

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Engineering Division
Honolulu, Hawaii 96813

July 27, 2018

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

**AUTHORIZE THE APPROVAL AND ISSUANCE
OF THE DAM SAFETY PERMIT NO. 59 FOR THE REPAIR AND IMPROVEMENTS
TO THE WAIKOLOA RESERVOIR NO. 1 (HA-0040) - WAIMEA, HAWAII
TMK (3) 6-5-001:047, TMK (3) 6-5-1:11**

The Engineering Division (Division) hereby submits an application for your approval and authorization for the Chairperson and Department to stipulate conditions and issue a Dam Safety Construction/Alteration Permit for the subject application, "WAIKOLOA RESERVOIR NO. 1 - REPAIR AND IMPROVEMENTS", pursuant to Hawaii Revised Statutes Chapter 179D and current Hawaii Administrative Rules Chapter 13-190.1.

APPLICANT:

Mr. Keith Okamoto
Department of Water Supply, County of Hawai'i (HDWS)
345 Kekuanaoa St., Suite 20
Hilo, HI 96720

LAND OWNER:

State of Hawaii
Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96813

SUMMARY OF REQUEST:

Application for a Dam Safety Construction/Alteration Permit for the repair and improvement to Waikoloa Reservoir No. 1, Waimea, Hawaii. (See Exhibit 1)

LOCATION: Waimea, Hawaii, TMK (3) 6-5-001:047, TMK (3) 6-5-1:11 (See Exhibit 2)

BACKGROUND:

Waikoloa Reservoir No. 1 is an earthen dam constructed in 1970. The embankment is approximately 40 feet high and 1700 feet long. The maximum storage at the spillway crest is approximately 172 acre-feet with a surface area of approximately 7.3 acres. It is utilized to store drinking water for the Hawaii County Department of Water Supply.

DESCRIPTION:

The proposed work is to repair damages to the existing reservoir sustained during the October 15, 2006 earthquake. The scope of work includes the repair of the interior concrete liner, installation of a new synthetic liner, and improvements to the external earthen slopes (See Exhibit 3)

CHAPTER 343-HRS – ENVIRONMENTAL ASSESSMENT:

The Department of Water Supply, County of Hawaii (HDWS) submitted documentation declaring that this project is an exempt action from HRS Chapter 343 – Environmental Impact Statement. A determination of the finding is attached. (See Exhibit 4)

AGENCY CONSULTATION:

Requests were sent out to various agencies requesting comments on this project. A summary of their comments and a copy of their submittals are attached. (See Exhibit 5).

On August 24, 2016, Office of Conservation and Coastal Lands (OCCL) notified HDWS that they are required to file “a Site Plan Approval (SPA) application as a portion of the project was located in the State Land Use Conservation District, Protective subzone.” OCCL re-reviewed the project and in a letter to HDWS, dated April 19, 2018, stated that, “After re-reviewing our previous Memorandum and the current project information you have provided, we wish to rescind our initial permit determination as the portion of the project in the Conservation District is located in land under the jurisdiction of the Department of Hawaiian Homelands. Pursuant to the Hawaiian Homes Commission Act, §206 states that *the powers and duties of the governor and the board of land and natural resources, in respect to lands of the state, shall not extend to lands having the status of Hawaiian home lands, except as specifically proved in this title.* Therefore, Hawai’i Administrative Rules (HAR) Chapter 13-5, also known as the Conservation District rules and regulations, would not be imposed on DHHL lands unless the DHHL waives the privilege or otherwise agrees to comply with Conservation District rules and regulations.” (See Exhibit 6)

On March 21, 2018, DHHL issued a letter to HDWS granting approval of consent to proceed with tree removal and buffer zone, for earthquake repairs to Waikoloa Reservoir. (See Exhibit 7)

RIGHT OF ENTRY ONTO STATE LANDS:

At its meeting on August 11, 2017, the Board of Land and Natural Resources, approved a right-of-entry to HDWS onto State lands for the purpose of initiating groundwork necessary for the continued construction and management of the reservoir and appurtenances and access roadways. (see Exhibit 8)

HAWAII REVISED STATUTES CHAPTER 6E-8 HISTORIC PRESERVATION REVIEW:

HDWS consulted with the State Historic Preservation Division (SHPD) for compliance with the Chapter 6E-8 requirement. On March 31, 2017 in a letter from SHPD to HDES, SHPD stated that they have determined that this project has no effect on historic properties and recommended for no further archaeological work for this project. This concurs with the findings of FEMA, the lead federal agency's determination as stated in their Record of Environmental Consideration (RED0 as follow:

"This Undertaking was reviewed in accordance with Stipulation 11.C.4.a of the 2016 Section 106 Programmatic Agreement among FEMA, SHPO, Hawaii Emergency Management Agency (State Department of Defense), and the State Office of Hawaiian Affairs. By letter dated January 25, 2017, FEMA submitted its determination of No Historic Properties Affected and supporting documentation for this Undertaking. The letter was received by the SHPO on January 30, 2017. In September 2016, FEMA sent letters to OHA and Native Hawaiian Organizations (NHOs) on the US Department of the Interior's Office of Hawaiian Affairs list. No response was received from OHA or any NHOs. Supporting documentation included two cultural resources survey reports of the Area of Potential Effects: a 2016 survey by SWCA, and a 2014 survey by Haun & Associates. In addition, FEMA consulted the Waihona Aina Machete database on the OHA website. As of March 9, 2017, no response was received from OHA or the SHPO. Since the Programmatic Agreement provides 15 calendar days for review and no response was received, FEMA is proceeding to clear this Undertaking for Section 106 compliance in EMIS." (See Exhibit 9)

REMARKS:

The applicant (HDWS) and their Engineering consultant, Kleinfelder Corporation, have completed a basis of design, plans and specifications and requests for the approval of a dam safety permit. The Division and their consultant have reviewed the documents and concluded that it is sufficient for its intended purposes. Staff recommends approval of this permit application with the Dam Safety General Permit Conditions, (See Exhibit 10) and special conditions as stated below and in a Division letter to HDWS. (see Exhibit 11)

1. The condition assessment and an electronic copy of the video inspection for the outlet pipe shall be submitted to DLNR.
2. Clarification of any proposed improvements to the outlet pipe must be submitted to DLNR for review and approval prior to the start of construction.

RECOMMENDATION:


That the Board:

1. Authorize the approval and issuance of the Dam Safety Permit No. 59 for the repair and improvements to the Waikoloa Reservoir No 1; and
2. Authorize the Chairperson to issue a Dam Safety Permit for the repair and improvements to the Waikoloa Reservoir No. 1 (DLNR Dam Safety Permit No. 59) subject to such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

July 27, 2018

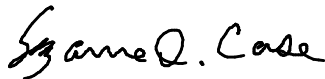
3. Authorize the Department to oversee performance of the permitted work and take appropriate action including but not limited to modification to permit documents or conditions, issuance of fines and/or revocation of the permit, if necessary.

Respectfully submitted,



CARTY S. CHANG
Chief Engineer

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson

- Exhibit(s):
1. Owner Permit Application
 2. Location map
 3. Construction Drawing pages
 4. Chapter 343-HRS Review
 5. Agencies comments
 6. April 19, 2018 - Letter from OCCL to HDWS
 7. March 21, 2018 - Letter from DHHL to HDWS
 8. August 27, 2017 – Letter from DLNR to HDWS
 9. HRS Chapter 6E-8 Review
 10. General permit conditions
 11. October 28, 2016 – Letter from DLNR, Engineering Division to HDWS
 12. Photos of Waikoloa No. 1 Reservoir

State of Hawaii
BOARD OF LAND AND NATURAL RESOURCES
Department of Land and Natural Resources
Engineering Division

DAM SAFETY PERMIT
APPLICATION FOR APPROVAL OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION,
ENLARGEMENT, REPAIR, ALTERATION, OR REMOVAL OF A DAM

Applicant: Keith Okamoto Date of Application: June 26, 2012
Contact Name: Quirino Antonio, Jr. Firm / Company: Dept. of Water Supply, County
of Hawaii
Mailing Address 345 Kekuanaoa St., Ste. 20, Hilo, HI 96720
Telephone: (808) 961-8050 Fax: (808) 961-8657 Email: qantonio@hawaiidws.org

The Applicant hereby applies to the Board of Land and Natural Resources for the approval of the attached plans and specification for the repair and improvement (construction, etc.) in accordance with Chapter 179D HRS (as amended by Act 262, SLH 2006), and subject to the provisions, conditions, and limitations of the current Hawaii Administrative Rules and various DLNR dam safety guidelines.

Accompanying this application are:

(please check)

- | | |
|--|----------|
| 1. Filing fee equal to 2% of the Detailed Cost Estimate + Eng costs w/ calculation | <u>X</u> |
| 2. Two (2) copies of the Detailed Cost Estimate | <u>X</u> |
| 3. Two (2) copies of the Final Design Report | <u>X</u> |
| 4. Two (2) copies of the Plans | <u>X</u> |
| 5. Two (2) copies of the Specifications | <u>X</u> |
| 6. Proposed Construction Schedule | <u>X</u> |
| 7. Supporting documents: | <u>X</u> |
| 8. One (1) electronic copy of all the above | <u>X</u> |

NAME OF STRUCTURE: Waikoloa Reservoir No. 1

DAM OR RESERVOIR LOCATION: Waimea, District of South Kohala

Island: Hawaii Tax Map Key: (3) 6-5-001:047

Attach USGS topographic map (scale 1" = 2000') and property tax map (showing location access to site, proposed work)

State Land Use District: X Agriculture Urban Rural Conservation

BRIEF DESCRIPTION OF WORK TO BE PERFORMED

Repair of damages to the existing reservoir sustained during the October 15, 2006, earthquake. The scope of work includes repair of the interior concrete liner, installation of a new synthetic liner, and improvements to the external reservoir slopes.

TECHNICAL INFORMATION:

DLNR-Dam Safety-Sheet 2

1. Drainage Area _____ sq. miles or 4.1 acres
2. Classification of Dam (Hazard/Size) High Hazard/Intermediate
3. Type of Structure Earthfill embankment
4. Elevation-Area-Capacity Data:

	Elevation	Surface Area (acres)	Total Storage Volume (acre-feet)
Natural Streambed	N/A - off stream		
Primary Spillway	3,332.1	7.3	172
Secondary Spillway	N/A		
Top of Dam	3,334.0	7.7	188.5
Design Water Level	3,332.1	7.3	172
Invert of Drain	3,298	-	0
5. Spillway Details (Type, Dimensions, Material)
Primary: Uncontrolled concrete trapezoidal, 20 ft. bottom, 3 ft.
Secondary: N/A depth w/ 7H:1V side slopes
6. Purpose of Structure Water supply
(water supply, irrigation, recreation, real estate development, etc.)
7. Attach rainfall and stream flow records, and flood-flow records and estimates (as accurately as may be readily obtained)

ADDITIONAL INFORMATION

1. Primary Owner Contact (if different from applicant) William J. Aila, Chairperson
Owner Company or Entity: State of Hawai'i, Dept. of Land and Natural Resources
Mailing Address 1151 Punchbowl St., Honolulu, HI 96813
Telephone: (808) 587-0400 Fax: (808) 587-0390 Email: N/A
2. Registered Hawaii Professional Engineer who prepared the plan Laura LaRiviere, P.E.
Mailing Address 611 Corporate Circle, Suite C, Golden, CO 80401
Registration No. 12882
Telephone: (303)237-6601 Fax: (303)237-6602 Email: llariviere@kleinfelder.com
3. Registered Professional Engineer to be responsible for inspection during construction _____
Laura LaRiviere, P.E.
4. Contractor (If known) Unknown
Mailing Address N/A
Telephone: N/A Fax: N/A Email: N/A
5. List all other permits applications submitted to other governmental agencies:
None submitted yet. A grading permit will be submitted to the County of Hawai'i.
6. Anticipated effect of proposed structure on natural environment: None, reservoir is existing.

7. List all other parties that have ownership or other interest on the parcels where the dam and reservoir are located and identify their interest in the property. The Owners herein listed below concur with the work proposed within this application by the applicant and by his/her signing hereto, the owner of the land extends to the Board of Land and Natural Resources, and its designated representatives, a right-of-entry onto the project site to conduct any investigations or inspections required in compliance with the provisions of Chapter 13-190.1, Hawaii Administrative Rules. (Submit additional copies of this sheet should there be more owners)

(Printed Name & Signature of Owner)

(Address / TMK/Interest in Dam or Reservoir)

(Printed Name & Signature of Owner)

(Address / TMK/Interest in Dam or Reservoir)

(Printed Name & Signature of Owner)

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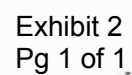
(Address / TMK/Interest in Dam or Reservoir)

I, Quirino Antonio, Jr., the applicant, hereby certify that the information herein is true and factual to the best of my knowledge. Signing below indicates that the applicant understands that, if the permit requested is granted by the Board of Land and Natural Resources, the proposed work is to be initiated and completed within five (5) years of the approval date, unless specifically permitted in the approved permit terms and conditions.



(Signature of Applicant & Title)
Quirino Antonio, Jr., P.E.
Manager-Chief Engineer

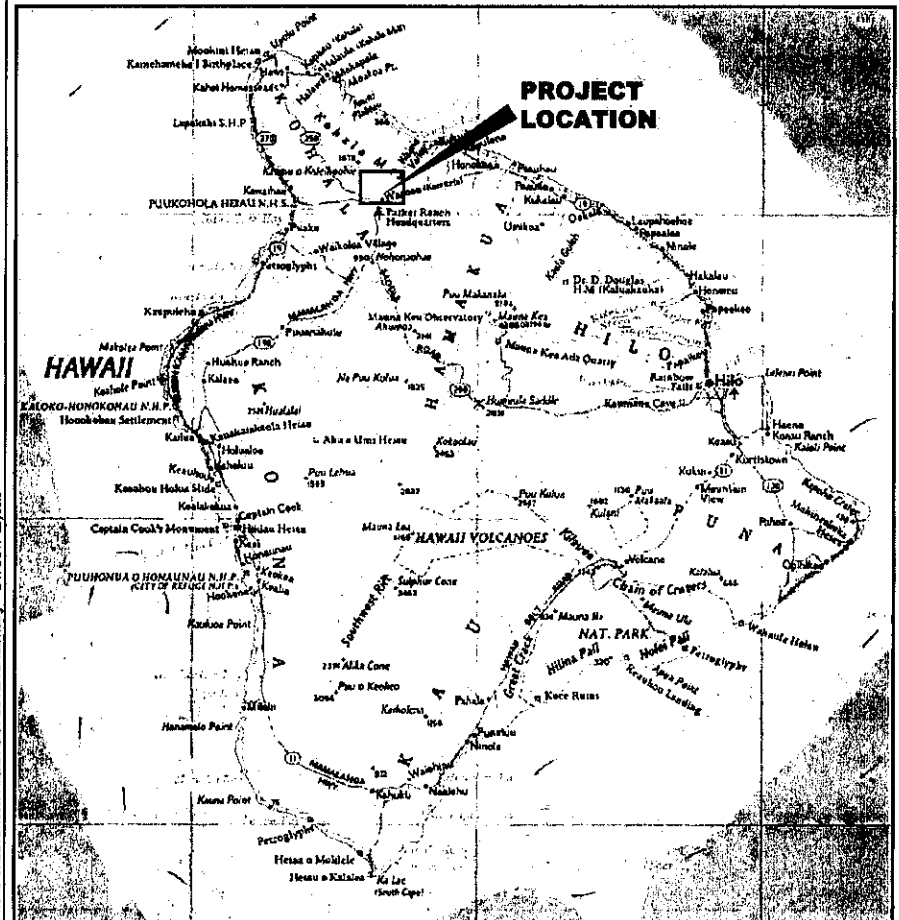
Date: 6/26/12



CAD FILE: G1119160 Waikoloa Res No. 1 EARTHQUAKE REPAIRS.dwg PLOTTED: 12/26/2018 12:21 PM BY: jay.johnson

JOB NO. 2011-970
WAIKOLOA RESERVOIR NO. 1 EARTHQUAKE REPAIRS
County Of Hawai'i, Department Of Water Supply
Kamuela, Hawai'i

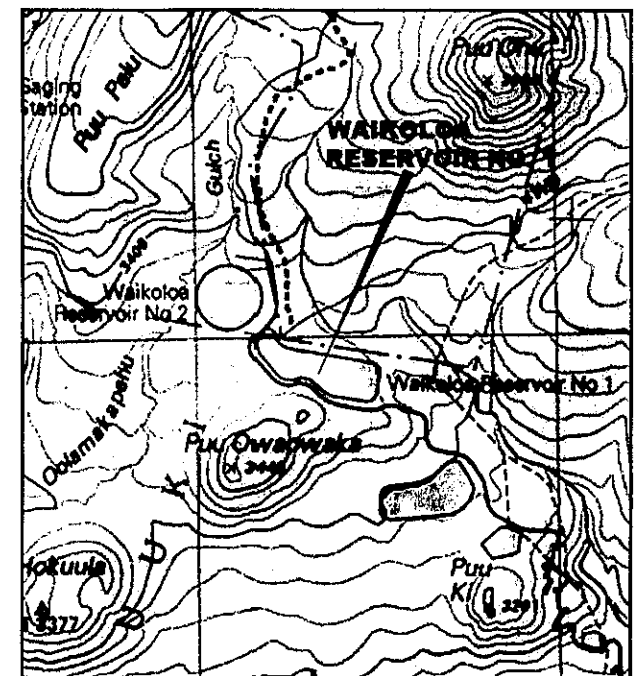
T.M.K.: 6-5-001:020 POR., 6-5-001:047 POR., AND 6-5-001:011 POR.
FEMA-1664-DR-HI
FIPS NO. 001-UVKJ8-00
PW NO. 789



ISLAND OF HAWAII
(NOT TO SCALE)

LIST OF DRAWINGS

- G-01 COVER SHEET, LOCATION MAP & LIST OF DRAWINGS
- G-02 GENERAL ABBREVIATIONS AND LEGEND
- G-03 GENERAL CONSTRUCTION NOTES
- C-04 PLAN OF EXISTING CONDITIONS
- C-05 CONCRETE LINER DEFICIENCY MAP
- C-06 GENERAL PLAN OF MODIFICATIONS AND CONSTRUCTION SURVEY CONTROL
- B-07 PLAN OF STAGING AND WASTE AREAS
- B-08 SUBSURFACE EXPLORATION PLAN
- B-09 SUBSURFACE EXPLORATION PROFILE
- C-10 SITE RECLAMATION PLAN AND TREE REMOVAL
- C-11 EXCAVATION PLAN
- C-12 EXCAVATION SECTIONS
- C-13 EXCAVATION DETAILS
- C-14 INTERNAL DRAINAGE SYSTEM PLAN
- C-15 MAXIMUM EMBANKMENT SECTION AND DETAILS
- C-16 STEEPEST EMBANKMENT SECTION AND DETAILS
- C-17 SUBDRAINAGE PIPE PROFILE
- C-18 INTERNAL DRAINAGE SYSTEM OUTFALL PIPE DETAILS
- C-19 OUTFALL STRUCTURE AND CLEAN OUT DETAILS
- C-20 SPILLWAY PLAN AND PROFILE
- C-21 SPILLWAY SECTIONS AND DETAILS
- S-22 INSTRUMENTATION PLAN AND DETAILS
- S-23 CSPE LINER INSTALLATION PLAN AND DETAILS
- S-24 CSPE LINER INSTALLATION SECTIONS AND DETAILS
- S-25 CONCRETE LINER PREPARATION AND CSPE LINER INSTALLATION DETAILS
- S-26 STRUCTURAL NOTES SPILLWAY MODIFICATIONS
- S-27 INLET WINGWALL SPILLWAY MODIFICATIONS
- S-28 OUTLET WINGWALL SPILLWAY MODIFICATIONS



PROJECT LOCATION
(NOT TO SCALE)

APPROVED:

Chairman, Water Board, County of Hawai'i

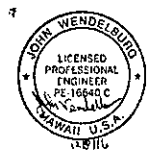
Date

Manager - Chief Engineer,
Department of Water Supply, County of Hawai'i

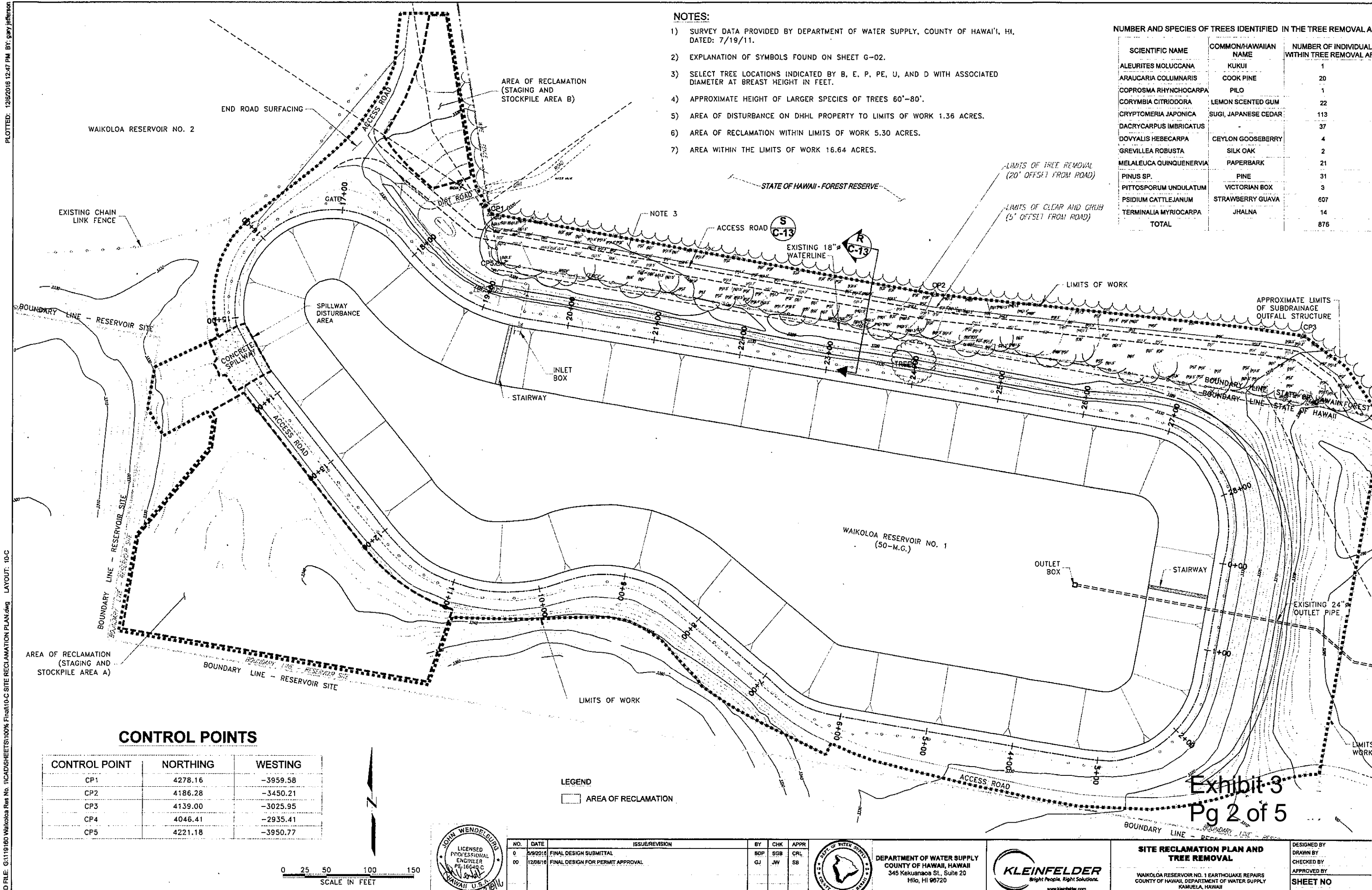
Date

Director, Department of Public Works, County of Hawai'i
(FOR GRADING PURPOSES ONLY)

Date



SHEET NO G-01
DRAWING NO 119160-G-01



NO.	DATE	ISSUE/REVISION	BY	CHK	APPR
0	5/9/2018	FINAL DESIGN SUBMITTAL	BDP	SGB	CRL
00	12/08/16	FINAL DESIGN FOR PERMIT APPROVAL	GJ	JW	SB

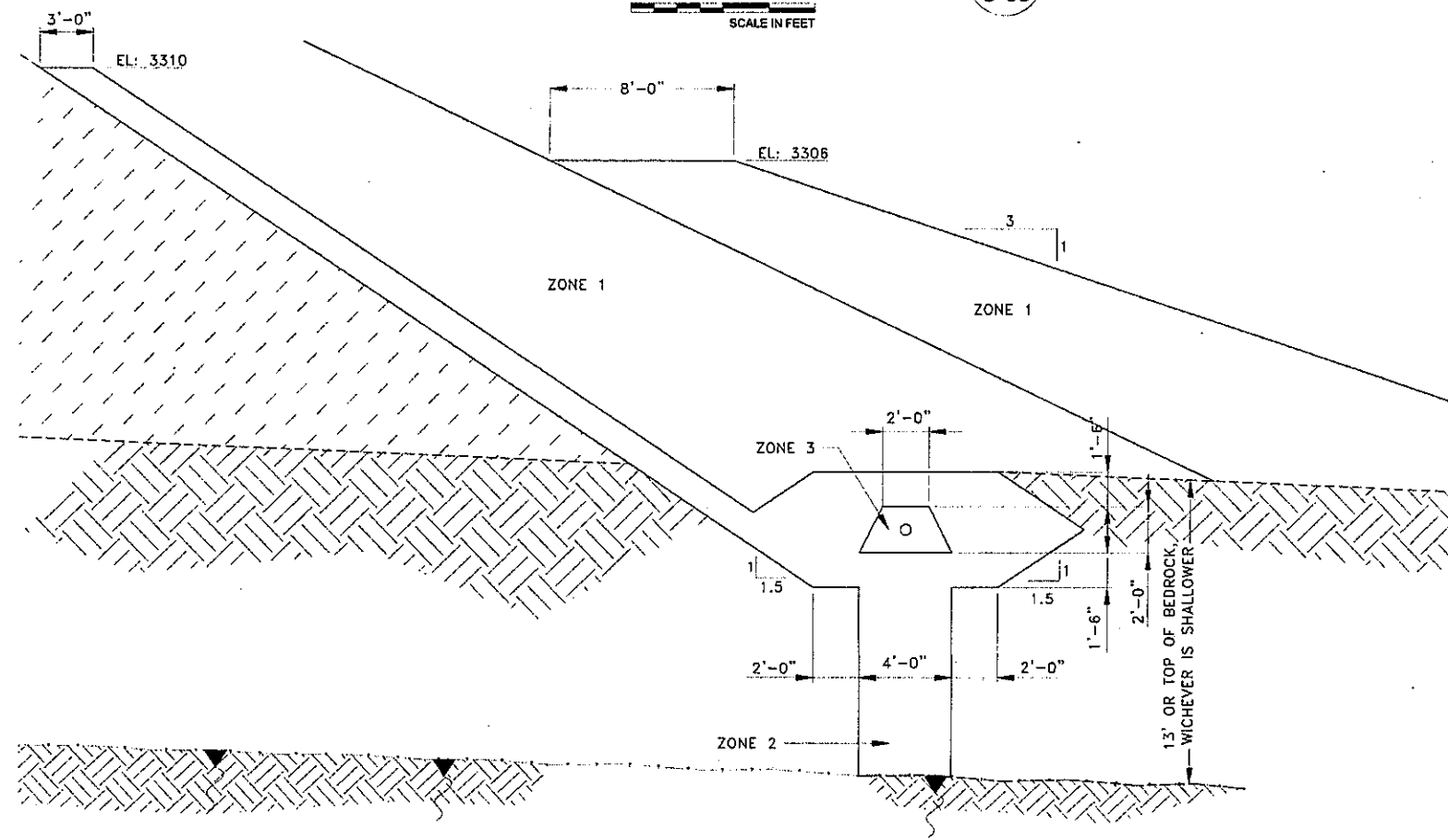
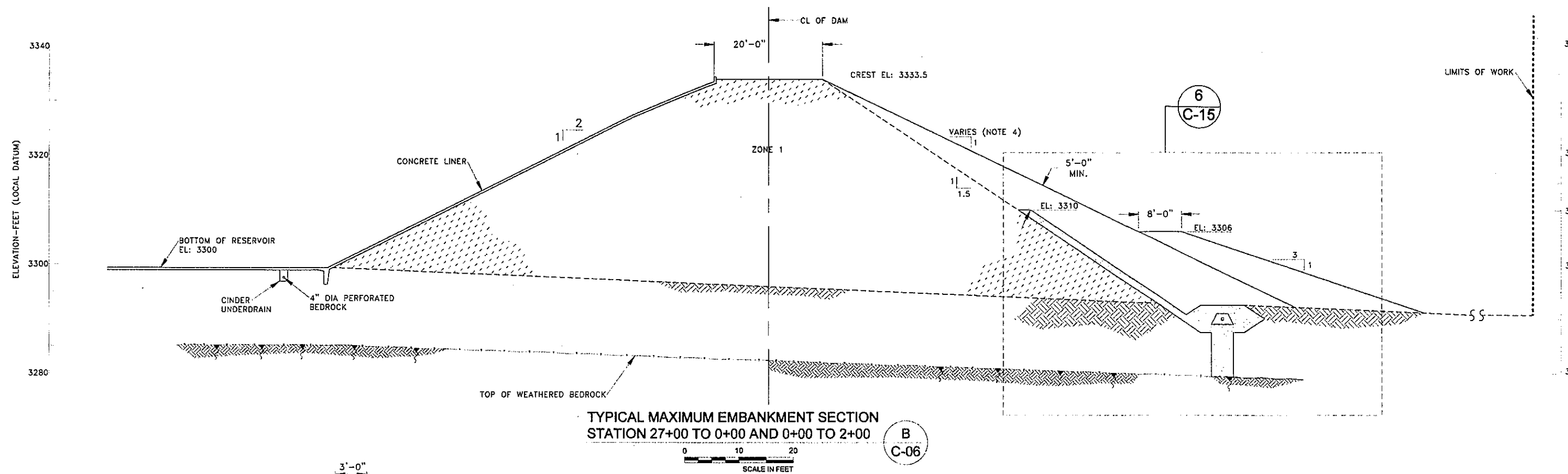


DEPARTMENT OF WATER SUPPLY
COUNTY OF HAWAII, HAWAII
345 Kekuanoa St., Suite 20
Hilo, HI 96720



SITE RECLAMATION PLAN AND TREE REMOVAL
WAIKOLOA RESERVOIR NO. 1 EARTHQUAKE REPAIRS
COUNTY OF HAWAII, DEPARTMENT OF WATER SUPPLY
KAMUELA, HAWAII

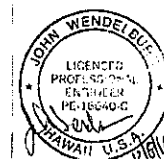
DESIGNED BY
DRAWN BY
CHECKED BY
APPROVED BY
SHEET NO



NOTES:

- 1) SURVEY DATA PROVIDED BY DEPARTMENT OF WATER SUPPLY, COUNTY OF HAWAII, HI. DATED: 7/19/11.
- 2) EXPLANATION OF SYMBOLS FOUND ON SHEET G-02.
- 3) ALL DIMENSIONS AND SLOPE CALLOUTS ARE APPROXIMATE.
- 4) SLOPE VARIES BETWEEN 2.3:1 AND 2.6:1. THE STEEPER SLOPE OF 2.3:1 WAS USED FOR ANALYSIS PURPOSES.

DETAIL
MAXIMUM SECTION CHIMNEY DRAIN, TOE DRAIN, AND STABILITY BERM, C-15
STATION 27+00 TO 0+00, AND 0+00 TO 2+00.



NO.	DATE	ISSUE/REVISION	BY	CHK	APPR
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00	12/08/16	FINAL DESIGN FOR PERMIT APPROVAL	GJ	JW	SB

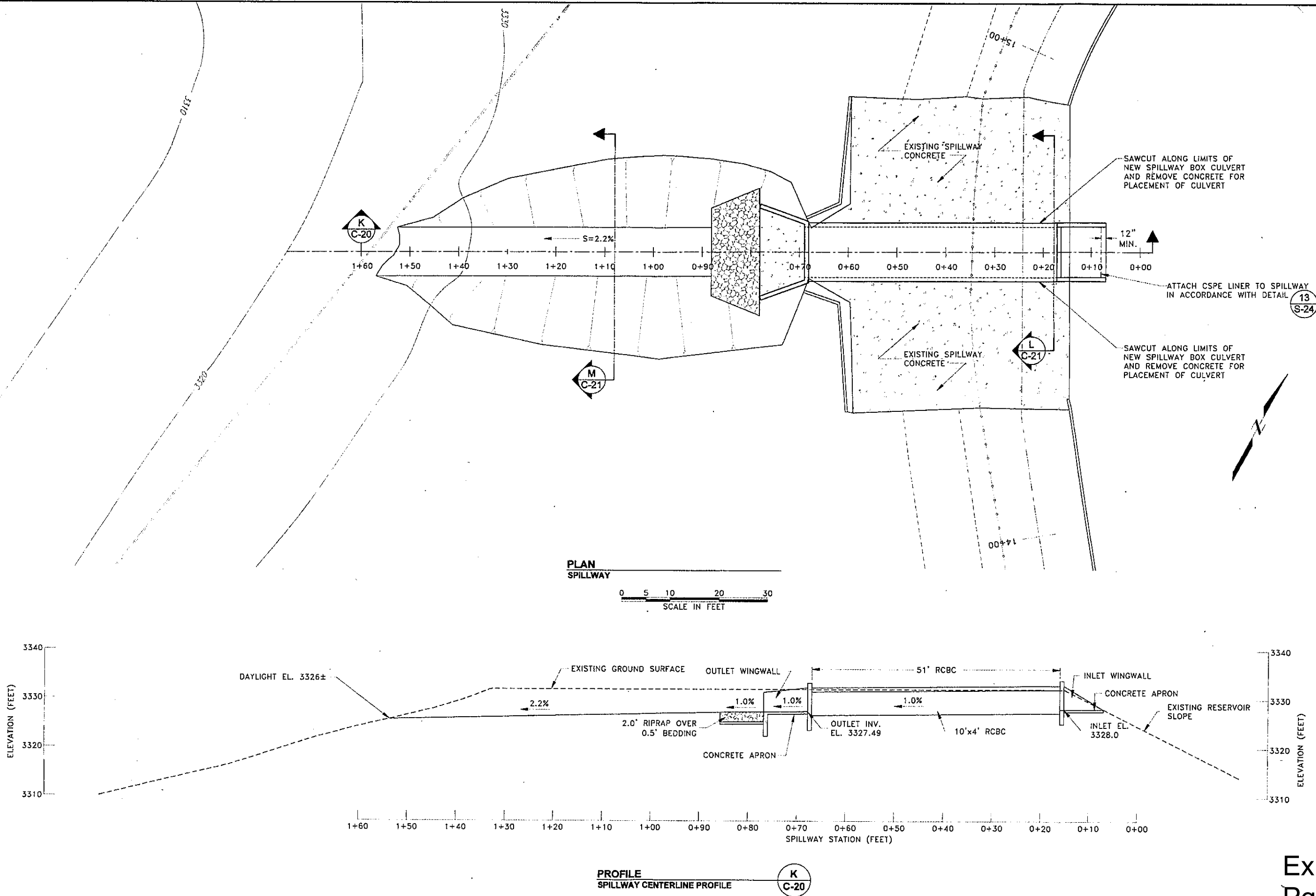


DEPARTMENT OF WATER SUPPLY
COUNTY OF HAWAII, HAWAII
345 Kekuanaoa St., Suite 20
Hilo, HI 96720



**MAXIMUM EMBANKMENT
SECTION AND DETAILS**
WAIKOLOA RESERVOIR NO. 1 EARTHQUAKE REPAIRS
COUNTY OF HAWAII, DEPARTMENT OF WATER SUPPLY
KAMUELA, HAWAII

DESIGNED BY
DRAWN BY
CHECKED BY
APPROVED BY
SHEET NO



NOTES:

- 1) SURVEY DATA PROVIDED BY DEPARTMENT OF WATER SUPPLY, COUNTY OF HAWAII, HI, DATED: 7/19/11
- 2) EXPLANATION OF SYMBOLS FOUND ON SHEET G-02



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0	03/17/15	FINAL DESIGN SUBMITTAL	BDP	SGB	CRL
00	12/08/16	FINAL DESIGN FOR PERMIT APPROVAL	GJ	JW	SB

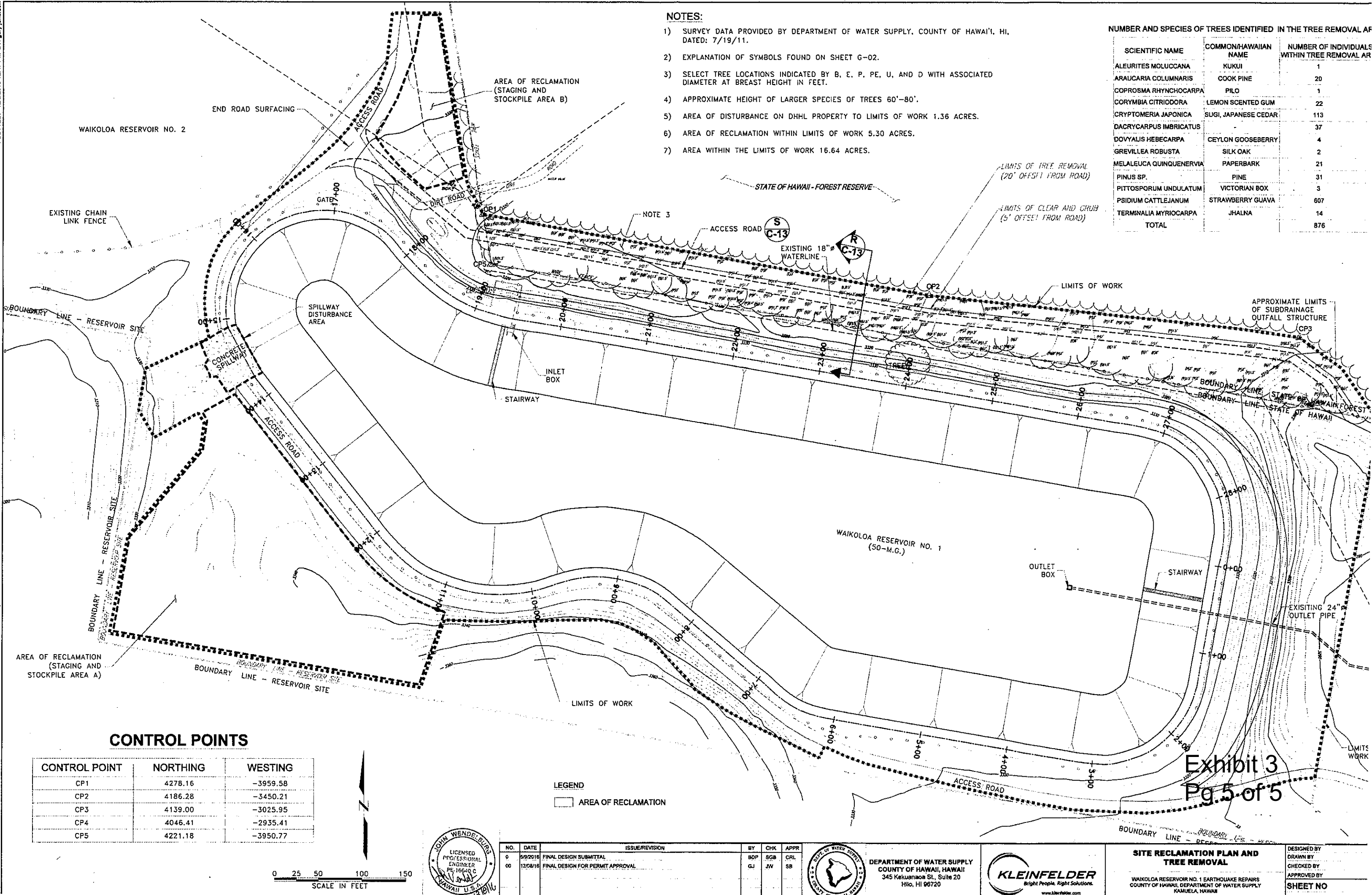


DEPARTMENT OF WATER SUPPLY
COUNTY OF HAWAII, HAWAII
345 Kekuanoa St., Suite 20
Hilo, HI 96720



SPILLWAY PLAN AND PROFILE
WAIKOLOA RESERVOIR NO. 1 EARTHQUAKE REPAIRS
COUNTY OF HAWAII, DEPARTMENT OF WATER SUPPLY
KAMUELA, HAWAII

DESIGNED BY
DRAWN BY
CHECKED BY
APPROVED BY
SHEET NO



NO.	DATE	ISSUE/REVISION	BY	CHK	APPR
0	6/9/2016	FINAL DESIGN SUBMITTAL	BOP	SGS	CRL
00	12/6/16	FINAL DESIGN FOR PERMIT APPROVAL	GJ	JW	SB



DEPARTMENT OF WATER SUPPLY
COUNTY OF HAWAII, HAWAII
345 Kekuanao St., Suite 20
Hilo, HI 96720



SITE RECLAMATION PLAN AND TREE REMOVAL
WAIKOLOA RESERVOIR NO. 1 EARTHQUAKE REPAIRS
COUNTY OF HAWAII, DEPARTMENT OF WATER SUPPLY
KAMUELA, HAWAII

DESIGNED BY
DRAWN BY
CHECKED BY
APPROVED BY
SHEET NO

CHAPTER 343 ANALYSIS

Project Name: Waikoloa Reservoir No. 1 Earthquake Repairs, Dept. of Water Supply Job No. 2011-970

Reviewer: Owen Nishioka

Date of Review: May 8, 2017

TRIGGERS (HRS §343-5(a))

Is there an "action" that triggers the need for an EA?

Action

An "action" is a program or project:

X Initiated by an agency

___ Initiated by an "applicant"

Any person who, pursuant to statute, ordinance, or rule, officially requests "approval" for a proposed action (discretionary consent required from an agency prior to actual implementation of an action, distinguished from a ministerial consent)

___ Statute

___ Ordinance

___ Rule

Triggers

Yes No

X ___ Use of state or county lands or funds

X ___ Use of conservation district lands

___ X Use within shoreline setback area

___ X Use of historic site designated on the National or Hawaii registers

___ X Use of land in the Waikiki Special District

___ X Amendment to county general plan which would result in designations other than agriculture, conservation, or preservation unless initiated by a county

___ X Reclassification of conservation lands by the Land Use Commission

___ X Construction or modification of helicopter facilities that may affect conservation district lands, a shoreline setback area, or a historic site

___ X Wastewater facilities, waste-to-energy facility, landfill, oil refinery, or power-generating facility

Triggers summary:

Is there a trigger?

If Yes, Go to Exemptions

If No, No Environmental Assessment required

EXEMPTIONS

Two sources of exemptions: exemption lists or exemptions contained in HAR §11-200-8(a)

1. Exemption Lists

___ Division exemption lists

X Department-wide exemption list

CHAPTER 343 ANALYSIS

Explain (which exemption list, which exemption, how it applies):

The exemption list is for the Department of Water Supply, County of Hawaii. Exemption Class #2, 1. Structures, would apply to the proposed reservoir repair project, where the existing reservoir and facilities will retain the same purpose, capacity, density, height and dimensions of the existing structure. The repair project is not intended to provide additional storage for increased development of lands and properties.

2. HAR §11-200-8(a) exemptions

- _____ Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving *negligible or no expansion or change of use* beyond that previously existing
- _____ Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have *substantially the same purpose, capacity, density, height, and dimensions* as the structure replaced
- _____ Construction and location of a single, *new, small facilities* or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to:
 - (a) *Single family residences less than 3,500 square feet* not in conjunction with the building of two or more such units;
 - (b) Multi-unit structures designed for *not more than four dwelling units* if not in conjunction with the building of two or more such structures;
 - (c) Stores, offices, and restaurants designed for total occupant load of *twenty persons or less* per structure, if not in conjunction with the building of two or more such structures; and
 - (d) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions *to serve such structures* or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements
- _____ *Minor alterations* in the conditions of land, water, or vegetation
- _____ Basic data collection, research, experimental management, and resource evaluation activities that *do not result in a serious or major disturbance* to an environmental resource
- _____ Construction or placement of *minor structures accessory* to existing facilities

CHAPTER 343 ANALYSIS

- _____ *Interior alterations* involving things such as partitions, plumbing, and electrical conveyances
- _____ Demolition of structures, *except* those structures located on any *historic site* as designated on the National or Hawaii registers
- _____ Zoning variances *except shoreline* set-back variances
- _____ Continuing administrative activities including, but not limited to purchase of supplies and personnel related actions; and
- _____ Acquisition of land and existing structures, including single or multi-unit dwelling units, for the provision of *affordable housing*, involving *no material change of use* beyond that previously existing, and for which the *legislature has appropriated* or otherwise authorized *funding*

Explain (how the exemption indicated above applies):

Exemptions summary:

Does the Project qualify for an exemption? Yes X No ____

If Yes, Exemption noted above

If No, Project requires Environmental Assessment

CUMULATIVE IMPACT

Exemptions are inapplicable when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.

Additional Notes

LINDA LINGLE
GOVERNOR OF HAWAII



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

ENGINEERING DIVISION
POST OFFICE BOX 373
HONOLULU, HAWAII 96809

ALLAN A. SMITH
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

PETER T. YOUNG
DEPUTY DIRECTOR

KEN KAWAHARA
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
KAOLOAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

JUL 11 2007

TO: VARIOUS GOVERNMENT AGENCIES

**2006 Governor's Emergency Proclamations
Restoration/Mitigative Repair Work**

This is to inform you that the Governor has issued a Supplementary Proclamation relating to the October 15, 2006 Kiholo Earthquake, and continuing aftershocks, in order to provide additional assistance and maintain the strength, resources, and economic life of the community and to protect the public health, safety, and welfare.

The Supplementary Proclamation, along with the original proclamation include language that suspends various statutes to the extent necessary, to help allow for repairs and improvements to be made to damaged areas in a timely manner.

Even though these proclamations may exempt a formal review and approval by your agency, we respectfully request your assistance to expedite any reviews forwarded to your agency. Your comments and concerns will greatly assist other government agencies and private owners as they proceed with their emergency repairs and remediation work.

Please find a copy of the Governor's Proclamation and Supplementary Proclamation attached for your reference. Should you require additional information or have any questions, please contact Edwin Matsuda of my staff at Ph. (808) 587-0268.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric T. Hirano".

ERIC T. HIRANO
Chief Engineer

Enclosure

OFFICE OF THE GOVERNOR
STATE OF HAWAII

PROCLAMATION

By the authority vested in me as Governor by the Constitution and laws of the State of Hawaii, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

WHEREAS, an earthquake measuring 6.5 on the Richter scale occurred on October 15, 2006 with an epicenter located near Pauanahulu in the county of Hawaii, was felt throughout the state and has caused damage to structures, private and public, and public roads and highways in the counties of Hawaii, Maui, Kauai, and the City and County of Honolulu, State of Hawaii; and

WHEREAS, this occurrence of a severe, sudden, and extraordinary event has caused damages, losses, and suffering of such character and magnitude to have affected the health, welfare, and living conditions of a substantial number of persons, and to have affected the economy of the State, and is of such a nature as to warrant rehabilitative assistance from the State; and

WHEREAS, the Legislature of the State of Hawaii has appropriated from the general revenues of the State, monies as may be necessary for expenditure by or under the direction of the Governor for the immediate relief of the conditions created by the disaster; and

WHEREAS, in expending such monies, the Governor may allot any portion to any agency, office, or employee, federal, state, or county for the most expeditious and efficient relief of the conditions created by the disaster; and

WHEREAS, pursuant to section 127-11, Hawaii Revised Statutes, the Governor is authorized to determine whether a major disaster has occurred and authorize the expenditure of funds thereunder; and

WHEREAS, pursuant to section 121-30, Hawaii Revised Statutes, the Governor may order the Hawaii National Guard, or any part thereof, into active service for assistance to civil authorities in disaster relief, civil defense, averting any imminent public danger and threat, and to insure the compliance with the civil laws of the State of Hawaii; and

WHEREAS, pursuant to section 209-2, Hawaii Revised Statutes, the Governor is authorized to make a determination whether a disaster has occurred, thereby making available housing relief, under part II of chapter 209, Hawaii Revised Statutes, and commercial and personal loans under part III of chapter 209, Hawaii Revised Statutes, for disaster relief and rehabilitation; and

WHEREAS, section 127-10, Hawaii Revised Statutes, provides that when sections 127-1 to 127-9, Hawaii Revised Statutes are not in effect, the Governor may exercise any and all powers contained in chapter 128, Hawaii Revised Statutes, in order to provide other disaster relief and that all provisions of the law provided in chapter 128, Hawaii Revised Statutes, during such period are made applicable to other disaster relief, including without limitation, provisions making or authorizing appropriations or expenditures; and

WHEREAS, pursuant to Act 35, Regular Session Laws of Hawaii 1961, sections 127-1 to 127-9, Hawaii Revised Statutes, have been indefinitely suspended and are not in effect, the provisions of Chapter 128, Hawaii Revised Statutes, are applicable to other disaster relief; and

WHEREAS, pursuant to section 127-10, Hawaii Revised Statutes, other disaster relief includes, but is not limited to the preparation for and the carrying out of all functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by fire, flood, tidal wave, volcanic eruption, earthquake, or other natural causes and major disasters caused by acts of man, including but not limited to, massive oil spills, nuclear accidents, airplane crashes and civil disturbances; and

WHEREAS, pursuant to section 128-8(4), Hawaii Revised Statutes, the Governor is

authorized to suspend any law which impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or conflict with, disaster relief or other emergency functions; and

WHEREAS, pursuant to section 128-9(8), Hawaii Revised Statutes, the Governor is further authorized to relieve hardship and inequities or obstructions to the public health, safety, and welfare found by the Governor to exist in the laws by suspending laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose; and

WHEREAS, pursuant to section 128-10(10), Hawaii Revised Statutes, the Governor may suspend chapter 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4, Hawaii Revised Statutes, and I find that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of emergency disaster relief functions for this occurrence and that compliance therewith is impracticable due to existing conditions; and

WHEREAS, pursuant to section 128-10(5), Hawaii Revised Statutes, the Governor is further authorized to order and direct government agencies, officers, and employees, state or local, to take such action and employ such measures for law enforcement, medical, health, fire fighting, traffic control, warnings, and signals, engineering, rescue, construction, emergency housing, and other welfare, hospitalization, transportation, water supply, public information, training, and other civil defense and emergency functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers; and

WHEREAS, pursuant to section 128-10(11), Hawaii Revised Statutes, the Governor may appoint, employ, train, equip, and maintain, with compensation, or on a volunteer basis without compensation and without regard to chapters 76, 78, and 88, such agencies, officers, and other persons as the Governor deems necessary to carry out emergency disaster relief functions; determine to what extent any law prohibiting the holding of more than one office or employment applies to the agencies, officers, and other persons; and subject to section 128-15, provide for and effect the interchange of personnel, by detail, transfer, or otherwise, between the State and any

political subdivision, or among any agencies or departments of the State; and

WHEREAS, pursuant to section 128-10(15), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 128 and to provide for civil defense and other emergency functions; and

NOW, THEREFORE, I LINDA LINGLE, Governor of the State of Hawaii, hereby determine that a major disaster and catastrophe contemplated by sections 127-11, 121-30, 209-2, 128-8(4), 128-9(8), 128-10(5), 128-10(10), 128-10(11), 128-10(15), and parts II and III of chapter 209, Hawaii Revised Statutes, have occurred on the above dates and in the above areas in the State of Hawaii, and do hereby proclaim these areas to be disaster areas for the purpose of authorizing the expenditure of State monies as appropriated for the speedy and efficient relief of the damages, losses, and suffering resulting from the disaster, and hereby authorize and invoke the following measures under the Hawaii Revised Statutes:

1. Section 127-11, **major disaster fund.**
2. Part II of chapter 209, **housing relief.**
3. Part III of chapter 209, **commercial and personal loans.**
4. Sections 128-8(4), 128-9(8), and 128-10(10), and in order to provide emergency disaster relief and, to the extent necessary to repair, restore, rebuild, with any necessary improvements, any public structures, roadways or bridges damaged by the earthquake, I hereby suspend as allowed by federal law, the following statutes:
 - a. Chapter 6E, **historic preservation** except for those provisions relating to burial sites.
 - b. Chapter 89, **collective bargaining in public employment.**
 - c. Chapter 89C, **public officers and employees excluded from collective bargaining.**
 - d. Section 102-2, **contracts for concessions in government buildings; bid requirements.**
 - e. Section 103-50, **building design to consider needs of persons with disabilities.**
 - f. Section 103-53, **contracts with the State or counties; tax clearances,**

assignments.


- g. **Section 103-55, wages, hours, and working conditions of employees of contractors performing services.**
- h. **Chapter 103D, procurement code.**
- i. **Sections 105-1 to 105-10, use of government vehicles, limitations.**
- j. **Sections 142-2 to 142-12, as these sections may apply to the arrival of dogs used by search and rescue teams approved by the State of Hawaii, Department of Defense.**
- k. **Chapter 171, public lands, management and disposition of.**
- l. **Chapter 174C, state water code.**
- m. **Chapter 180, soil and water conservation districts.**
- n. **Chapter 180C, soil erosion and sediment control.**
- o. **Chapter 183, forest reserves, water development, zoning.**
- p. **Chapter 183D, wildlife.**
- q. **Chapter 184, state parks and recreation areas.**
- r. **Chapter 195, natural areas reserves system.**
- s. **Chapter 195D, conservation of aquatic life, wildlife, and land plants.**
- t. **Chapter 198D, hawaii statewide trail and access system.**
- u. **Chapter 205, land use commission.**
- v. **Chapter 205A, coastal zone management.**
- w. **Chapter 264, highways.**
- x. **Chapter 269, public utilities commission.**
- y. **Chapter 286, highway safety.**
- z. **Chapter 341, environmental quality control.**
- aa. **Chapter 342B, air pollution.**
- ab. **Chapter 342D, water pollution.**
- ac. **Chapter 342E, non-point source pollution management and control.**
- ad. **Chapter 342F, noise pollution.**
- ae. **Chapter 343, environmental impact statements.**
- af. **Chapter 343D, environmental disclosure.**
- ag. **Chapter 344, state environmental policy.**

ah. Section 464-4, public works required to be supervised by certain professionals.


5. Section 121-30, Hawaii Revised Statutes, active service of the National Guard; and I hereby order the National Guard into active service effective immediately, and the Adjutant General of the Hawaii National Guard is DIRECTED AND AUTHORIZED to activate such units of the Hawaii National Guard as may be necessary to assist and aid civilian authorities in disaster relief and in averting any imminent public danger and threat and to insure the compliance with the civil laws of the State of Hawaii.
6. Section 128-10(5), Hawaii Revised Statutes, and in order to provide emergency disaster relief, I hereby direct all state and county agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to eliminate the danger.

I FURTHER DECLARE that a disaster emergency relief period shall commence October 15, 2006 and continue until such an appropriate time for termination, as I will determine. I will set a date after which no further applications for assistance under the law shall be accepted, which date I may extend for a reasonable time for good cause.

Done at the State Capitol State of Hawaii, this 15th day of October, 2006.


LINDA LINGLE
Governor of Hawaii

APPROVED:


MARK J. BENNETT
Attorney General
State of Hawaii

OFFICE OF THE GOVERNOR
STATE OF HAWAII

SUPPLEMENTARY PROCLAMATION

By the authority vested in me as Governor by the Constitution and laws of the State of Hawaii, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

WHEREAS, pursuant to section 127-10 and chapters 128 and 209, Hawaii Revised Statutes, emergency powers are conferred on the Governor of the State of Hawaii to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, in the exercise of those emergency powers, the Lieutenant Governor of the State of Hawaii issued my disaster Proclamation of October 15, 2006 on my behalf pursuant to his authority provided in Article V, section 4 of the Hawaii Constitution relating to the October 15, 2006 Kiholo Earthquake; and

WHEREAS, it has become necessary to supplement my Proclamation of October 15, 2006, relating to the Kiholo Earthquake, and continuing aftershocks, in order to provide additional assistance and maintain the strength, resources, and economic life of the community and to protect the public health, safety, and welfare; and

WHEREAS, pursuant to section 128-8(4), Hawaii Revised Statutes, the Governor is authorized to suspend any law which impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or conflict with, disaster relief or other emergency functions; and

WHEREAS, pursuant to section 128-9(8), Hawaii Revised Statutes, the Governor is further authorized to relieve hardship and inequities or obstructions to the public health, safety, and welfare found by the Governor to exist in the laws by suspending laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose; and


WHEREAS, I find that the prohibition of transferring or changing appropriations between programs or agencies found in section 37-74(d), Hawaii Revised Statutes, is impeding, tends to impede, or is detrimental to the expeditious and efficient execution of recovery efforts; and

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, hereby supplement my Proclamation of October 15, 2006, by suspending, pursuant to sections 128-8(4) and 128-9(8), Hawaii Revised Statutes and to the extent necessary to repair, restore, rebuild, with any necessary improvements, any public structures, roadways, or bridges damaged by the October 15, 2006 Kiholo Earthquake, and continuing aftershocks, section 37-74(d), Hawaii Revised Statutes, except for sub-sections 37-74(d)(2) and 37-74(d)(3), Hawaii Revised Statutes, and any such transfers or changes shall be considered authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.

FURTHER, all provisions and requirements of my Proclamation of October 15, 2006, remain in full force and effect and are made applicable for this Supplementary Proclamation.

Done at the State Capitol, State of Hawaii, this 28th day of December, 2006.


LINDA LINGLE
Governor of Hawaii

APPROVED:

MARK J. BENNETT
Attorney General
State of Hawaii

Comprehensive Exemption List
Department of Water Supply, County of Hawai'i

This exemption list for the Department of Water Supply, County of Hawai'i was reviewed and concurred upon by the Environmental Council on November 8, 2006. This list also supersedes the previous list that was reviewed and concurred upon by the Environmental Quality Commission on August 2, 1979.

According to section 11-200-8, Hawaii Revised Rules, the Department of Water Supply, County of Hawai'i may declare exempt the following types of actions from the requirement to prepare an environmental assessment.

The Department of Water Supply, County of Hawai'i shall not make exemption declarations when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant, in a particularly sensitive environment. Sensitive areas shall include, but are not limited to historical, archaeological, and cultural sites, flood plains, wetlands, beaches, coastal areas, erosion-prone areas, geologically hazardous land, critical habitats, and estuaries.

Exemption Class #1: Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

1. Structures
 - a. Repair and maintenance of storage tanks/reservoirs
 - b. Repair and maintenance of buildings (motor control buildings, office buildings, maintenance buildings, dwellings, laboratory, etc.)
 - c. Repair and maintenance of retaining walls
 - d. Repair and maintenance of slope stabilization structures
 - e. Repair and maintenance of pipe supports
 - f. Repair and maintenance of fencing
 - g. Repair and maintenance of intake and collection boxes
 - h. Repair and maintenance of curbs, sidewalks and ramps
2. Facilities
 - a. Repair and maintenance of pipeline and appurtenances (water mains, service laterals, meters, hydrants, valves, manholes, gauges)
 - b. Repair and maintenance of deep well and controls
 - c. Repair and maintenance of booster pump and controls
 - d. Repair and maintenance of chlorination and water treatment facilities/equipment
 - e. Repair and maintenance of pressure reducing stations
 - f. Repair and maintenance of roadway and pavement
 - g. Repair and maintenance of drainage facilities
 - h. Repair and maintenance of traffic control/safety facilities (signs, guardrails, striping, pavement markers, etc.)
3. Equipment

- a. Repair and maintenance of electrical equipment
 - b. Repair and maintenance of radio equipment
 - c. Repair and maintenance of air conditioning systems
 - d. Repair and maintenance of vehicles
 - e. Repair and maintenance of computer equipment
 - f. Repair and maintenance of telephone equipment
4. Topographical features
- a. Maintenance of grounds by such means as mowing trimming and weeding
 - b. Control of plant growth and insects using pesticides and herbicides approved by the State Department of Agriculture and the EPA in accordance with manufacturer's instructions
 - c. Repairs due to natural and man-made incidents (rebuild eroded berms, clear fallen trees, etc.)

Exemption Class #2: Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.

- 1. Structures
 - a. Replacement or reconstruction of storage tanks/reservoirs to equal size or to meet current demands, fire flow standards and other operational requirements with no intention of providing additional storage for increased development
 - b. Replacement or reconstruction of buildings for no substantial change in use.
 - c. Replacement or reconstruction of retaining walls
 - d. Replacement or reconstruction of slope stabilization structures
 - e. Replacement or reconstruction of pipe supports
 - f. Replacement or reconstruction of fencing
 - g. Replacement or reconstruction of intake and collection boxes
 - h. Replacement or reconstruction of curbs, sidewalks and ramps
- 2. Facilities
 - a. Replacement or reconstruction of pipeline and appurtenances (water mains, service laterals, meters, hydrants, valves, manholes, gauges) to equal size or to meet current demands, fire flow standards and other operational requirements with no intention of providing additional storage for increased development
 - b. Replacement or reconstruction of deep well pump and controls to equal size or to meet current demands, fire flow standards and other operational requirements with no intention of providing additional storage for increased development
 - c. Replacement or reconstruction of booster pump and controls to equal size or to meet current demands, fire flow standards and other operational requirements with no intention of providing additional storage for increased development
 - d. Replacement or reconstruction of pressure reducing stations
 - e. Replacement or reconstruction of roadway and pavement
 - f. Replacement or reconstruction of drainage facilities
 - g. Replacement or reconstruction of traffic control/safety facilities (ie., signs, guardrails, striping, pavement markers)

Exemption Class #3: Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to:

- (A) Single-family residences less than 3,500 square feet not in conjunction with the building of two or more such units;
- (B) Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;
- (C) Stores, offices, and restaurants designed for total occupant load of twenty persons or less per structure, if not in conjunction with the building of two or more such structures; and
- (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements.

1. Structures (within existing property boundary, right-of-way, or easement)
 - a. Construction of new and/or alteration or modification of storage tank/reservoir and appurtenances for purposes of improving water quality or to meet current demands, fire flow standards and other operational requirements with no intention of providing additional storage for increased development. New storage tank capacity not to exceed 100,000 gallons.
 - b. Construction of new and/or alteration or modification of control buildings
 - c. Construction of new and/or alteration or modification of carports
 - d. Construction of new and/or alteration or modification of offices
 - e. Construction of new and/or alteration or modification of retaining walls
 - f. Construction of new and/or alteration or modification of slope stabilization structures
 - g. Construction of new and/or alteration or modification of fencing
2. Facilities (within existing property boundary, right-of-way, or easement)
 - a. Construction of new pipeline and appurtenances (water mains, service laterals, meters, hydrants, valves, manholes, gauges) for purposes of improving water quality or to meet current fire flow standards with no intention of providing additional capacity for increased development
 - b. Construction of new service laterals/connections
 - c. Construction of temporary emergency water production, transmission, and distribution facilities
 - d. Construction of temporary emergency access roads
 - e. Construction of new fire hydrants
 - f. Construction/installation of filtration and water treatment equipment
 - g. Construction/installation of telephone, telemetering, SCADA, electrical and computer equipment and wiring

Exemption Class #4: Minor alterations in the conditions of land, water, or vegetation.

1. Vegetation trimming and planting
2. Incident clearing of land and preliminary site work for surveying, engineering design and geologic and hydrologic studies

3. Landscaping and installation of sprinkler system
4. Minor alterations to land for which grading permits are not required

Exemption Class #5: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

1. Water sampling for water quality analysis purposes
2. Water main location studies
3. Leak detection data collection
4. Surveying work
5. Construction of monitoring well for data collection purposes as defined by the State Commission on Water Resource Management
6. Soils investigation
7. Geologic/Hydrogeologic investigation
8. Fire flow tests
9. Energy studies, including hydrogenerator and alternative energy studies

Exemption Class #6: Construction or placement of minor structures accessory to existing facilities (within existing property boundary, right-of-way, or easement).

1. Construction of small buildings or additions at existing facilities
2. Installation of SCADA equipment
3. Installation of exterior lighting designed to minimize impact to wildlife and aesthetics. Exterior lighting will be 15 feet or less above ground level and be shielded to minimize fugitive light
4. Installation of security equipment
5. Installation of fuel tanks not to exceed 2,000 gallon capacity and appurtenances
6. Construction or placement of temporary field buildings
7. Installation of air conditioning units

Exemption Class #7: Interior alterations involving things such as partitions, plumbing, and electrical conveyances.

1. Partition installation, alteration, relocation, or removal
2. Plumbing installation, alteration, relocation, or removal
3. Electrical installation, alteration, relocation, or removal
4. Door installation, alteration, relocation, or removal
5. Window installation, alteration, relocation, or removal
6. Shelving installation, alteration, relocation, or removal
7. Furniture installation, alteration, relocation, or removal
8. Air conditioning installation, alteration, relocation, or removal

Exemption Class #8: Demolition of structures, except those structures located on any historic site as designated in the national register or Hawaii register as provided for in the National Historic

Preservation Act of 1966, Public Law 89-665, 16 U.S.C. §470, as amended, chapter 6E, HRS, or county-approved lists of historic sites.

1. Demolition of storage tanks/reservoirs
2. Demolition of buildings and structures
3. Demolition of retaining walls
4. Demolition of slope stabilization structures
5. Demolition of drainage facilities
6. Demolition of pipe supports
7. Demolition of fencing
8. Demolition of intake and collection boxes
9. Demolition of curbs, sidewalks and ramps

Exemption Class #9: Zoning variances except shoreline set-back variances.

1. Building set-back variances

Exemption Class #10: Continuing administrative activities including, but not limited to purchase of supplies and personnel-related actions.

1. Purchases of supplies, services, and equipment required to support existing operations
2. Personnel-related actions
3. Subdivision and consolidation actions
4. Condemnation actions

Dam Safety Permit #59 – Agency Consultation Summary:

AGENCIES	RESPONSE	COMMENTS
Division of Aquatic Resources	No Comments	
Commission of Water Resources Management		Did not respond
Division of Forestry & Wildlife		Did not respond
Historic Preservation Division		Did not respond
Land Division	No comments	
Office of Conservation & Coastal Lands	Need approval from OCCL	
Department of Agriculture		Did not respond
Department of Agriculture – ADC		Did not respond
County of Hawaii – NFIP	No comments	
HI EMA	No comments	
Hawaii Civil defense	No comments	

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

ENGINEERING DIVISION
POST OFFICE BOX 373
HONOLULU, HAWAII 96809

JUL 27 2016

RECEIVED

AUG 2 2016

Division of Aquatic Resources

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AGRICULTURE
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCE
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAPU - PLANT ISLAND RESERVE COMMISSION
LAND
STATE PARKS

JAR 5353

TO:

	DLNR agencies		Other Agencies
X	Division of Aquatic Resources	X	Department of Agriculture
X	Commission on Water Resource Management	X	Department of Agriculture-ADC
X	Division of Forestry & Wildlife		County of Kauai - NFIP
X	Historic Preservation Division		City & County of Honolulu - NFIP
X	Land Division		County of Maui - NFIP
X	Office of Conservation & Coastal Lands	X	County of Hawaii - NFIP
		X	HI EMA
		X	Hawaii Civil Defense

FROM: Carty Chang, Chief Engineer

SUBJECT: Waikoloa Reservoir No. 1 (HA-0040)
Dam Safety Permit No. 59
Dam Repair and Improvement

JK
6/11

LOCATION: Hawaii, TMK: (3) 6-5-001:047

APPLICANT: Keith Okamoto, Department of Water Supply, County of Hawaii

Transmitted for your review and information are the attached documents on the subject Dam Safety Permit application.

1. Dam Safety Permit Application
2. Plan set (Selected sheets)
3. DLNR Dam Facility Data sheet

Please return to our office a signed copy of this transmittal with one of the choices below checked along with any comments by **August 31, 2016**. If no response is received by this date, we will assume your agency has no comments. If you have any questions, please contact Jimmy Leung of my staff at (808) 587-0238 or by email: jimmy.m.leung@hawaii.gov.

(X) We have no comments (W)

() Comments are attached

Signed: Bruce S. Anderson

Print name: Bruce S. Anderson, DAR Administrator

Date: Aug 17, 2016

16 AUG 23 PM 10:45 ENGINEERING

DAVID Y. IGE
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

16 AUG 24 PM 11:20 ENGINEERING SUZANNE B. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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

REF: OCCL: AJR

COR: HA-17-21

MEMORANDUM

AUG 24 2016

TO: Carty Chang, Chief Engineer
Engineering Division

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

SUBJECT: **WAIKOLOA - DAM REPAIR AND IMPROVEMENT (PRELIMINARY)**
South Kohala District, Island of Hawaii
TMK: (3) 6-5-001:017 (por)

The Office of Conservation and Coastal Lands is in receipt of your correspondence requesting information on the permitting and approval process for the proposed *Waikoloa Reservoir No. 1 Dam Repair and Improvement Project*. For reference a portion of the proposed project occurs on the subject parcel which is located within the State Land Use (SLU) Conservation District Protective Subzone (**Exhibit 1, 1a**).

According to the material submitted to this office, along with a meeting between OCCL staff and Engineering Division Staff, it appears a portion of the proposed project will occur within the Conservation District, and therefore will require approval/authorization from this office. The proposed activities to occur in the Conservation District appear to be improvements to the earthen berm, vegetative clearing (to provide access, and to minimize root damage to the dam), and the development of an access easement. A majority of the work to the dam structure and appurtenances will occur on an adjacent parcel which is located in the SLU Agricultural District (p. 047).

1. The proposal to conduct repairs and maintenance to the existing Waikoloa Reservoir No.1 appears to be an identified land use in the Conservation District Protective Subzone pursuant to HAR §13-5-22, P-8 **STRUCTURES AND LAND USES, EXISTING (B-1), Demolition, removal, or minor alteration of existing structures, facilities, land, and equipment. Any historic property shall be evaluated by the department for historical significance;**
2. The proposal to conduct vegetative clearing, including tree removal, is an identified land use in the Conservation District Protective Subzone pursuant to HAR §13-5-22, P-11

TREE REMOVAL (A-2), *Removal of trees that pose a hazard to public safety; provided, however, that the landowner shall be required to provide documentation for the need to remove the trees;*

3. Additionally, as the objective of the proposed project is to bring the existing reservoir dam up to current regulatory standards for safety and efficiency, and will result in only a minor impact to land and resources within the Conservation District, staff acknowledges the proposed project is minor, and our preliminary determination is that the proposed use may be considered an exempt action pursuant to Hawaii Revised Statutes (HRS), §343, as amended, and Hawaii Administrative Rules (HAR), §11-200-5, Environmental Impact Statement Rules, and §11-200-8, Exempt Classes of Action, **DLNR Exemption Class 1 (25)** *Repair and maintenance of existing dam or reservoir structures and appurtenant features, including outlet works repair, gate replacements, ditch clearing, replacement of catwalk and access ways, spillway modification to safely pass anticipated flood waters, and spillway reconstruction to mitigate possible failures, and DLNR Exemption Class 4 (9)* *Vegetation clearing and removal work on or near the embankment, spillway, or outlet works of a dam facility of vegetation that could pose a threat to the embankment or impede inspection of the facility.*

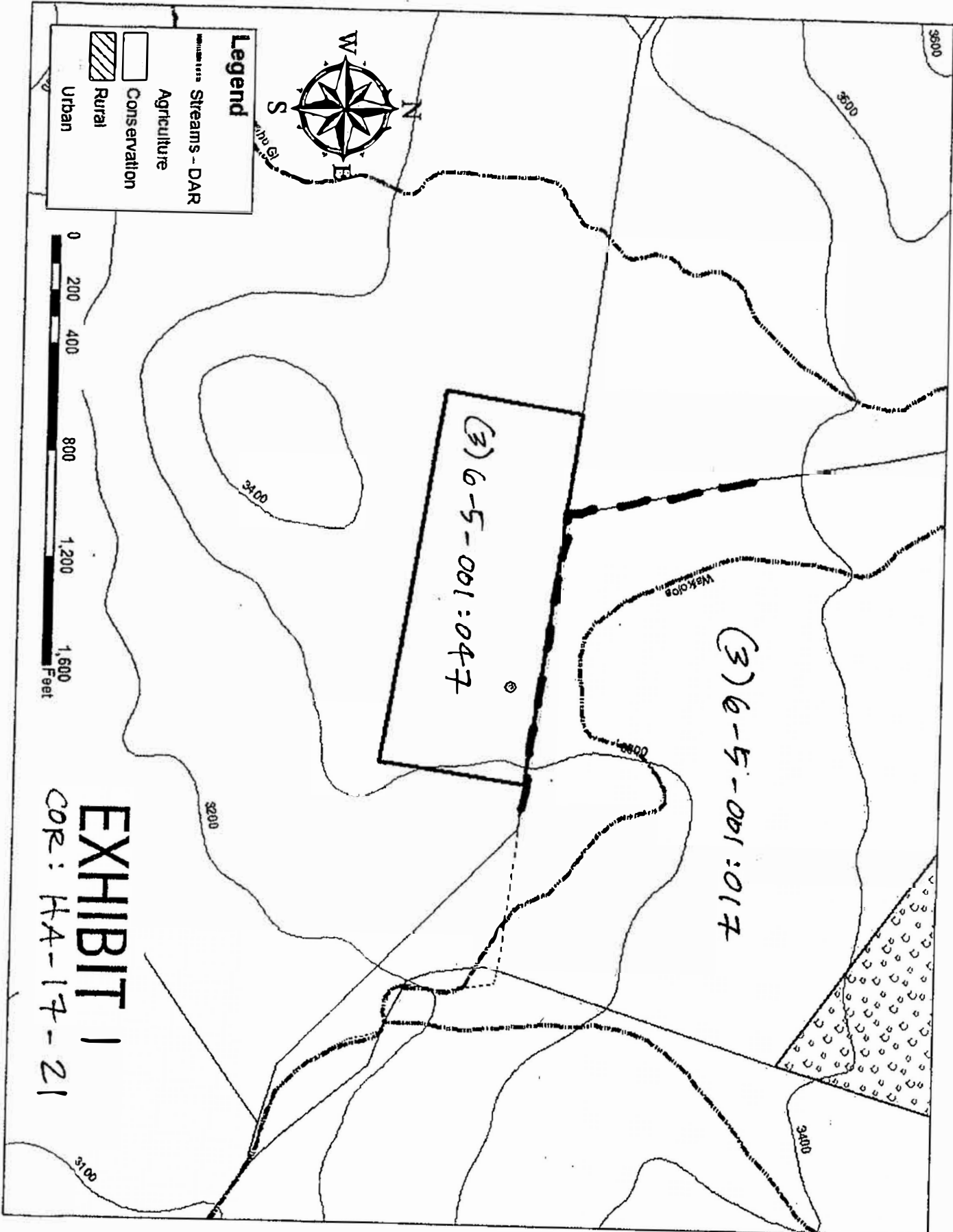
In order to apply for these proposed land uses the applicant will be required to submit to this office a complete Site Plan Approval (SPA) application. Instructions for completing that document can be found under HAR §13-5; a blank SPA application can be downloaded from our website for your use: <http://dlnr.hawaii.gov/occl/forms-2/>

If you have any questions related to this correspondence, or on our rules and regulations, please contact Alex J. Roy, M.Sc., of our Office of Conservation and Coastal Lands staff at 808-587-0316

Thank you.

CC: Chairperson
 HDLO
 DOFAW
 County of Hawaii – Planning Department

Attachment: Exhibit 1, 1a (2 pgs.)



CONSTRUCTION CONTROL POINT COORDINATE DATA

CONTROL POINT	NORTHING	WESTING	APPROX. ELEV.	STATION
C-1	4031.21	5731.08	530.42	5+00.0
C-2	4032.77	5730.54	529.61	5+07.5
C-3	4033.24	5730.27	529.46	5+15.0
C-4	4034.10	5729.77	529.46	5+22.5
C-5	4035.02	5729.27	529.46	5+30.0
C-6	4035.48	5728.77	529.46	5+37.5
C-7	4035.94	5728.27	529.46	5+45.0
C-8	4036.40	5727.77	529.46	5+52.5
C-9	4036.86	5727.27	529.46	5+60.0
C-10	4037.32	5726.77	529.46	5+67.5
C-11	4037.78	5726.27	529.46	5+75.0
C-12	4038.24	5725.77	529.46	5+82.5
C-13	4038.70	5725.27	529.46	5+90.0
C-14	4039.16	5724.77	529.46	5+97.5
C-15	4039.62	5724.27	529.46	6+05.0
C-16	4040.08	5723.77	529.46	6+12.5
C-17	4040.54	5723.27	529.46	6+20.0
C-18	4041.00	5722.77	529.46	6+27.5
C-19	4041.46	5722.27	529.46	6+35.0
C-20	4041.92	5721.77	529.46	6+42.5
C-21	4042.38	5721.27	529.46	6+50.0
C-22	4042.84	5720.77	529.46	6+57.5
C-23	4043.30	5720.27	529.46	6+65.0
C-24	4043.76	5719.77	529.46	6+72.5
C-25	4044.22	5719.27	529.46	6+80.0
C-26	4044.68	5718.77	529.46	6+87.5
C-27	4045.14	5718.27	529.46	6+95.0
C-28	4045.60	5717.77	529.46	7+02.5
C-29	4046.06	5717.27	529.46	7+10.0
C-30	4046.52	5716.77	529.46	7+17.5
C-31	4046.98	5716.27	529.46	7+25.0
C-32	4047.44	5715.77	529.46	7+32.5
C-33	4047.90	5715.27	529.46	7+40.0
C-34	4048.36	5714.77	529.46	7+47.5
C-35	4048.82	5714.27	529.46	7+55.0
C-36	4049.28	5713.77	529.46	7+62.5
C-37	4049.74	5713.27	529.46	7+70.0
C-38	4050.20	5712.77	529.46	7+77.5
C-39	4050.66	5712.27	529.46	7+85.0
C-40	4051.12	5711.77	529.46	7+92.5
C-41	4051.58	5711.27	529.46	8+00.0
C-42	4052.04	5710.77	529.46	8+07.5
C-43	4052.50	5710.27	529.46	8+15.0
C-44	4052.96	5709.77	529.46	8+22.5
C-45	4053.42	5709.27	529.46	8+30.0
C-46	4053.88	5708.77	529.46	8+37.5
C-47	4054.34	5708.27	529.46	8+45.0
C-48	4054.80	5707.77	529.46	8+52.5
C-49	4055.26	5707.27	529.46	8+60.0
C-50	4055.72	5706.77	529.46	8+67.5
C-51	4056.18	5706.27	529.46	8+75.0
C-52	4056.64	5705.77	529.46	8+82.5
C-53	4057.10	5705.27	529.46	8+90.0
C-54	4057.56	5704.77	529.46	8+97.5
C-55	4058.02	5704.27	529.46	9+05.0
C-56	4058.48	5703.77	529.46	9+12.5
C-57	4058.94	5703.27	529.46	9+20.0
C-58	4059.40	5702.77	529.46	9+27.5
C-59	4059.86	5702.27	529.46	9+35.0
C-60	4060.32	5701.77	529.46	9+42.5
C-61	4060.78	5701.27	529.46	9+50.0
C-62	4061.24	5700.77	529.46	9+57.5
C-63	4061.70	5700.27	529.46	9+65.0
C-64	4062.16	5699.77	529.46	9+72.5
C-65	4062.62	5699.27	529.46	9+80.0
C-66	4063.08	5698.77	529.46	9+87.5
C-67	4063.54	5698.27	529.46	9+95.0
C-68	4064.00	5697.77	529.46	10+02.5
C-69	4064.46	5697.27	529.46	10+10.0
C-70	4064.92	5696.77	529.46	10+17.5
C-71	4065.38	5696.27	529.46	10+25.0
C-72	4065.84	5695.77	529.46	10+32.5
C-73	4066.30	5695.27	529.46	10+40.0
C-74	4066.76	5694.77	529.46	10+47.5
C-75	4067.22	5694.27	529.46	10+55.0
C-76	4067.68	5693.77	529.46	10+62.5
C-77	4068.14	5693.27	529.46	10+70.0
C-78	4068.60	5692.77	529.46	10+77.5
C-79	4069.06	5692.27	529.46	10+85.0
C-80	4069.52	5691.77	529.46	10+92.5
C-81	4069.98	5691.27	529.46	11+00.0
C-82	4070.44	5690.77	529.46	11+07.5
C-83	4070.90	5690.27	529.46	11+15.0
C-84	4071.36	5689.77	529.46	11+22.5
C-85	4071.82	5689.27	529.46	11+30.0
C-86	4072.28	5688.77	529.46	11+37.5
C-87	4072.74	5688.27	529.46	11+45.0
C-88	4073.20	5687.77	529.46	11+52.5
C-89	4073.66	5687.27	529.46	11+60.0
C-90	4074.12	5686.77	529.46	11+67.5
C-91	4074.58	5686.27	529.46	11+75.0
C-92	4075.04	5685.77	529.46	11+82.5
C-93	4075.50	5685.27	529.46	11+90.0
C-94	4075.96	5684.77	529.46	11+97.5
C-95	4076.42	5684.27	529.46	12+05.0
C-96	4076.88	5683.77	529.46	12+12.5
C-97	4077.34	5683.27	529.46	12+20.0
C-98	4077.80	5682.77	529.46	12+27.5
C-99	4078.26	5682.27	529.46	12+35.0
C-100	4078.72	5681.77	529.46	12+42.5
C-101	4079.18	5681.27	529.46	12+50.0
C-102	4079.64	5680.77	529.46	12+57.5
C-103	4080.10	5680.27	529.46	12+65.0
C-104	4080.56	5679.77	529.46	12+72.5
C-105	4081.02	5679.27	529.46	12+80.0
C-106	4081.48	5678.77	529.46	12+87.5
C-107	4081.94	5678.27	529.46	12+95.0
C-108	4082.40	5677.77	529.46	13+02.5
C-109	4082.86	5677.27	529.46	13+10.0
C-110	4083.32	5676.77	529.46	13+17.5
C-111	4083.78	5676.27	529.46	13+25.0
C-112	4084.24	5675.77	529.46	13+32.5
C-113	4084.70	5675.27	529.46	13+40.0
C-114	4085.16	5674.77	529.46	13+47.5
C-115	4085.62	5674.27	529.46	13+55.0
C-116	4086.08	5673.77	529.46	13+62.5
C-117	4086.54	5673.27	529.46	13+70.0
C-118	4087.00	5672.77	529.46	13+77.5
C-119	4087.46	5672.27	529.46	13+85.0
C-120	4087.92	5671.77	529.46	13+92.5
C-121	4088.38	5671.27	529.46	14+00.0
C-122	4088.84	5670.77	529.46	14+07.5
C-123	4089.30	5670.27	529.46	14+15.0
C-124	4089.76	5669.77	529.46	14+22.5
C-125	4090.22	5669.27	529.46	14+30.0
C-126	4090.68	5668.77	529.46	14+37.5
C-127	4091.14	5668.27	529.46	14+45.0
C-128	4091.60	5667.77	529.46	14+52.5
C-129	4092.06	5667.27	529.46	14+60.0
C-130	4092.52	5666.77	529.46	14+67.5
C-131	4092.98	5666.27	529.46	14+75.0
C-132	4093.44	5665.77	529.46	14+82.5
C-133	4093.90	5665.27	529.46	14+90.0
C-134	4094.36	5664.77	529.46	14+97.5
C-135	4094.82	5664.27	529.46	15+05.0
C-136	4095.28	5663.77	529.46	15+12.5
C-137	4095.74	5663.27	529.46	15+20.0
C-138	4096.20	5662.77	529.46	15+27.5
C-139	4096.66	5662.27	529.46	15+35.0
C-140	4097.12	5661.77	529.46	15+42.5
C-141	4097.58	5661.27	529.46	15+50.0
C-142	4098.04	5660.77	529.46	15+57.5
C-143	4098.50	5660.27	529.46	15+65.0
C-144	4098.96	5659.77	529.46	15+72.5
C-145	4099.42	5659.27	529.46	15+80.0
C-146	4099.88	5658.77	529.46	15+87.5
C-147	4100.34	5658.27	529.46	15+95.0
C-148	4100.80	5657.77	529.46	16+02.5
C-149	4101.26	5657.27	529.46	16+10.0
C-150	4101.72	5656.77	529.46	16+17.5
C-151	4102.18	5656.27	529.46	16+25.0
C-152	4102.64	5655.77	529.46	16+32.5
C-153	4103.10	5655.27	529.46	16+40.0
C-154	4103.56	5654.77	529.46	16+47.5
C-155	4104.02	5654.27	529.46	16+55.0
C-156	4104.48	5653.77	529.46	16+62.5
C-157	4104.94	5653.27	529.46	16+70.0
C-158	4105.40	5652.77	529.46	16+77.5
C-159	4105.86	5652.27	529.46	16+85.0
C-160	4106.32	5651.77	529.46	16+92.5
C-161	4106.78	5651.27	529.46	17+00.0
C-162	4107.24	5650.77	529.46	17+07.5
C-163	4107.70	5650.27	529.46	17+15.0
C-164	4108.16	5649.77	529.46	17+22.5
C-165	4108.62	5649.27	529.46	17+30.0
C-166	4109.08	5648.77	529.46	17+37.5
C-167	4109.54	5648.27	529.46	17+45.0
C-168	4110.00	5647.77	529.46	17+52.5
C-169	4110.46	5647.27	529.46	17+60.0
C-170	4110.92	5646.77	529.46	17+67.5
C-171	4111.38	5646.27	529.46	17+75.0
C-172	4111.84	5645.77	529.46	17+82.5
C-173	4112.30	5645.27	529.46	17+90.0
C-174	4112.76	5644.77	529.46	17+97.5
C-175	4113.22	5644.27	529.46	18+05.0
C-176	4113.68	5643.77	529.46	18+12.5
C-177	4114.14	5643.27	529.46	18+20.0
C-178	4114.60	5642.77	529.46	18+27.5
C-179	4115.06	5642.27	529.46	18+35.0
C-180	4115.52	5641.77	529.46	18+42.5
C-181	4115.98	5641.27	529.46	18+50.0
C-182	4116.44	5640.77	529.46	18+57.5
C-183	4116.90	5640.27	529.46	18+65.0
C-184	4117.36	5639.77	529.46	18+72.5
C-185	4117.82	5639.27	529.46	18+80.0
C-186	4118.28	5638.77	529.46	18+87.5
C-187	4118.74	5638.27	529.46	18+95.0
C-188	4119.20	5637.77	529.46	19+02.5
C-189	4119.66	5637.27	529.46	19+10.0
C-190	4120.12	5636.77	529.46	19+17.5
C-191	4120.58	5636.27	529.46	19+25.0
C-192	4121.04	5635.77	529.46	19+32.5
C-193	4121.50	5635.27	529.46	19+40.0
C-194	4121.96	5634.77	529.46	19+47.5
C-195	4122.42	5634.27	529.46	19+55.0
C-196	4122.88	5633.77	529.46	19+62.5
C-197	4123.34	5633.27	529.46	19+70.0
C-198	4123.80	5632.77	529.46	19+77.5
C-199	4124.26	5632.27	529.46	19+85.0
C-200	4124.72	5631.77	529.46	19+92.5
C-201	4125.18	5		

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 30, 2016 .

State of Hawaii
Department of Land and Natural Resources
Engineering Division
Attention: Mr. Carty Chang, Chief Engineer
P.O. Box 373
Honolulu, Hawaii 96809

Dear Mr. Chang:

SUBJECT: Waikoloa Reservoir No. 1 (HA-0040); Dam Safety Permit No. 59
Dam Repair and Improvements

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Land Division's Hawaii District for their review and comments.

At this time, enclosed are comments from the Land Division – Hawaii District on the subject matter. Should you have any questions, please feel free to call Gordon Heit at (808) 961-9592. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji
Land Administrator

Enclosure(s)
cc: Central Files

16 AUG 30 PM 10:47 ENGINEERING

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON,
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 1, 2016

MEMORANDUM

TO:

DLNR Agencies:

- ☐ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☐ Engineering Division
- ☐ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☐ Commission on Water Resource Management
- ☐ Office of Conservation & Coastal Lands
- ☒ Land Division – Hawaii District
- ☐ Historic Preservation

FROM:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Waikoloa Reservoir No. 1 (HA-0040); Dam Safety Permit No. 59;
Dam Repair and Improvement

LOCATION:

Waimea, S. Kohala; Island of Hawaii; TMK: (3) 6-5-001:047

APPLICANT:

County of Hawaii, Department of Water Supply

Transmitted for your review and comment is information on the above-referenced dam safety permit application. We would appreciate your comments on this application. Please submit any comments on the attached dam safety transmittal by **August 29, 2016**.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

cc: Central Files

8/18/16
To: Lydia Morikawa
From: HDLO

Comments Attached.

2016 08 -3 1 17

RECEIVED
LAND DIVISION
HAWAII

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

2016 AUG 22 AM 11:11

RECEIVED
LAND DIVISION




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

75 Aupuni Street, Room 204
Hilo, Hawaii 96720
PHONE: (808) 961-9590
FAX: (808) 961-9599

August 18, 2016

MEMORANDUM

TO: Russell Y. Tsuji, Administrator

FROM: Gordon C. Heit, Hawaii District Land Agent 

SUBJECT: Waikoloa Reservoir No. 1 (HA-0040); Dam Safety Permit No. 59;

LOCATION: Waiméa, South Kohala, Island of Hawaii, TMK: (3) 6-5-001:047

APPLICANT: County of Hawaii, Department of Water Supply

Pursuant to your request for comments on the above matter, we offer the following:

HDLO notes the application submitted by the Department of Water Supply is dated June 26, 2012 and is for repairs to the reservoir as a result of damage from an earthquake that occurred on October 15, 2006.

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

ENGINEERING DIVISION
POST OFFICE BOX 373
HONOLULU, HAWAII 96809

JUL 27 2016

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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

TO:

DLNR agencies	Other Agencies
X Division of Aquatic Resources	X Department of Agriculture
X Commission on Water Resource Management	X Department of Agriculture-ADC
X Division of Forestry & Wildlife	County of Kauai - NFIP
X Historic Preservation Division	City & County of Honolulu - NFIP
X Land Division	County of Maui - NFIP
X Office of Conservation & Coastal Lands	X County of Hawaii - NFIP
	X HI EMA
	X Hawaii Civil Defense

FROM: Carty Chang, Chief Engineer

SUBJECT: Waikoloa Reservoir No. 1 (HA-0040)
Dam Safety Permit No. 59
Dam Repair and Improvement

LOCATION: Hawaii, TMK: (3) 6-5-001:047

APPLICANT: Keith Okamoto, Department of Water Supply, County of Hawaii

Transmitted for your review and information are the attached documents on the subject Dam Safety Permit application.

1. Dam Safety Permit Application
2. Plan set (Selected sheets)
3. DLNR Dam Facility Data sheet

Please return to our office a signed copy of this transmittal with one of the choices below checked along with any comments by **August 31, 2016**. If no response is received by this date, we will assume your agency has no comments. If you have any questions, please contact Jimmy Leung of my staff at (808) 587-0238 or by email: jimmy.m.leung@hawaii.gov.

- (✓) We have no comments
() Comments are attached

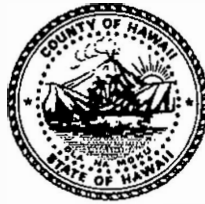
Signed: _____

Print name: Kiran Emler

Date: 8/1/16

William P. Kenoi
Mayor

Randall M. Kurohara
Managing Director



Edward T. Teixeira
*Emergency Management
Director*

County of Hawaii
CIVIL DEFENSE AGENCY

920 Ululani Street • Hilo, Hawai'i 96720-3958
(808) 935-0031 • Fax (808) 935-6460

August 3, 2016

Mr. Carty Chang, Chief Engineer
Engineering Division
Department of Land and Natural Resources
P.O. Box 373
Honolulu, Hawaii 96809


Dear Mr. Chang:

Waikoloa Reservoir No. 1 (HA-0040) – Dam Safety Permit Application

This agency has completed a review of the Dam Safety Permit Application, Plan set, and Dam Safety Facility Data Sheet. A signed copy of the transmittal sheet without comments is returned to your office as requested.

If you have any questions, your staff may contact me at eteixeira@hawaiicounty.gov or (808) 935-0031.

Sincerely,

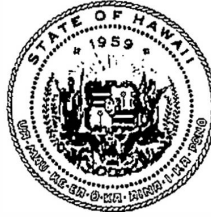

EDWARD T. TEIXEIRA
Interim Administrator

Attachment



16 AUG 11 PM 1:05 BOWEN:ND

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

ENGINEERING DIVISION
POST OFFICE BOX 373
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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

JUL 27 2016

TO:

	DLNR agencies		Other Agencies
X	Division of Aquatic Resources	X	Department of Agriculture
X	Commission on Water Resource Management	X	Department of Agriculture-ADC
X	Division of Forestry & Wildlife		County of Kauai – NFIP
X	Historic Preservation Division		City & County of Honolulu – NFIP
X	Land Division		County of Maui – NFIP
X	Office of Conservation & Coastal Lands	X	County of Hawaii - NFIP
		X	HI EMA
		X	Hawaii Civil Defense

FROM: Carty Chang, Chief Engineer

SUBJECT: **Waikoloa Reservoir No. 1 (HA-0040)**
Dam Safety Permit No. 59
Dam Repair and Improvement

LOCATION: Hawaii, TMK: (3) 6-5-001:047

APPLICANT: **Keith Okamoto, Department of Water Supply, County of Hawaii**

Transmitted for your review and information are the attached documents on the subject Dam Safety Permit application.

1. Dam Safety Permit Application
2. Plan set (Selected sheets)
3. DLNR Dam Facility Data sheet

Please return to our office a signed copy of this transmittal with one of the choices below checked along with any comments by **August 31, 2016**. If no response is received by this date, we will assume your agency has no comments. If you have any questions, please contact Jimmy Leung of my staff at (808) 587-0238 or by email: jimmy.m.leung@hawaii.gov.

- (✓) We have no comments
() Comments are attached

Signed: Edward T. Teixeira
Print name: EDWARD T. TEIXEIRA
Date: August 3, 2016

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

ENGINEERING DIVISION
POST OFFICE BOX 373
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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
KAILOGLAWI ISLAND RESERVATION COMMISSION
LAND
STATE PARKS

JUL 27 2016

TO:

DLNR agencies	Other Agencies
X Division of Aquatic Resources	X Department of Agriculture
X Commission on Water Resource Management	X Department of Agriculture-ADC
X Division of Forestry & Wildlife	County of Kauai - NFIP
X Historic Preservation Division	City & County of Honolulu -- NFIP
X Land Division	County of Maui - NFIP
X Office of Conservation & Coastal Lands	X County of Hawaii - NFIP
	X HI EMA
	X Hawaii Civil Defense

FROM: Carty Chang, Chief Engineer

SUBJECT: Waikoloa Reservoir No. 1 (HA-0040)
Dam Safety Permit No. 59
Dam Repair and Improvement

LOCATION: Hawaii, TMK: (3) 6-5-001:047

APPLICANT: Keith Okamoto, Department of Water Supply, County of Hawaii

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2. Plan set (Selected sheets)
3. DLNR Dam Facility Data sheet

Please return to our office a signed copy of this transmittal with one of the choices below checked along with any comments by **August 31, 2016**. If no response is received by this date, we will assume your agency has no comments. If you have any questions, please contact Jimmy Leung of my staff at (808) 587-0238 or by email: jimmy.m.leung@hawaii.gov.

- (X) We have no comments
() Comments are attached

Signed: Vern T. Miyagi

Print name: Vern T. Miyagi

Date: August 22, 2016

DAVID Y. IGE
GOVERNOR OF HAWAII

RECEIVED



2018 APR 23 AM 10:08

DEPT OF WATER SUPPLY
COUNTY OF HAWAII



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

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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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

Ref: OCCL:LY

CORR: HA 18-195

Mr. Keith K. Okamoto, P.E.
Manager – Chief Engineer
Department of Water Supply
County of Hawaii
345 Kekūānāō'a Street, Suite 20
Hilo, Hawaii 96720

APR 19 2018

SUBJECT: Request for Permit Determination for County of Hawaii, Department of Water Supply (DWS) Job No. 2011-970 Construction of the Waikoloa 50-Million Gallon Reservoir No. 1 Earthquake Repairs Located in South Kohala, Island of Hawaii
Tax Map Key: (3) 6-5-001:047 and portion of 017

Dear Mr. Okamoto:

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your inquiry regarding the subject project. The OCCL notes that the project was previously reviewed by our Office on August 24, 2016 via a Memorandum to the Division of Engineering (CORR HA 17-21) who had requested comments from our Office regarding your Dam Safety Permit Application. According to the Memorandum, we stated that the project would require the filing of a Site Plan Approval (SPA) application as a portion of the project was located in the State Land Use Conservation District, Protective Subzone.

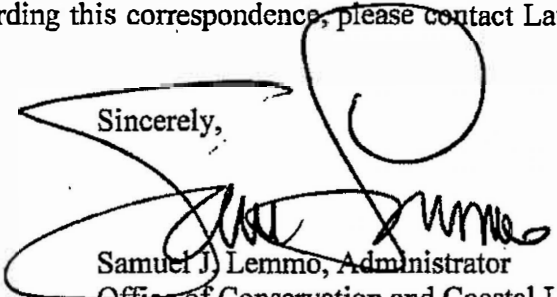
After re-reviewing our previous Memorandum and the current project information you have provided, we wish to rescind our initial permit determination as the portion of the project in the Conservation District is located on land under the jurisdiction of the Department of Hawaiian Homelands. Pursuant to the Hawaiian Homes Commission Act, §206 states that *the powers and duties of the governor and the board of land and natural resources, in respect to lands of the state, shall not extend to lands having the status of Hawaiian home lands, except as specifically provided in this title.* Therefore, Hawaii Administrative Rules (HAR) Chapter 13-5, also known as the Conservation District rules and regulations, would not be imposed on DHHL lands unless the DHHL waives the privilege or otherwise agrees to comply with Conservation District rules and regulations. We apologize for any confusion or inconvenience we may have caused.

Mr. Keith Okamoto, P.E.
Department of Water Supply

CORR: HA 18-195

Should you have any questions regarding this correspondence, please contact Lauren Yasaka of our Office at (808) 587-0386.

Sincerely,



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

c: HDLO
DHHL
CoH, Planning Dept.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

DOUGLAS S CHIN
LT. GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

March 21, 2018

Mr. Keith K. Okamoto, P.E.
Manager in Chief, Department of Water Supply
County of Hawaii
345 Kekuanaoa Street, Suite 20
Hilo, HI 96720

Dear Mr. Okamoto,

Subject: Approval of Consent to Proceed with Tree Removal and Buffer Zone, for Earthquake Repairs to Waikoloa Reservoir, DWS Job No. 2011-970, under Department of Hawaiian Home Lands (DHHL), TMK: 3-6-5-001:020, :047, :011 (por.), Kamuela, Island of Hawaii

After review by DHHL engineers, the above referenced project as requested and submitted by Department of Water Supply is hereby approved.

This notice shall serve as your authorization letter for your record and filing. You may proceed with obtaining the necessary permits in accordance with all applicable County, State and Federal guidelines and building codes, as needed.

Contact Mark Yim, Land Agent, at 808.620.9453 or email mark.k.yim@hawaii.gov with any questions.

Aloha,

A handwritten signature in black ink, appearing to read "William J. Aila, Jr.", is written over a horizontal line.

William J. Aila, Jr.
Deputy to the Chairman
Department of Hawaiian Home Lands

REQUIRED SIGNATURES

Applicant

Name / Agency: County of Hawaii Department of Water Supply

Street Address: 345 Kekuanaoa Street, Suite 20

Hilo, Hawaii 96720

Contact Person & Title: Keith K. Okamoto, P.E., Manager-Chief Engineer

Phone: 808-961-8050

Fax: 808-961-8657

Email: kokamoto@hawaiidws.org

Interest in Property: utilize area for the construction of water reservoir repairs

Signature:  Date: OCT 03 2016

Signed by an authorized officer if for a Corporation, Partnership, Agency or Organization

Landowner (if different than the applicant)

Name: State of Hawaii Department of Hawaiian Home Lands

Title; Agency: Land Management Division; State of Hawaii Department of Hawaiian Home Lands

Mailing Address: P.O. Box 1879

Honolulu, Hawaii 97805

Phone: 808-620-9450

Fax: 808-620-9479

Email:

Signature:  Date: 3/21/18

For State and public lands, the State of Hawai'i or government entity with management control over the parcel shall sign as landowner.

Agent

Agency:

Contact Person & Title:

Mailing Address:

Phone:

Fax:

Email:

Signature: _____ Date: _____

For DLNR Managed Lands

State of Hawai'i

Chairperson, Board of Land and Natural Resources

State of Hawai'i

Department of Land and Natural Resources

P.O. Box 621

Honolulu, Hawai'i 96809-0621

Signature _____ Date: _____

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 27, 2017

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Mr. Keith K. Okamoto, P.E.
Manager-Chief Engineer
County of Hawaii
Department of Water Supply
345 Kekuanaoa Street, Suite 20
Hilo, Hawaii 96720

RECEIVED
2017 SEP -5 PM 1:25
DEPT OF WATER SUPPLY
COUNTY OF HAWAII

Subject: Right-of-Entry Permit to the Water Board of the County of Hawaii, Onto
State Lands, Waimea, South Kohala, Hawaii, Tax Map Key: (3) 6-5-001:
portion of 020 and 047.

Dear Mr. Okamoto:

At its meeting of August 11, 2017, under Agenda Item D-3 (copy enclosed), the Board of Land and Natural Resources, approved a right-of-entry onto State lands for the purpose of initiating groundwork necessary for the continued construction and management of the reservoir and appurtenances and access roadways.

Therefore, County of Hawaii and/or its contractors, consultants and/or persons acting for or on its behalf, are hereby granted a right-of-entry onto Government land, identified by TMK: (3) 6-5-001: portion of 020 and 047, the approximate location being on the attached map labeled Exhibit "A", subject to the following terms and conditions:

1. This right-of-entry is for the hours between 7:00 a.m. to 5:00 p.m. and shall be effective upon our receipt of (i) a countersigned copy of this letter and (ii) proof of the liability insurance required hereunder, and shall terminate the issuance of the Governor's Executive Order (parcel 6-5-001:047) and the Grant of Perpetual, Non-exclusive Easement (parcel 6-5-001:por. 001);
2. The County of Hawaii, shall ensure that its consultants, contractors and/or persons acting for or on its behalf shall procure, at their own cost and expense, and maintain during the entire period of this right-of-entry, from an insurance company or companies licensed or authorized to do business in the State of Hawaii with an AM Best rating of not less than

"A-" or other comparable and equivalent industry rating, a policy or policies of comprehensive public liability insurance or its equivalent, in an amount of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate, and with coverage terms acceptable to the Chairperson of the Board. The policy or policies of insurance shall name the State of Hawaii as an additional insured and a copy shall be filed with the State of Hawaii, Department of Land and Natural Resources. The insurance shall cover the entire premises, including all buildings, improvements, and grounds and all roadways or sidewalks on or adjacent to the premises in the use or control of The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf. The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf shall furnish the Department with a certificate(s) showing the policy(s) to be initially in force, keep certificate(s) on deposit during the entire period and furnish a like certificate(s) upon each renewal of the policy(s). This insurance shall not be cancelled, limited to scope of coverage, or nonrenewed until written notice has been given to the Department. The Department shall retain the right at any time to review the coverage, form, and amount of the insurance required. If, in the opinion of the Department, the insurance provisions in this right-of-entry do not provide adequate protection for the Department, the Department may require The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf to obtain insurance sufficient in coverage, form, and amount to provide adequate protection. The Department's requirements shall be reasonable but be designed to assure protection for and against the kind and extent of the risks which exist at the time a change in insurance is required. The Department shall notify The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf in writing of changes in the insurance requirements and The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf shall deposit copies of acceptable insurance policy(s) or certificate(s) thereof, with the Department incorporating the changes within receipt of the notice. The procuring of the required policy(s) of insurance shall not be construed to limit The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf, liability under this right-of-entry nor to release or relieve The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf of the indemnification provisions and requirements of this right-of-entry. Notwithstanding the policy(s) of insurance, The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf shall be obligated for the full and total amount of any damage, injury, or loss caused by The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf negligence or neglect connected with this right-of-entry.

3. The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf shall indemnify, defend, and hold the State of Hawaii, Department of Land and Natural Resources harmless from and against any claim or demand for loss, liability, or damage, including claims for bodily injury, wrongful death, or property damage, arising out of or resulting from: (1) any act or omission on the part of the County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf relating to the County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf use, occupancy, maintenance, or enjoyment of the right-of-entry area or premises; (2) any failure on the part of the County of Hawaii, its consultants, contractors and/or persons

acting for or on its behalf to maintain the right-of-entry area or premises and areas adjacent thereto in the County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf use and control, and including any accident, fire or nuisance, growing out of or caused by any failure on the part of the County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf to maintain the area or premises in a safe condition; and (3) from and against all actions, suits, damages, and claims by whomsoever brought or made by reason of the County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf non-observance or non-performance of any of the terms, covenants, and conditions of this right-of-entry or the rules, regulations, ordinances, and laws of the federal, state, municipal or county governments.

4. The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf shall comply with all of the requirements of all municipal, state, and federal authorities and observe all municipal, state and federal laws applicable to the right-of-entry area or premises, now in force or which may be in force.
5. The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf shall not cause or permit the escape, disposal or release of any hazardous materials except as permitted by law. The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf shall not allow the storage or use of such materials in any manner not sanctioned by law or by the highest standards prevailing in the industry for the storage and use of such materials, nor allow to be brought onto the right-of-entry area or premises any such materials except to use in the ordinary course of The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf business, and then only after written notice is given to the State of Hawaii, Department of Land and Natural Resources of the identity of such materials and upon the Department's consent which consent may be withheld at the Department's sole and absolute discretion. If any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf, then the County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf shall be responsible for the cost thereof. In addition, The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf shall execute affidavits, representations and the like from time to time at the Department's request concerning The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf best knowledge and belief regarding the presence of hazardous materials on the right-of-entry area or premises placed or released by The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf.
6. The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf agree to indemnify, defend and hold the State of Hawaii, Department of Land and Natural Resources harmless, from any damages and claims resulting from the release of hazardous materials on the right-of-entry area or premises occurring while The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf is/are in possession, or elsewhere if caused by The County of Hawaii, its consultants, contractors

and/or persons acting for or on its behalf. These covenants shall survive the expiration or earlier termination of this right-of-entry.

For purposes of this right-of-entry, "hazardous material" shall mean any pollutant, toxic substance, hazardous waste, hazardous material, hazardous substance, or oil as defined in or pursuant to the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, the Federal Clean Water Act, or any other federal, state, or local environmental law, regulation, ordinance, rule, or by-law, whether existing as of the date hereof, previously enforced, or subsequently enacted.

7. The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf shall not store any personal belongings in the right-of-entry area or premises during the effective period of this right-of-entry.
8. All costs associated with the activity within the right-of-entry area or premises shall be the sole responsibility of the County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf.
9. In the event any unanticipated sites or remains such as bone or charcoal deposits, human burials, rock or coral alignments, paving's or walls are encountered, The County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf in the exercise of this right-of-entry shall stop work and contact the State Historic Preservation Division in Kapolei at (808) 692-8015 immediately.
10. This right-of-entry is revocable and terminable at any time for any reason in the sole and absolute discretion of the Chairperson.
11. All disputes or questions arising under this right-of-entry shall be referred to the Chairperson of the Board of Land and Natural Resources for a determination and resolution of the dispute or question. The Chairperson's decision shall be final and binding on the parties herein.
12. The Department of Land and Natural Resources reserves the right to impose additional, but responsible terms and conditions as it deems necessary while this right-of-entry is in force.



Pursuant to the Land Board's delegation of authority to me to issue rights-of-entry, I am also authorized to waive rent for rights-of-entry that are government-related, or where no entity involved intends to profit monetarily from its use. Since your event meets these requirements, the rent is hereby waived.

Should you agree to the above terms and conditions, please sign in the space provided below and return a copy of this right-of-entry to: the Department of Land and Natural Resources, Hawaii District Land Office, 75 Aupuni Street, Room 204, Hilo, Hawaii 96720.

Right-of-Entry County of Hawaii
Dept. of Water Supply
(3) 6-5-001: por. 020, 047

If you have any questions, please feel free to contact Gordon Heit of our Land Division Office at
(808) 961-9590. Thank you.

Sincerely,


 Suzanne D. Case
Chairperson

WE CONCUR:

Water Board of the
County of Hawaii

By Its:

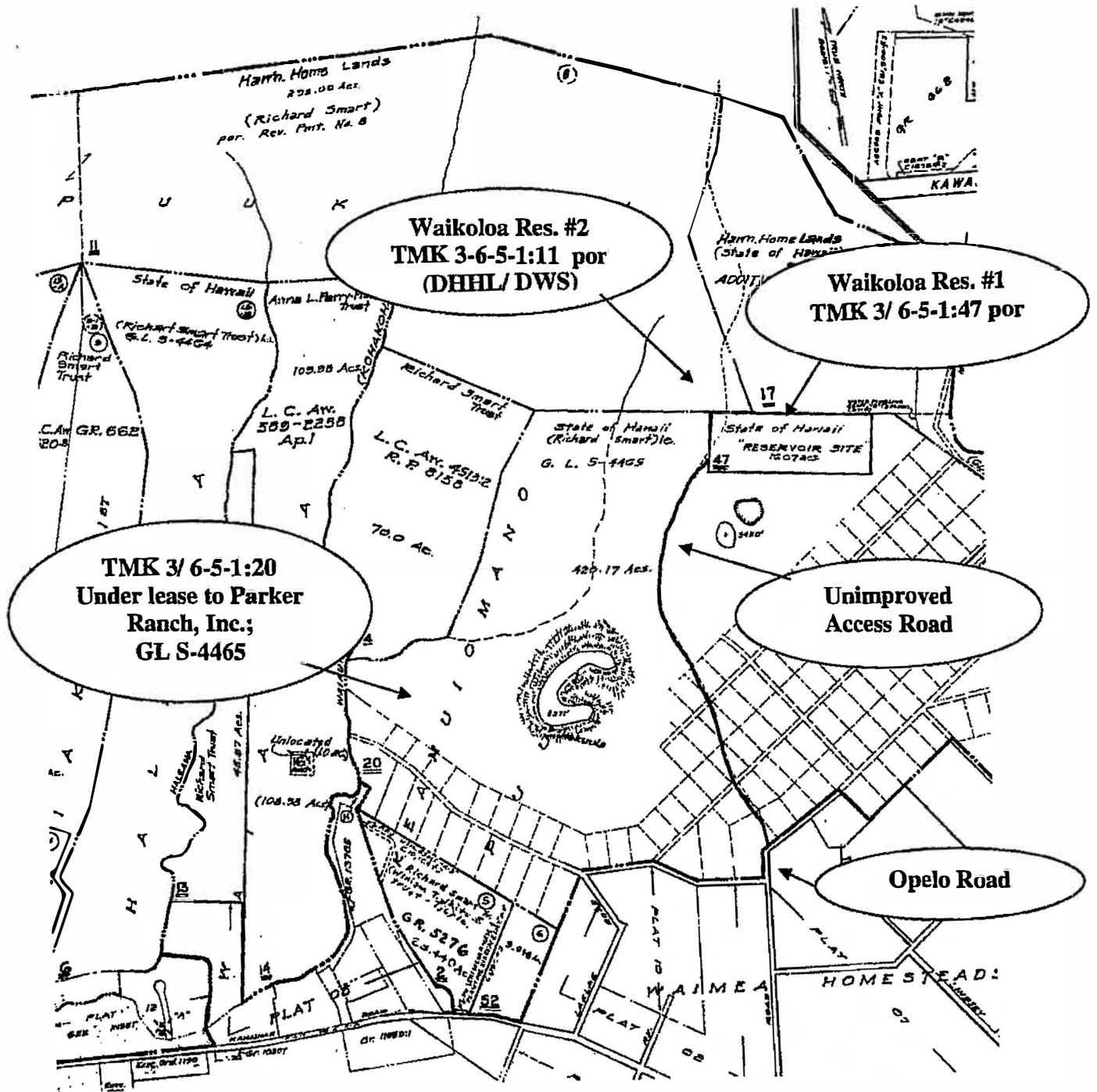
Date

County of Hawaii
Corporation Counsel

By Its:

Date

xc: Central File
District File



DAVID Y. IGE
GOVERNOR OF HAWAII



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

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

March 31, 2017

Keith Okamoto, P.E., Manager
Department of Water Supply
County of Hawaii
345 Kekuanaoa Street, Suite 20
Hilo, HI 96720
kokamoto@hawaiiidws.org

IN REPLY REFER TO:
Log No. 2016.01883
Doc. No. 1703GC22
Archaeology

Dear Mr. Okamoto:

**SUBJECT: Chapter 6E-8 and National Historic Preservation Act (NHPA) Section 106 Review –
Waikoloa Reservoir No. 1 (HA-0040) - Job No. 2011-970
Earthquake Repairs, Dam Repair and Improvements, Dam Safety Permit No. 59
Lalamilo Ahupua‘a, Kohala District, Island of Hawai‘i
TMK: (3) 6-5-001:047**

Thank you for the opportunity to review and comment on the County of Hawai‘i, Department of Water Supply’s proposed project to repair damages to the Waikoloa Reservoir No. 1 which were incurred during the October 2006 earthquake. This submittal was received by the Kapolei SHPD office on August 3, 2016. The project area consists of a 2.3-acre parcel owned by the State of Hawai‘i and the Department of Hawaiian Homelands (DHHL). In anticipation of federal funding [36 CFR 800.16(c)] from the Federal Emergency Management Agency (FEMA), this project is defined as a federal undertaking [36 CFR 800.16(y)], and therefore subject to historic preservation review under Section 106 of the NHPA. This county project also is subject to Hawaii Revised Statutes (HRS) Chapter 6E-8 historic preservation review.

The 2.3-acre parcel have been heavily disturbed through mechanical modifications related to the development of Waikoloa Reservoirs Nos. 1, 2, and 3, construction of a paved access road and fence, mechanical clearing and maintenance of vegetation within the project area. The proposed project includes modifications to the existing reservoir embankment, repairs to the existing concrete liner, installation of a new synthetic liner, and clearing of a 50-foot vegetation free buffer from the toe of the slope. Waikoloa Reservoir No. 1 is one of three reservoirs used to store drinking water for the city of Waimea and surrounding communities, and consists of an elongated pool surrounded by an earthen embankment with an internal drainage system. It has a maximum height of 42 feet and is 1,700 feet long with a 20-foot wide crest. It has a storage capacity of 50 million gallons.

The SHPD reviewed and accepted the recent archaeological inventory survey conducted in support of this proposed project. The report is titled, *Cultural Resources Survey Addendum Report for the Waikoloa Reservoir No. 1 Earthquake Repairs, Hawaii County* (Stark, July 2016). The SHPD received this draft report on July 15, 2016, and accepted it on March 30, 2017 (Log No. 2016.01716, Doc. No. 1703GC21). The report identified no historic properties within the project area, provided an HAR §13-275-7 project effect determination of *no historic properties affected*, and a mitigation recommendation of no further archaeological work for this project.

The SHPD concurred with the HAR §13-275-7 project effect determination of *no historic properties affected* and the recommendation for no further archaeological work for this project.

Keith Okamoto
March 31, 2017
Page 2

Per 36 CFR 800, the **State Historic Preservation Officer (SHPO)** looks forward to receiving a request for concurrence with the lead federal agency's effect determination.

Please contact Ms. Jessica L. Puff at (808) 692-8023 or at Jessica.L.Puff@hawaii.gov for any architectural questions or concerns, and Susan A. Lebo at (808) 692-8019 or at Susan.A.Lebo@hawaii.gov for questions or concerns regarding archaeological resources or this letter.

Aloha,

A handwritten signature in black ink, appearing to read "Alan A. Downer", followed by a long horizontal line extending to the right.

Alan A. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: Kurt Imaba, P.E. COH-DWS (kimaba@hawaiiidts.org)
Owen Nishioka, P.E., COH-DWS (onishioka@hawaiiidts.org)
Jimmy Leung, DLNR-Engineering (jimmy.m.leung@hawaii.gov)
Laura LaRiviere, Kleinfeld Engineering (llariviere@kleinfelder.com)
Carty Chang, Chief Engineer, Department of Land and Natural Resources (carty.s.chang@hawaii.gov)
Jobie M.K. Masagatani, Chairman, Department of Hawaiian Home Lands (jobie.K.Masagatani@hawaii.gov)

FEDERAL EMERGENCY MANAGEMENT AGENCY

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: PA-09-HI-1664-PW-00789

Title: WAIKOLOA RESERVOIR #1

Environmental Law/ Executive Order	Status	Description attached) - Review concluded	Comments
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	The EHP standard Executive Order/Law or status code did not exist in NEMIS. The migration set the status code to NA. - pa2em - 12/17/2016 21:58:44 GMT
Fish and Wildlife Coordination Act (FWCA)	Not Applicable	Project does not affect, control, or modify a waterway/body of water - Review concluded	
Migratory Bird Treaty Act (MBTA)	Completed	Project located within a flyway zone	The EHP standard Executive Order/Law or status code did not exist in NEMIS. The migration set the status code to NA. - pa2em - 12/17/2016 21:58:44 GMTSee project conditions for MBTA - khardege - 03/07/2017 01:07:20 GMT
	Completed	Project does not have potential to take migratory birds - Review concluded	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Completed	Project not located in or near Essential Fish Habitat - Review concluded	The EHP standard Executive Order/Law or status code did not exist in NEMIS. The migration set the status code to NA. - pa2em - 12/17/2016 21:58:44 GMT
National Historic Preservation Act (NHPA)	Completed	Applicable executed Programmatic Agreement (enter date in comments).	This Undertaking was reviewed in accordance with Stipulation II.C.4.a of the 2016 Section 106 Programmatic Agreement among FEMA, SHPO, Hawaii Emergency Management Agency (State Department of Defense), and the State Office of Hawaiian Affairs. By letter dated January 25, 2017, FEMA submitted its determination of No Historic Properties Affected and supporting documentation for this Undertaking. The letter was received by the SHPO on January 30, 2017 (see attached delivery receipt). In September 2016, FEMA sent letters to OHA and Native Hawaiian Organizations (NHOs) on the US Department of the Interior's Office of Hawaiian Affairs list. No response was received from OHA or any NHOs. Supporting documentation included two cultural resources survey reports of the Area of Potential Effects: a 2016 survey by SWCA, and a 2014 survey by Haun & Associates. IN addition, FEMA consulted the Waihona Aina Machele database on the OHA website. As of March 9, 2017, no response was received from OHA or the SHPO. Since the Programmatic Agreement provides 15 calendar days for review and no response was received, FEMA is proceeding to clear this Undertaking for Section 106 compliance in EMIS.. - mnowick - 03/09/2017 20:05:31 GMT



FEMA

January 25, 2017

Mr. Alan S. Downer, PhD
Deputy State Historic Preservation Officer
Kakuhikewa Building
601 Kamokila Boulevard, Suite 555
Kapolei, Hawaii 96707

Mr. Kamana'o pono Crabbe, Ph.D.
Office of Hawaiian Affairs
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

Re: Waikoloa Reservoir No. 1 Earthquake Repairs
DR-1664-PW-789
County of Hawaii, Department of Water Supply

Dear Dr. Downer and Dr. Crabbe:

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide a Federal grant, through the Hawai'i Emergency Management Agency (Recipient), to the County of Hawaii, Department of Water Supply (DWS or Subrecipient), for the repair of the Waikoloa Reservoir No. 1 (Undertaking). The Reservoir was damaged by the Presidentially-declared Federal disaster (DR) known as the Kiholo Earthquake (DR-1664) that occurred on October 15, 2006. The assistance would be provided through FEMA's Public Assistance Program. Proposed repairs are described on Project Worksheet (PW) No. 789.

FEMA is reviewing the Undertaking pursuant to the 2016 Programmatic Agreement among FEMA, the Hawaii State Historic Preservation Officer (SHPO), the Hawai'i Hawaii Emergency Management Agency (Hawai'i Department of Defense), and the State Office of Hawai'ian Affairs (Agreement). In reviewing the Undertaking, FEMA has made a **No Historic Properties Affected** finding and requests your review and concurrence per Stipulation II.C.4.a of the Agreement.

Undertaking

The purpose of the Undertaking is to repair the Waikoloa Reservoir No. 1 in Waimea, on the Island of Hawai'i that was damaged by the 2006 earthquake. The earthquake caused cracks in the lining of the reservoir that resulted in leaks, seepage, and boils. The reservoir is a 50-million gallon water reservoir that is approximately kidney-shaped and is lined with concrete panels. It is one of two reservoirs in the immediate area, the other being Waikoloa Reservoir No. 2. Each is surrounded by a

archaeological report database and associated archaeological reports/records, academic papers, historical place-name sources, and the Waiihona 'Aina (2000) Mahele database, and other sources. No cultural resources were identified, and no cultural materials gathered. See the attached report by Haun & Associates.

Native Hawaiian Organization Involvement

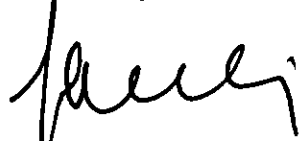
As discussed above, in accordance with II.C.1. of the Agreement, in September 2016 FEMA sent letters to OHA and NHOs to inform them of the Undertaking and to solicit any interest or concerns they may have about the Undertaking and its effects on historic properties. The only responses received were related to a change of point of contact or an address.

Finding of Effect

Based on the above analysis, no historic properties have been identified in the APE for this Undertaking. Accordingly, FEMA has made a finding of **No Historic Properties Affected** pursuant to Stipulation II.C.4.a of the Agreement. FEMA, therefore, requests that the SHPO review and concur with this finding.

Because this is a Public Assistance-funded Undertaking, the SHPO and OHA have a 15-calendar day review period per Stipulations I.E.2.b and II.C.4.a of the Agreement. Unless the SHPO or OHA objects within 15 days, FEMA may conclude the Section 106 review of the Undertaking, and FEMA may fund the Undertaking. In the interest of time, we request a response at your earliest opportunity. Should you have any questions or comments, please do not hesitate to contact Marjorie Nowick at (510) 627-7128, or marjorie.nowick@fema.dhs.gov.

Sincerely,



Alessandro Amaglio
Environmental Officer
FEMA Region IX

Enclosure

DAM SAFETY PERMIT GENERAL CONDITIONS

APPROVAL OF PLANS AND SPECIFICATIONS FOR DAM AND RESERVOIR CONSTRUCTION, ENLARGEMENT, REPAIR, ALTERATION OR REMOVAL

The following General Conditions shall be adhered to for all Dam Safety permits unless otherwise authorized in writing.

1. Actual construction, enlargement, repair, alteration or removal shall be completed within 5 years of issuance of the permit application approval unless an extension authorized in writing by the Board is issued.
2. Prior to the start of work the owner or applicant shall provide a construction engineer to ensure compliance with the approved plans and specifications and who shall have ultimate responsibility for the supervision of all inspection tasks. The construction engineer may assign some inspection tasks to a duly authorized agent under the construction engineer's supervision. The engineer shall be licensed in the State of Hawaii.
3. The construction engineer shall maintain a record of construction that at a minimum, shall include, daily activity, and progress reports, all test results pertaining to construction; photographs sufficient to provide a record of foundation conditions and various stages of the construction through completion, all geologic information obtained; and construction problems and remedies.
4. A construction quality assurance plan shall be prepared and submitted to the Department for approval prior to the start of construction, which details the minimum requirements of the construction engineer's observation of construction.
5. A construction schedule, which includes the notice to proceed date and estimated project duration and a construction emergency action plan shall be submitted prior to the preconstruction meeting.
6. A preconstruction meeting shall be held subsequent to submitting the quality assurance plan, construction schedule and construction emergency action plan, but not later than 14 days prior to the start of construction. All parties actively involved in the construction should be requested to attend, such as the dam owner, the design engineer, the construction engineer, the contractor and the Department.
7. The Department shall be notified 5 calendar days prior to the commencement of construction.
8. Any changes from the approved plans and specifications shall be approved by the design engineer and a change order, including details and supporting calculations, must be provided to the Department. Major changes must be submitted in writing with supporting documentation and approved in writing by the Department. No work shall be initiated until the approval by the Department or Board is received. Minor changes may be transmitted verbally and approved by the Department verbally provided that documentation of the change is provided to the Department within 10 days of the approval.

9. For new dam construction and for dams and reservoirs that have lowered the water level or have been drained to facilitate construction, the construction engineer shall file and obtain approval of a filling plan with the Department. The applicant/owner shall not proceed with the filling of the reservoir until it receives permission from the Department. The construction engineer shall provide documentation of monitoring during the filling operation.
10. Prior to the filling of the reservoir, the construction engineer shall submit one copy each of the approved Operations Manual and the approved Emergency Action Plan for the facility upon completion of the project as applicable.
11. The construction engineer shall give the Department at least ten days advanced notice of initial materials placement of the dam's foundation, in the cutoff trench, outlet backfill, outlet foundation, and any appurtenance requested by the Department in the approval of the plan for construction observation, to allow for observation by the Department.
12. Notice of substantial completion shall be issued by the construction engineer to the Department stating that the permitted improvements are functionally complete such that filling of the reservoir can be initiated with an approved filling plan.
13. The construction engineer shall give the Department fifteen (15) calendar days advance written notice prior to the project's final construction inspection. The construction engineer shall coordinate with the Department to conduct this inspection in the presence of the Department's dam safety personnel.
14. The construction engineer shall provide notice at least ten (10) days prior to initiating filling the reservoir, unless agreed at the final inspection.
15. If conditions are revealed which will not permit the construction, enlargement, repair, alteration, or removal of a safe dam or reservoir, the application for approval for construction, enlargement, repair, alteration, or removal shall be revoked.
16. A topographic survey of completed work including all monuments, inverts, crest alignment, spillways, and significant appurtenant features, when required by the Department shall be completed.
17. The applicant/owner shall utilize appropriate erosion control best management practice measures during construction to minimize turbidity (such as scheduling of work during period of low stream flow) and prevent debris and construction materials, including concrete, petroleum products, and other pollutants from enter the waters of the State. Construction related water and debris should be properly disposed of in a legal and environmentally safe manner and in accordance with the Department of Health and other Federal regulations.
18. The applicant/owner shall submit a copy of the dam safety application and the plans and specifications of the proposed improvements to the County Engineer of the County for which the dam resides for compliance with County codes.
19. Within fifteen (15) calendar days of completing the project, the applicant/owner or its representative shall provide the Department with a confirmation letter of compliance, signed and stamped by the construction engineer, indicating that the construction

was completed in accordance to approved plans and specifications including any field changes. The construction engineer shall submit the remaining construction completion documents which may include, but not be limited to, as-constructed drawing, final construction report, topographic survey, record of the location of permanent monuments, log of recorded water levels and other readings from the refilling operation, long-term instrumentation monitoring plan, and affidavit showing the actual cost of construction including engineering costs, within 60 calendar days of the submittal of the final construction inspection.

20. Construction completion documents and the construction engineer's certification shall be provided to the Department within 60 days of the final construction inspection. The Department will review the submitted items and furnish acceptance or denial within 60 days of receipt of satisfactorily completed construction completion documents and close out the dam safety permit.
21. This permit does not relieve the applicant/owner of their obligations to comply with all applicable Federal, State, and County regulations.
22. Compliance with Hawaii Revised Statutes 179D, and Hawaii Administrative Rules 13-190.1.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

ENGINEERING DIVISION
POST OFFICE BOX 373
HONOLULU, HAWAII 96809

OCT 28 2016

Mr. Keith Okamoto, Manager-Chief Engineer
County of Hawaii
Department of Water Supply
345 Kekuanaoa Street, Suite 20
Hilo, Hawaii 96720

Dear Mr. Okamoto,

**DAM SAFETY CONSTRUCTION/ALTERATION PERMIT NO. 59
WAIKOLOA RESERVOIR NO. 1 (HA-0040)
DAM REPAIR AND IMPROVEMENT, WAIMEA, HAWAII**

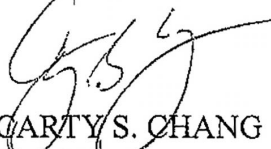
The Department of Land and Natural Resources, Engineering Division, Dam Safety Section (DLNR), together with our consultant, have reviewed your response to our August 30, 2016, comments regarding the repair project at Waikoloa Reservoir No. 1. We concluded that your proposed edition will satisfy our comments.

We will prepare a permit for this project and submit it to the Board of Land and Natural for approval, after we receive your final submittal of the revised drawings. Special conditions will be included in the permit as follow:

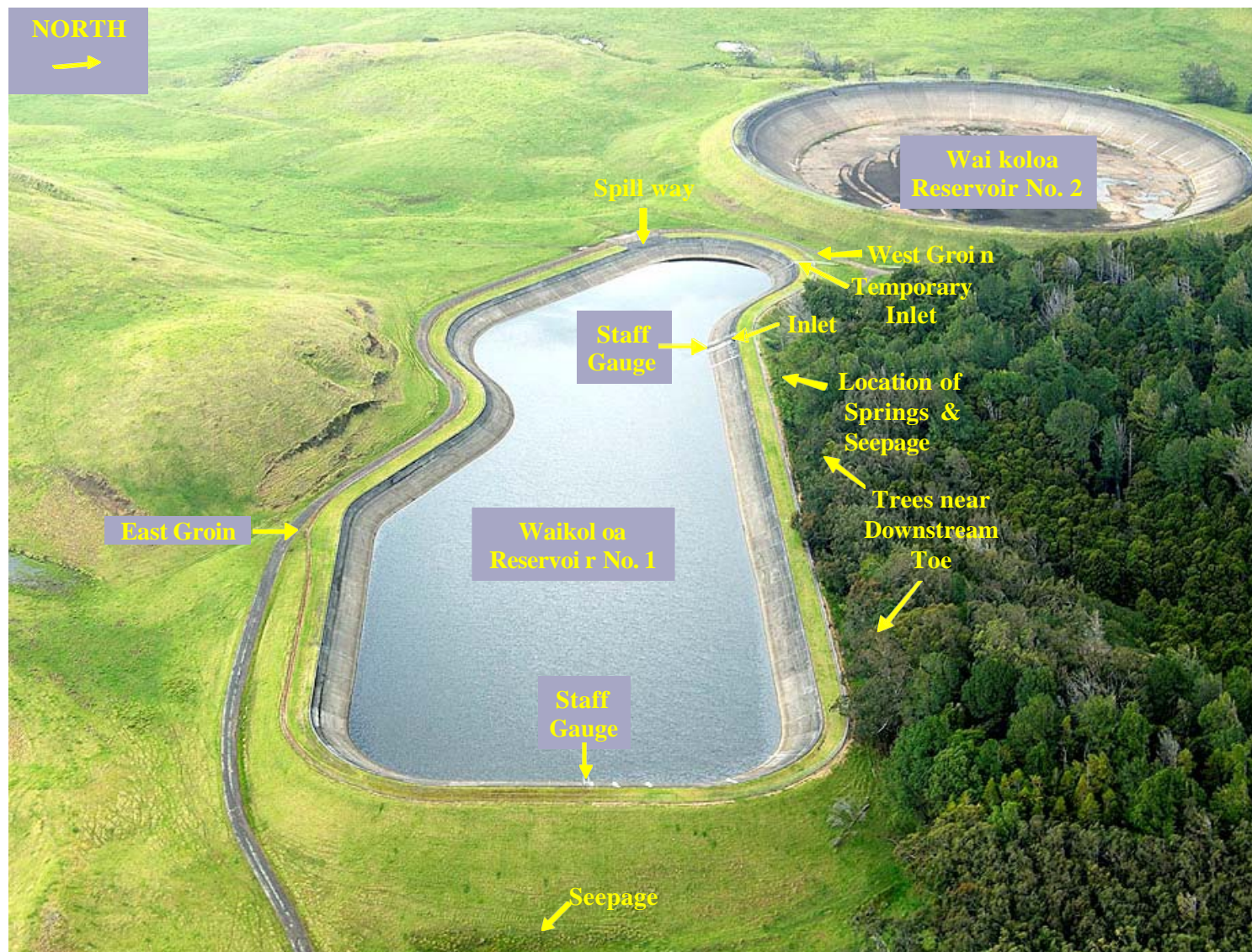
1. The condition assessment and an electronic copy of the video inspection of the outlet pipe shall be submitted to DLNR.
2. Clarification of any proposed improvements to the outlet pipe must be submitted to DLNR for review and approval prior to the start of construction.

Please proceed with the revisions to the design drawings and submit to DLNR for final approval. Should you have any questions regarding this matter, please feel free to contact Mr. Jimmy Leung of my staff at (808) 587-0238.

Sincerely,


GARTY S. CHANG
Chief Engineer

c: Owen Nishioka, DWS, County of Hawaii
Steve Brown, Kleinfelder, Inc.
Stewart Vaghti, Gannett Fleming, Inc.



Photograph
1

Aerial photograph of the Waikoloa Dam and Reservoir No. 1, courtesy of the State of Hawaii Department of Land and Natural Resources.

Photograph Date
January, 2008



Photograph
22

The spillway channel, looking northwest.

Photograph Date
Nov. 26, 2007



Photograph
17

Seepage on the central northern downstream toe.

Photograph Date
Nov. 26, 2007



Photograph
9

Cracking of concrete lining, and popped joint material in concrete joint.

Photograph Date
Nov. 26, 2007



Photograph
16

Standing water on northwestern downstream toe, near inlet pipes. Note gate surrounding inlet pipes.

Photograph Date
Nov. 26, 2007

Waikoloa Reservoir No 1 (HA-0040)
Empty Reservoir Basin from Northwest Section



W 155.67514°
N 20.03861°

Waikoloa No 1 (301).JPG

10:57:42 AM
15/Oct/15

Exhibit 12
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