the goal of wetland enhancement at the Kaopa wetland mitigation site by undertaking the specified management activities should be continuously evaluated against measurable criteria that indicate success. These criteria should include:

- a. Ongoing maintenance of approximately 50 percent of the site as unvegetated mudflat.
- b. A permanent reduction in the extent of invasive woody vegetation, and an increase in the extent of native wetland vegetation.
- c. Continued or increased use of the area by Hawaiian stilts and other native waterbirds.

**Reporting**

The permittee shall provide periodic reports to the Corps and the Service regarding the maintenance activities at Kaopa Wetland. Reports should be submitted at least annually. Report content should include a description of vegetation control activities, summary of predator and feral duck removal efforts, and a qualitative or semi-quantitative summary of use of the wetland by native waterbirds. Report content should support an adaptive management approach for the site that builds upon successful management actions as they are developed and implemented.

**Kaopa Mitigation Wetland  
Calendar of Scheduled Maintenance**

Month			
<b>Activity</b>	<b><u>Jan</u></b>	<b><u>Feb</u></b>	<b><u>March</u></b>
	Vegetation control - in wetland Vegetation control - perimeter Predator control (16 trap-days)	Storm drain cleaning  Vegetation control - in wetland Vegetation control - perimeter Predator control (32 trap-days)	Vegetation control - perimeter Predator control (32 trap-days) <i>Waterbird nesting</i>
	<b><u>April</u></b>	<b><u>May</u></b>	<b><u>June</u></b>
	Vegetation control - perimeter Predator control (32 trap-days) <i>Waterbird nesting</i>	Vegetation control - perimeter Predator control (32 trap-days) <i>Waterbird nesting</i>	Vegetation control - perimeter Predator control (32 trap-days) <i>Waterbird nesting</i>
	<b><u>July</u></b>	<b><u>Aug</u></b>	<b><u>Sept</u></b>
Vegetation control - perimeter Predator control (32 trap-days) <i>Waterbird nesting</i>	Moat clearing Storm drain cleaning  Vegetation control - in wetland Vegetation control - perimeter Predator control (16 trap-days)	Moat clearing Storm drain cleaning  Vegetation control - in wetland Vegetation control - perimeter Predator control (16 trap-days)	
<b><u>Oct</u></b>	<b><u>Nov</u></b>	<b><u>Dec</u></b>	
Moat clearing  Vegetation control - in wetland Vegetation control - perimeter Predator control (16 trap-days)	Moat clearing  Vegetation control - in wetland Vegetation control - perimeter Predator control (16 trap-days)	Vegetation control - in wetland Vegetation control - perimeter Predator control (16 trap-days)	