

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

File No: OA-3893
180-Day Exp. Date: September 30, 2022

September 23, 2022

**Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i**

REGARDING: Conservation District Use Application (CDUA) HA-3893 for the Zweng Single Family Residence, Landscaping, and Related Improvements Project.

**APPLICANT/
LANDOWNER:** Mr. Paul Zweng, Executive Director
'Ōhulehule Forest Conservancy

AGENT: Bruce Tsuchida of Townscape, Inc.

LOCATION: 48-479 Waiāhole Valley North Branch Road, Waikāne,
Ko'olaupoko, O'ahu

**TAX MAP KEY
(TMK):** (1) 4-8-006:001

AREA OF PARCEL: 326.76-acres

USE: Structures – 4,955 square feet
Landscaping & Related Improvements - ~39,345 square feet
(0.9-acres)

SUBZONE: Resource Subzone

DESCRIPTION OF AREA/CURRENT USE

The subject parcel is located in Waikāne Valley in the Resource Subzone of the State Land Use Conservation District. The project area is located near the southwest corner of the subject parcel and is an area of the parcel that is currently overgrown with non-native plant species. The subject parcel and project area are located along Waiāhole Valley North Branch Road on the windward side of the Island of O'ahu and north of the town of Kāne'ohe. See ***Exhibit 1***.

Land uses in the vicinity of the project area are dominated by small farms and rural neighborhoods in the makai portions of the Waikāne Valley and by large expanses of

forested lands in the mauka areas. To the east and south of the property in Waiāhole Valley, approximately half of the Waiāhole ahupua'a is owned and managed as the Waiāhole Agricultural Park by the Hawai'i Housing Finance and Development Corporation (HHFDC).

The project site sits at an approximate elevation of 295ft above mean sea level on a large level area that was the location of a former residence on the property. The area receives an average of about 80 to 110 inches of rain annually and experiences temperatures averaging 68.8° F in the winter months and 79.8°F in the summer months.

The *mauka* portions of Waikāne Valley consist of steep heavily vegetated slopes which become more subdued or gradual in the *makai* portions of the valley and the proposed project site. The rich alluvial soils of Waikāne Valley are considered to be very fertile for agriculture and are included in the Agricultural Lands of Importance to the State of Hawai'i (ALISH). This designation acknowledges that these lands are: 1) capable of sustaining high agricultural yields when managed properly, 2) able to contribute to the State's economic base and produce agricultural commodities, and 3) are needed to promote the expansion of agricultural activities and income for the future.

Hazards

A Flood Zone Map obtained from the State's Flood Hazard Assessment Tool website shows that the subject property is in Flood Zone D which is defined as unstudied areas where flood hazards are undetermined, but flooding is possible (**Exhibit 2**). The nearest streams and possible floodways are Waikē'e Stream to the north and Waianu Stream to the south. The application states that flooding near the proposed project area and residence is not likely.

The application also notes that the property or portions of it were used as the Waikāne Training Area (WTA) by the U.S. military from 1942 to 1976. A series of Unexploded Ordnance (UXO) investigations and removal efforts have been conducted by the U.S. Army Corps of Engineers (USACE) on the property since the 2000's with the last investigation being conducted in approximately 2011. Based on the work conducted by the USACE, the areas, which includes the project site, where munitions and explosives of concern (MEC) removal efforts were carried out and are considered clear from explosive hazard conditions.

Flora and Fauna

The application notes that records were obtained from the Hawai'i Biodiversity Mapping Program (HBMP) database, the U.S. Fish and Wildlife Service (USFWS), and the Bishop Museum. A review of these resources indicated that no endangered plant species have been recorded within the subject property. Additionally, botanical surveys were conducted in May 2012 by Mr. Joel Lau and in December 2020 by Mr. Michael C. Ross. Both studies found that the project site does not contain endangered plant species. This is likely due in large part to the long history of land disturbances, including deforestation by ranching practices and past military uses.

According to the December 2020 botanical survey, the vegetation presently found on the project site is dominated by invasive and introduced species. The application notes that along the western boundary of the parcel and project area near the Waiāhole Valley North

Branch Road there are various landscape plantings consisting of mostly ornamental species that have persisted in the area but do not appear to be naturalizing.

The application notes that no endangered fauna have previously been recorded to occur on the property. A faunal survey conducted by Mr. Eric VanderWerf in April 2012 also did not identify endangered species on the subject parcel. Targeted surveys were conducted for the O'ahu 'elepaio (*Chasiempis ibidis*) and 'ōpe'ape'a (*Chasiempis ibidis*) or Hawaiian hoary bat (*Lasiurus cinereus semotus*). 'Elepaio were located at higher elevations of 800 to 1000ft in the upper Waikāne Valley but not within the project area. No 'ōpe'ape'a or Hawaiian hoary bats were detected during the surveys although the application notes that it is possible that they may be found in the Waikāne Valley.

The application states that potential impacts to the Hawaiian hoary bat will be mitigated through the timing of vegetation removal by avoiding the bat birthing and pup rearing season (June 1 through September 15). A total of seventeen bird species were observed in the project area with only one native species, the kolea (*Pluvialis fulva*) or Pacific golden plover, being observed foraging on the grassy portions of the property. The other sixteen (16) bird species observed are considered to be non-native to the Hawaiian Islands.

The faunal surveys identified several non-native mammal species of concern on the property including feral pigs and rodents. The application notes that feral pigs and rodents are a concern due their potential to disturb native plants, spread invasive plant species, and negatively impact cultivated plants that are or will likely be proposed on the property.

Historic/Cultural

The applicant hired Cultural Surveys Hawai'i, Inc. (CSH) to conduct a review of previous archaeological investigations and a pedestrian inspection for a field inspection report that covered various proposed projects the applicant has planned for the property. A summary of previous archaeology investigations and fieldwork is provided below.

There have been four (4) previous archaeological studies done within the proposed project area or vicinity. These were carried out in 1988, 1992, and 2008. These previous archaeological studies identified approximately fifty-two (52) historic sites or properties within the vicinity of the project area. Two of the historic sites or properties identified in these studies and include portions of Waikāne Taro Flats (SIHP 50-80-10-1078) and Waike'eke'e Lo'i (SIHP 50-80-10-4356); however, the applicant and their agents note that no historic sites or properties were observed within the proposed project area.

Three (3) kuleana parcels or Land Commission Awards (LCA) are located on parcels owned by the applicant (TMKs: (1) 4-8-006:001 & 4-8-014:005) and within the vicinity of the project area. They have been identified as Ku #5716:4, Pua'a #10880 B:4, and Wahahe'e #10973:2. The LCA to Ku #5716:4 is located in Waikāne Valley and has been identified as a banana patch located approximately 3,500+ft from the proposed project area. The LCA to Pua'a #10880 B:4 is also located in Waikāne Valley and appears to be approximately a ¼ of an acre that was used as a garden. This LCA was documented as having a two hala trees, two 'ulu trees, and three orange trees; however, no house lot, lo'i, or other structures were documented on the site. The LCA to Wahahe'e #10973:2 is approximately 1,300ft from the proposed project area and has been identified as containing one kalo patch. This LCA does not appear to contain a house site or structure identified on it. See **Exhibit 3**.

Part of the CDUA process requires that the applicant submit a Hawai'i Revised Statutes (HRS), 6E form developed by SHPD. Pursuant to HRS, §6E-42, prior to any agency or officer of the State [in this case the Board] approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect historic property, aviation artifacts, or a burial site, the agency or office [OCCL] shall advise SHPD prior to any approval and allow SHPD an opportunity to review and comment on the effect of the proposed project on historic properties.

On May 5, 2022, SHPD issued the property owners a Chapter 6E-42 Historic Preservation Review letter and OCCL's request for SHPD's concurrence with the "No Historic Properties Affected" determination for the proposed use (SHPD Project No. 2022PR00519; Doc. No. 2205LS06). SHPD concurred with the OCCL project effect of "no historic properties affected" and ended the historic preservation review process. SHPD notified the OCCL that project initiation may proceed and requested that the following be attached to the appropriate permit: In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 692-8015 (**Exhibit 4**).

'Ōhulehule Forest Conservancy – Background/History

According to the application, the 'Ōhulehule Forest Conservancy, LLC was established to preserve and restore native flora and fauna within the upper Waikāne Valley. The 'Ōhulehule Forest Conservancy, LLC owns one lot containing two TMKs: (1) 4-8-006:001 (the makai parcel) and (1) 4-8-014:005 (the mauka parcel). TMK: (1) 4-8-006:001 lies in the Resource Subzone and TMK: (1) 4-8-014:005 lies in the Protective and Resource Subzones of the State Land Use Conservation District. See **Exhibit 1**.

On January 29, 2013, the Chair of the Board of Land and Natural Resources approved Conservation District Use Permit (CDUP) OA-3645 for the 'Ōhulehule Forest Restoration Project on TMKs: (1) 4-8-006:001 and (1) 4-8-014:005, subject to sixteen (16) conditions. On November 11, 2013, the Board of Land and Natural Resources approved CDUP OA-3677 for a Five (5) Acre Pilot Cacao Farm Project on TMK: (1) 4-8-006:001 subject to twenty-five (25) conditions. See **Exhibit 5**.

By correspondence letter dated June 24, 2019, the applicant and their agents were notified that the Department did not have records of any work associated with the above permits being initiated. Based on the failure to initiate both projects, both CDUP OA-3645 and CDUP OA-3677 expired. The application notes that the landowner intends to submit future CDUAs for the 'Ōhulehule Forest Restoration Project and a Five (5) Acre Pilot Cacao Farm Project in the future. Additionally, at the time of purchase, TMK: (1) 4-8-006:001 included an existing single-family residence; however, the residence was removed by the applicant in 2017 in order to allow the landowner to apply and establish their own residence in the Conservation District on the parcel. See **Exhibit 6**.

PROPOSED USE

The applicant is proposing to construct a one-story slab-on-grade 4,955 sq. ft single-family residence consisting of 4 bedrooms, 3.5 bathrooms, a kitchen, living & dining room,

laundry room, carport, and covered lanai space. The proposed residence will be sited on approximately the same site as the previous dwelling that was removed in 2017. The application notes that all structures of the proposed residence [except the proposed water catchment tank] will be under one (1) roof in accordance with Hawai'i Administrative Rules (HAR) Chapter 13-5 Exhibit 4 and Compatibility Provisions – All structures connected, or best alternative. The paint and roofing color will be earth toned to blend in with the landscape. The application also notes that the proposed single-family residence will not exceed the Maximum Allowable Building Envelope of 25 ft as noted in Exhibit 4 of HAR Chapter 13-5 (***Exhibit 7***).

The applicant plans to install a roof-mounted photovoltaic system for some of the electrical services. Additionally, utilities such as electric, phone, and cable will be connected to the dwelling via underground utility trench and existing utility pole at the entrance of the property off Waiāhole Valley North Branch Road. Water will be provided via rainfall water catchment and 10,000-gallon storage tank. The applicant also plans to submit a future application for water service connection for the proposed residence to the Waiāhole Valley Water System operated by the HHFDC once the HHFDC's administrative rules and regulations are adopted. Wastewater will be treated with a septic system in conformance with the requirements of the Department of Health and is planned to have a tank capacity of 12,500-gallons and a 1,500 sq. ft absorption field/seepage bed.

Access to the project site is off Waiāhole Valley North Branch Road which is a paved road owned by the HHFDC. The applicant has received authorization from HHFDC for vehicular access from Waiāhole Valley North Branch Road and is planning to construct a 12ft wide (with an additional 4ft wide apron on either side) concrete driveway to the proposed residence.

The project includes landscaping that will consist of non-invasive plantings including trees and hedges as well as areas of grass lawn for easy maintenance and erosion control covering an approximate area of 0.90-acres. Due to the ample rainfall the area receives annually, the applicant does not anticipate that the proposed landscaping will require irrigation. Land clearing and construction activities including the single-family residence, driveway, turnaround area, utility structures, catchment tank would occur over an approximate area of 1.4-acres leaving the remaining approximately 325.6-acres of TMK: (1) 4-8-006:001 relatively undisturbed.

OTHER ALTERNATIVES CONSIDERED

Alternative 1: No Action. Under the No Action Alternative, the residence would not be built. The parcel would continue to be dominated by invasive vegetation and would be visited by trespassers who illegally dump refuse and contribute to soil erosion through off-roading activities. The applicant would be limited in their capacity to pursue native forest restoration and planned agricultural activities. The Environmental Assessment for the project considers the No Action Alternative as the baseline by which to compare environmental effects from the project.

Alternative 2: Proposed Project, Alternative House Sites. The proposed project and its location are described above which is in an area that was previously developed. Other locations on the property could serve as the site for a residence, but they would require

more ground disturbance and land clearing activities to create access to these alternative sites as well as develop these alternative areas to support the proposed residence. The proposed project area described above is the closest site to existing infrastructure and will limit the need for construction of new infrastructure to support a residence.

SUMMARY OF COMMENTS

The Office of Conservation and Coastal Lands referred the application, as well as the Draft Environmental Assessment (EA) to the following agencies and organizations for review and comment:

State Agencies:

DLNR, Commission on Water Resource Management
DLNR, Division of Conservation and Resource Enforcement
DLNR, Division of Aquatic Resources
DLNR, Engineering Division
DLNR, Division of Forestry and Wildlife
DLNR, O'ahu District Land Office
DLNR, Nā Ala Hele
Department of Health
Hawai'i Housing Finance and Development Corporation
Office of Hawaiian Affairs

County Agencies:

City and County of Honolulu, Department of Planning and Permitting
Honolulu Fire Department

Other Individuals/Organizations:

Kahalu'u Neighborhood Board No. 29
Waiāhole-Waikāne Community Association

In addition, this application was also sent to the nearest public library, the Kāne'ohe Public Library, to make this information readily available to those who may wish to review it.

Comments were received by the following agencies and individuals and summarized by Staff as follows:

THE STATE

DEPARTMENT OF LAND AND NATURAL RESOURCES

Division of Aquatic Resources:

Comments: The proposed project lies approximately 240m North of Waianu Stream, which is part of the Waiāhole watershed. The Waiāhole watershed is home to a variety of native and endemic species including all five endemic goby species: 'o'opu 'alamo'o (*Lentipes concolor*), 'o'opu nōpili (*Sicyopterus stimpsoni*), 'o'opu nākea (*Awaous stamineus*), 'o'opu naniha (*Stenogobius hawaiiensis*), and 'o'opu 'akupa (*Eleotris*

sandwicensis), as well as the endemic shrimp species 'ōpea kala'ole (*Atyoida bisulcate*) and 'ōpea 'oeha'a (*Macrobrachium grandimanus*). The Waiāhole watershed also provides a healthy flow of freshwater into the ocean creating an important coastal brackish water environment or muliwai. Though there appears to be no streams with documented aquatic resources running through the project area itself, the importance of the Waiāhole watershed to the surrounding terrestrial, freshwater, brackish, and marine environments warrant that care be take[n] during all stages of construction.

Of high importance is the prevention or mitigation of the release of building waste or byproducts of construction (including but not limited to sediment, silt, litter, chemicals, and other waste) into the surrounding areas. The DEA does note that BMPs will be followed during construction, and that a Site-Specific Construction Best Management Practice Plan (SSBMPP) will be followed during construction activities. We recommend that the SSBMPP be created and distributed prior to commencement of any construction activity and checks to ensure adherence. Should any event occur that poses a possible threat to nearby aquatic resources, we request that DAR be contacted immediately so that a staff member can assess the situation.

On May 23, 2022, DAR provided additional comments: The proposed project is not expected to have adverse impacts on the aquatic environment, but may have short-term impacts during the excavation, grading and construction of the single-family residence. There are no streams in close proximity to the project area however, DAR requests that the following Best Management Practices (BMPs) or mitigative measures should be implemented during the excavation, grading, and construction activities to minimize the potential for erosion, siltation, pollution, and degradation of the aquatic environment.

- 1) Disturbance and areas denuded of vegetation should be planted or covered as quickly as possible to prevent erosion;
- 2) Scheduling work activities during periods of minimal rainfall and to minimized erosion and run-off from the site; and,
- 3) Prevent construction materials, petroleum products, debris and landscaping products from falling, blowing, leaching or flowing into the aquatic environment.

DAR also suggests that to minimize the potential runoff from impermeable surfaces such as concrete slabs for the sidewalks and other flat surfaces that grass block pavers or other alternate methods be explored or utilized.

Applicant's response: The 'Ōhulehule Forest Conservancy acknowledges the critical importance of the Waiāhole watershed and will ensure that care be taken during all stages of construction to protect the surrounding terrestrial, freshwater, brackish and marine environments.

The 'Ōhulehule Forest Conservancy will ensure that a SSBMPP is created and distributed prior to the commencement of any construction activity, and that this plan include regularly scheduled checks to ensure adherence. Should any event occur that poses a possible threat to nearby aquatic resources, DAR staff will be contacted immediately.

The 'Ōhulehule Forest Conservancy will include this best management practice in the SSBMPP and will implement the covering of any exposed ground as quickly as possible in order to prevent erosion.

The 'Ōhulehule Forest Conservancy will do its best to schedule work activities during periods of minimal rainfall for the area in addition to utilizing other best management practices to mitigate erosion and run-off from the site.

The 'Ōhulehule Forest Conservancy will ensure that any construction materials, petroleum products, debris and landscaping products are prevented from falling, blowing, leaching or flowing into the aquatic environment.

The 'Ōhulehule Forest Conservancy intends to utilize large concrete pavers with breaks for gravel or grass strips for all large impermeable surfaces which are not planned to have a roof covering such as the motor court area. Block pavers and alternate methods will be explored and considered for planned sidewalks and other flat impermeable surfaces.

Division of Forestry and Wildlife:

Comments: We appreciated the measures outlined in the CDUA to use native plant species.

We concur with the mitigation proposed in the CDUA for the Hawaiian Hoary Bat, which could potentially occur in the vicinity of the project area. We would also like to add that barbed wire should be avoided for any construction because bat mortalities have been documented as a result of becoming ensnared by this type of fencing during flight.

As per recognized in the CDUA and DEA, the State and Federally endangered O'ahu 'elepaio (*Chasiempis ibidis*), a forest bird, is known to occur in habitat adjacent to the project site. The species is found in a variety of tall, closed canopy forest types with dense understory, most often in riparian forest in valleys, ranging from 100m to 800m (325ft to 2,775ft) in elevation. Prior to undertaking vegetation clearing, DOFAW recommends pre-construction surveys be conducted by a qualified biologist that follow the call-playback enhanced spot mapping methods described in VanderWerf et al. (2013). If an individual or pair are found, surveys should continue until the existence and extent of a territory can be reasonably determined. If an 'elepaio nest is found, a buffer zone of 100m (330ft) should be established around it. In both instances, whether territory or nest are determined or found, all disturbance in the vicinity should be ceased and DOFAW staff immediately notified.

Artificial lighting can adversely impact seabirds that may pass through the area at night causing them to become disoriented. This disorientation can result in collision with manmade structures or grounding of birds. For nighttime work that might be required, DOFAW recommends that all lights used be fully shielded to minimize impacts. Nighttime work that requires outdoor lighting should be avoided during the seabird fledgling season from September 15 through December 15. This is the period when young seabirds take

their maiden voyage to the open sea. For illustrations and guidance related to seabird-friendly light styles that also protect the dark, starry skies of Hawai'i please visit: <https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>

The State endangered Hawaiian Short-eared Owl or pueo (*Asio flammeus sandwichensis*) could also potentially occur in the vicinity of the project site. The Pueo is a crepuscular species that [is] most active during dawn and dusk twilights. DOFAW recommends twilight pre-construction surveys by a qualified biologist prior to clearing vegetation. If pueo nests are present, a buffer zone should be established in which no clearing occurs until nesting ceases, and DOFAW staff should be notified.

DOFAW recommends minimizing the movement of plant or soil material between worksites, such as in fill. Soil and plant material may contain invasive fungal pathogens (e.g., Rapid 'Ōhi'a Death) vertebrate and invertebrate pests (e.g., little fire ants, coconut rhinoceros beetles), or invasive plant parts that could harm our native species and ecosystems. We recommend consulting the O'ahu Invasive Species Committee (OISC) at (808) 266-7994 in planning, design, and construction of the project to learn of any high-risk invasive species in the area and ways to mitigate spread. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species. Gear that may contain soil, such as work boots and vehicles, should be thoroughly cleaned with water and sprayed with 70% alcohol solution to prevent the spread of Rapid 'Ōhi'a Death and other harmful fungal pathogens.

To prevent the spread of Rapid 'Ōhi'a Death (ROD), if 'ōhi'a trees are present and will be removed, trimmed, or potentially injured DOFAW requests that the information and guidance at the following website be reviewed and followed: <https://cms.ctahr.hawaii.edu/rod> .

Applicant's response: The 'Ōhulehule Forest Conservancy has no plans to utilize barbed wire fencing will ensure that it is not used during construction in order to mitigate any risk to the Hawaiian Hoary Bat.

The 'Ōhulehule Forest Conservancy has conducted multiple surveys of the proposed project area utilizing a qualified biologist and no 'elepaio were observed in the vicinity of the proposed project area. VanderWerf demonstrated that the 'elepaio population in Waiāhole and Waikāne are located in areas at 800 feet above sea level and above. In recent correspondence with VanderWerf, he stated that in surveys that he has conducted in the area, no pueo were observed and seven 'eepaio were observed, including two pairs and three individual males. All of the 'elepaio were located between 800 and 1000 feet in elevation. He went on to state that 'elepaio are sedentary animals and they are unlikely to disperse outside of established territories, therefore additional surveying is unnecessary, as it is highly unlikely that any 'elepaio would be located near the proposed project area. If any individuals or nests are observed or found in the project area, all disturbance will be ceased and DOFAW staff will be immediately notified.

The 'Ōhulehule Forest Conservancy does not anticipate any nighttime work in the construction of the proposed project. Should any nighttime work occur during the period of September 15 to December 15, the 'Ōhulehule Forest Conservancy will ensure that any outdoor lighting used be fully shielded for the protection of young seabirds during fledgling season.

The 'Ōhulehule Forest Conservancy has conducted two previous surveys of the proposed project area, and no pueo were observed, nor have they been seen anecdotally on the property. The only owls observed were non-native barn owls, and they were seen well outside of the project area at a location of 1,000 feet above sea level. If pueo are observed in the vicinity of the proposed project area DOFAW staff will be notified immediately.

The 'Ōhulehule Forest Conservancy will consult with the O'ahu Invasive Species Committee to learn of any high-risk invasive species in the area and ways to mitigate the spread as well as additional processes to mitigate the risk of the spread of Rapid 'Ōhi'a Death during construction activities.

During two biological surveys of the project area conducted in 2012 and in 2020, no 'ōhi'a trees were observed in or near the project area. Plans for the project do not include any removal, trimming or potential for injury to any 'ōhi'a trees. If any 'ōhi'a trees are discovered near the project area and are at risk for removal, trimming or potential injury, the 'Ōhulehule Forest Conservancy will follow guidance provided at the aforementioned website.

Engineering Division:

Comments: The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high-risk areas). Be advised that 44CFR, Chapter 1, Subchapter B, Part 60 reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood zones subject to NFIP requirements are identified on FEMA's Flood Insurance Rate Maps (FIRM). The official FIRMs can be accessed through FEMA's Map Service Center (msc.fema.gov). Our Flood Hazard Assessment Tool (FHA T) ([http://gis.hawaiiinfip.org/FHA T](http://gis.hawaiiinfip.org/FHA_T)) could also be used to research flood hazard information.

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- Oahu: City and County of Honolulu. Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii. Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai: County of Maui. Department of Planning (808) 270-7139.

- Kauai: County of Kauai. Department of Public Works (808) 241-4849.

Applicant's response: The 'Ōhulehule Forest Conservancy and its representatives have utilized both of the resources stated above, and found that the project area is currently undesignated, as is much of the surrounding inland area. Based on this research, the proposed site does not appear to be located in a Special Flood Hazard Area with a high risk for flooding. The proposed residence site is located such that there is minimal risk for flooding from stormwater run-off as the site is elevated and relatively flat with slopes that guide water to the surrounding gulches and streams. Portions of the proposed driveway may have some risk for flooding from stormwater run-off, and therefore will use a co-plane design to guide stormwater into the aprons on either side of the driveway and into the proposed retention basins.

O'ahu District Land Office:

Comments: No Comments.

Office of Conservation and Coastal Lands (OCCL):

Comments: The OCCL offers the following comments on the Draft EA and CDUA:

Sheet A100 (page 17 in the CDUA) appears to state that the SFR will total 4,603 sq. ft. Table 1 – Components of the Residence (page 10 of the CDUA) & Sheet A101 (page 18 of the CDUA) state that the SFR will total 4,955 sq. ft.

- Please clarify the discrepancy between these two calculations for the proposed developable area of the single-family residence.

On page 21 of the CDUA, it states: The sidewalks and other flat work unrelated to the house structure will be 4" concrete slabs on grade. The motor court construction will be 4" concrete slab on grade.

- It appears that the sidewalks and motor court are not labeled or included in any of the drawings.
- Please identify and label these features or clarify if they have been removed.

On page 29 of the CDUA, it states: The Ohulehule Forest Conservancy received a letter from HHFDC in November 2021 allowing vehicular access to the makai parcel of the property from Waiahole Valley Road.

- Please provide a copy of HHFDC's November 2021 letter authorizing access from Waiahole Valley Road and include it in the Final EA.

In Section 2.4.1 *SOLAR ELECTRICITY* of the Draft EA, it references Figure 4 and Figure 7 for the approximate location of the components of the proposed solar electric system. Figures 4 and 7 appear to be "Figure 4 - View of Existing Driveway" and "Figure 7 – Water Tank Plan II" in the Draft EA.

- Please ensure that all figures and tables are appropriately labeled and referenced.
- Please clarify if the solar panels will be flush mounted on the roof.

In Section 4.1.7. *NATURAL AND ENVIRONMENTAL HAZARDS Impacts and Mitigation* of the Draft EA, it states: Signage will inform people of this potential risk and the Ohulehule Forest Conservancy will maintain contact with the USACE for updates on the status of military-related hazards.

- Please note that signs/signage is an identified land use that may be applied for pursuant to HAR, §13-5-22 P-7 SIGNS (B-1) *Signs, including safety signs, danger signs, no trespassing signs, and other informational signs. No signs shall exceed twelve square feet in area and shall be non-illuminated. All signs shall be erected to be self-supporting and be less than or equal to eight feet above finished grade.*
- Please clarify if the signs/signage will be part of your client's current CDUA or come under future applications for proposed land uses.

In Section 4.2.4. *SOCIO-ECONOMIC ENVIRONMENT* of the Draft EA, it states: It is understood that though the parcels have two independent TMK's, the OCCL will treat the property as one legal lot of record and will only allow one single-family residence to be constructed.

- Please provide maps and official correspondence letters that demonstrate TMKs: (1) 4-8-006:001 and 4-8-014:005 are one (1) legal lot of record.

Applicant's response: The table on sheet A100 includes the total room area in square footage of each of the interior room spaces. Elsewhere we present the total square footage of 4,955 sf, based on HAR 13-5 Exhibit 4 regarding maximum developable area. The discrepancy is because an exterior space measurement (4,955 sf) is always greater than an interior space measurement (4,603 sf) as the room area for the interior room spaces does not include exterior walls, interior walls, doorways, etc.

The concrete sidewalks described on Page 21 will be removed from the document and from the proposed Single-Family residence. Construction will not include sidewalks around the house, and instead these areas are planned to be level yard space with no impermeable surfaces such as concrete slab. The motor court described in the narrative appears in the graphics package and is labelled on Sheet C100 under the Construction Notes table as #3 "Concrete Pavers with grass strips." The document will be revised to say "The motor court construction will be 4" concrete pavers on grade with open strips of permeable material such as grass or gravel." These revisions will appear in the Final Environmental Assessment document.

The November 2021 letter from HHFDC authorizing access from Waiāhole Valley Road will be included in the Final Environmental Assessment document.

Section 2.4.1 Solar Electricity will be revised in the Final Environmental Assessment to properly reference the approximate location of the components of the proposed solar electric system. This section will also include description of the mounting of the solar panels onto the roof, which will in fact be a flush mount to the roof.

The proposed signs/signage will be included in a future application for proposed land uses. As it is not relevant to the proposed Single-family residence, this section will be revised/removed from the Final Environmental Assessment.

A letter requesting clarification was sent to the City and County of Honolulu Department of Planning and Permitting regarding the legal lots of record for the property owned by the 'Ōhulehule Forest Conservancy. In a response letter dated June 20, 2012 from the City and County of Honolulu Department of Planning and Permitting to the 'Ōhulehule Forest Conservancy confirming that the parcel is considered to be one legal lot of record. A copy of these letters and associated maps will be included in the Final Environmental Assessment.

DEPARTMENT OF HEALTH

Clean Air Branch (CAB):

Comments: Thank you for the opportunity to provide comments on the subject project. Based on review of the *Zweng Single-Family Residence Draft EA*, CAB recommends that preventative measures be taken during construction activities to minimize fugitive dust. Please see our standard comments for further recommendations on how to mitigate fugitive dust:

<https://health.hawaii.gov/cab/files/2022/05/Standard-Comments-for-Land-Use-Reviews-Clean-Air-Branch-2022.pdf>

Applicant's response: The 'Ōhulehule Forest Conservancy will review the aforementioned website for further recommendations on how to mitigate fugitive dust and will incorporate appropriate measures into our Site Specific Control Best Management Practices Plan (SSBMPP) to guide construction activities on the site.

CITY & COUNTY OF HONOLULU

CITY & COUNTY OF HONOLULU DEPARTMENT OF PLANNING & PERMITTING

Comments: No comments

HONOLULU FIRE DEPARTMENT

Comments: In response to your memorandum received April 19, 2022, regarding the above-mentioned subject, the Honolulu Fire Department (HFD) reviewed the submitted information and requires that the following be complied with:

1. Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 feet (46 meters) from fire department access roads as measured by an approved route around the exterior of the building or facility. (National Fire Protection Association [NFPA] 1; 2018 Edition, Sections 18.2.3.2.2 and 18.2.3.2.2.1, as amended.)

A fire department access road shall extend to within 50 feet (15 meters) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building. (NFPA 1; 2018 Edition, Section 18.2.3.2.1.)

2. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction. The approved water supply shall be in accordance with Section 18.4 (NFPA 1; 2018 Edition, Section 18.3.1.)
3. The fire department access roads shall be in accordance with Section 18.2.3. (NFPA 1; 2018 Edition, Section 18.2.3.)
4. Submit civil drawings to the HFD for review and approval.

Applicant's response: The proposed dwelling will be construction such that no portion of any of the exterior walls are no more than 150 feet (46 meters) from the driveway, which will function as a fire department access road during emergencies. This driveway will extend within 50 feet (15 meters) of at least one exterior door that can be opened from the outside and provides access to the interior of the building.

According to Section 18.4.5.1, the minimum fire flow and flow duration requirements for the proposed structure (does not exceed 5,000 sf) is 1000 gallons per minute (gpm) for 1 hour. Section 18.4.5.1.4 states that a fire flow reduction of 40% is permitted for buildings that are separated by at least 50 feet. As the proposed residence will not have any other buildings within 50 feet, this reduces the required fire flow to 600 gpm. The proposed water supply will meet these standards.

According to Section 18.2.3.5.1 and 18.2.3.5.1.2, the fire department access roads for the proposed residence must provide an unobstructed minimum of 20 feet in width and 13.5 feet in vertical height. The proposed driveway will consist of a 12-foot-wide concrete driveway with an additional 4-foot-wide apron on either side. The apron will consist of 95% compacted fill and will allow for a 20-foot wide unobstructed access for emergency vehicles. The driveway will maintain a minimum unobstructed vertical height of 13.5 feet, in accordance with the dimensions described in Section 18.2.3.5.1.2.

Civil drawings will be submitted to HFD for review and approval as a part of the prequalification requirements for building and construction permits as outlined in the City & County of Honolulu Department of Planning and Permitting Express State Permit Checklist.

KAHALU'U NEIGHBORHOOD BOARD #29

Comments: We, the KNB #29, are very grateful to submit the following comments in support of the Conservation District Use Application (CDUA) OA-3893 Zweng Single Family Residence; Landscaping; and Related Improvements Project located at 48-479

Waiāhole Valley North Branch Road, Waikāne, Koʻolaupoko, Oʻahu (TMK: (1) 4-8-006:001.

In our May 11, 2022 Kahaluʻu Neighborhood Board #29 (KNB #29) meeting, the board passed and approved through a majority vote the resolution attached titled, “Regarding Zweng CDUP Draft EA to Construct One Single Family House.” As stated in our resolution, the Kahaluʻu Neighborhood Board #29 (KNB#29) SUPPORTS awarding the CDUP, with all the proposed mitigation measures fully implemented, to allow one single family residence on this property.

Applicant’s response: Thank you for your comment letter on the Conservation District Use Application and Draft Environmental Assessment (EA) for the Zweng Single-Family Residence, Landscaping and Related Improvements Project in Waiāhole/Waikāne, Koʻolaupoko, Oʻahu sharing your Board Resolution offering support for our application for a CDUP to allow one single family residence on the property. The Zweng family is looking forward to the opportunity to reside in this very special neighborhood and we will continue to work with you folks as the application process progresses.

ANALYSIS

Following review and acceptance for processing, the Applicant was notified, by correspondence dated April 5, 2022 that:

1. The proposed uses are identified land uses in the Resource Subzone of the Conservation District, pursuant to Hawaii Administrative Rules (HAR), §13-5-23 L-2 **LANDSCAPING** (D-1) Landscaping (including clearing, grubbing, grading and tree removal), including chemical and mechanical control methods, in accordance with state and federal laws and regulations, in an area of or more than 10,000 square feet. Any replanting shall be appropriate to the site location and shall give preference to plant material that are endemic or indigenous to Hawaii. The introduction of invasive plant species is prohibited; and HAR, §13-5-24 R-7 **SINGLE FAMILY RESIDENCE** (D-1) A single family residence that conforms to design standards as outlined in Chapter 13-5, HAR. Please be advised, however, that this finding does not constitute approval of the proposal;
2. Pursuant to HAR §13-5-40 HEARINGS, a Public Hearing will not be required;
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200.1, HAR, a finding of no significant impact to the environment (FONSI) is anticipated for the proposed project; and
4. The subject area is not within the Special Management Area (SMA).

The Final EA/Finding of No Significant Impact (FONSI) was issued by the DLNR Chairperson and published in the September 8, 2022 edition of the Environmental Review Program’s *The Environmental Notice*.

CONSERVATION CRITERIA

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

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

The objective of the Conservation District is to conserve, protect, and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare. The applicants have stated that they are committed to management of the site in a manner that will support this objective.

The project area has been previously disturbed and at one time contained a dwelling that was removed by the applicant in 2017. The application notes that the landowner's establishment of a permanent residence will aid with on-going forest restoration activities as well as their pursuit of future agricultural endeavors on the property.

There does not appear to be potentially threatened or endangered plant species, nor any historical or archaeological features found within the proposed project site.

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

The objective of the Resource subzone is to ensure, with proper management, the sustainable use of the natural resources of those areas. A single-family residence is an identified land use pursuant to HAR, §13-5-24, R-7, SINGLE FAMILY RESIDENCE (D-1) A single family residence that conforms to design standard as outlined in Chapter 13-5. Landscaping is also an identified land use pursuant to HAR, §13-5-23 L-2 LANDSCAPING (D-1) Landscaping (including clearing, grubbing, grading and tree removal), including chemical and mechanical control methods, in accordance with state and federal laws and regulations, in an area of or more than 10,000 square feet. Any replanting shall be appropriate to the site location and shall give preference to plant material that are endemic or indigenous to Hawaii. The introduction of invasive plant species is prohibited.

The design and construction of the residence conforms to the design standards set forth in HAR, Chapter 13-5. The property owners are committed to managing their property in a manner that is protective of the natural resources present. Staff believes the proposed land use is consistent with the objectives of the subzone, provided identified mitigation and best management practices are adhered to.

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

The objectives, policies, and guidelines of the Coastal Zone Management (CZM) program contained in Chapter 205A, Hawai'i Revised Statutes (HRS), are focused

on the preservation, protection, and where possible, the restoration of the natural resources of the coastal zone in Hawai'i. The proposed land use is outside the Special Management Area (SMA) that lies near the shoreline and is thus not subject to County SMA rules. Furthermore, the use complies with all the CZM provisions and guidelines. The project site is approximately 295ft above sea level and removed from the coast and will not affect beaches, recreation, or access. Best Management Practices to avoid erosion, sedimentation, and polluted runoff will protect streams and any indirect impact to coastal biota, water quality, or ecosystems. No impact to economic uses or management of the coastal zone would occur. Based on the lack of impact to any aspect of coastal resources, the proposed action would be fully compliant with the provisions and guidelines contained in Chapter 205A pertaining to Coastal Zone Management.

- 4) *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

Because of the relatively minor nature of the project and the lack of threatened or endangered plant species or pristine native ecosystems near or within the project area, Staff believes that the proposed single-family residence is not likely to cause adverse biological impacts. The applicant has identified a number of mitigation measures that will be implemented during the construction and duration of the proposed land uses that should minimize or eliminate the interference, nuisance, harm, or hazard that the project may cause.

The application notes that the proposed residence will be well setback from the property's boundaries and Waiāhole Valley North Branch Road so that the dwelling will likely not be visible. The applicant is and will pursue the removal of invasive species as well as forest restoration and agricultural activities through future CDUAs on the property. The proposed construction of the single-family home and its related improvements, together with the owners' commitment to management of the site will effectively serve to conserve, protect, and preserve the natural resources on the subject property.

According to the application, some community members have expressed concerns about the potential of the applicant's forest restoration activities and plans for the property to become commercial ventures. The applicant has stated that the property will not be used for commercial tourism activities, and the residence will not be used for short-term or long-term rentals nor additional dwelling units be constructed on the site. Although no known individuals with traditional or cultural ties to the property were identified during the compiling and processing of the application, the applicant has stated that they are committed and will not impede access to those who seek to use the property for traditional and customary practices.

- 5) *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

The proposed uses are consistent with single-family residential, and landscaping uses in the area. The application notes that the location of the proposed residence is within or near the site of the former residence that was removed by the applicant in 2017. Additionally, the application states that the surrounding residential and agricultural lots held by the HHFDC allow for the construction 5,000 sq. ft structures (homes and/or work-related buildings) which is in accordance with criteria of the Single-Family Residential Standards HAR Chapter 13-5 and Exhibit 4. The siting of the proposed residence and landscaping have been planned to minimize the visual impacts to the surrounding area.

- 6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

The application notes that the former land-uses of the property included two (2) residences, a chicken farm, a plant nursery, and a horse stable which were removed in 2017. These uses occupied approximately 5-acres of the property. The proposed residence and landscaping uses have been sited in these previously disturbed areas of the property and have been planned within the vicinity of the former residence but with the goal to minimize potential visual impacts from Waiāhole Valley North Branch Road and other areas of the property. The construction of the proposed residence, driveway, and landscaping will utilize an area of 1.4-acres on the property.

Currently, the proposed project area is overgrown with invasive plant species such as strawberry guava and albizia. The proposed residential and landscaping uses will require the removal and replacement of these invasive plant species with native, Polynesian introduced, and non-invasive alien floral species. The proposed use of the subject property for a single-family residence and owners' stated commitment to the care and management of the site will help to conserve, protect, and preserve the natural features on the subject property.

- 7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

No subdivision of land is proposed for this project.

- 8) *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

Staff believes the proposed land use will not be materially detrimental to the public health, safety, and welfare as mitigated. With the incorporation of an appropriately designed and operated individual wastewater system, combined with other BMPs identified, the proposed residential land use will not result in materially detrimental impacts to public health, safety, and welfare.

CULTURAL IMPACT ANALYSIS

Four (4) previous archaeological studies have been conducted within the proposed project area or vicinity. They were carried out in 1988, 1992, 2008, and 2012, and approximately fifty-two (52) historic sites or properties were identified. Two (2) of these historic sites included portions of the Waikāne Taro Flats (SIHP 50-80-10-078) and the Waikē'eke'e Lo'i (SIHP 50-80-10-4356). Three (3) kuleana parcels or Land Commission Awards (LCA) are located on parcels owned by the applicant (TMKs: (1) 4-8-006:001 & 4-8-014:005). They have been identified as Ku #5716:4, Pua'a #10880 B:4, and Wahahe'e #10973:2. The applicant and their agents note that no historic sites/properties were identified within the proposed project site nor will the kuleana parcels be affected by the construction of the proposed project.

The applicant and their agents contacted a number of community members or individuals who have genealogical ties, long-standing residency, or knowledge of cultural and/or historical properties in the Waiāhole and Waikāne areas. Community members and individuals were identified through consultation with CSH, members of the Waiāhole-Waikāne Community Association, and via public notice regarding the project published in the Office of Hawaiian Affairs' April 2021 Ka Wai Ola issue.

Those community members or individuals interviewed regarding traditional and customary practices in the vicinity of the project area stated that they were not aware any families or persons with ties to the property for gathering purposes or traditional practices. The application notes that community members interviewed generally supported 'Ōhulehule Forest Conservancy's overall vision for the property. One interviewee expressed some concern regarding ground-disturbing activities during the preparation and construction of the proposed residence. The applicant is proposing to mitigate potential erosion and sedimentation into nearby streams through the implementation of Best Management Practices to control runoff during land clearing activities.

The applicant has stated that they are committed to allowing access for traditional and customary practices to cultural or lineal descendants of Waiāhole and Waikāne. They do not anticipate the proposed residence impeding protected access rights of native person to the property. Additionally, they have stated that they will seek partnerships with cultural practitioners, community members, and agency input regarding the restoration of historic lo'i patches in support of traditional agriculture on the property.

DISCUSSION

The proposed project entails a single-family residence, landscaping and related improvements, concrete driveway with drainage features connecting to Waiāhole Valley North Branch Road, and utilities consisting of a water catchment tank, rooftop solar photovoltaic panels for electricity, and an individual wastewater system meeting all regulatory requirements. Utilities such as phone and cable as well as electricity from Hawaiian Electric Company (HECO) will be connected to the residence via an underground trench and utility pole along the driveway off Waiāhole Valley North Branch Road.

The single-family residence is a one-story slab-on-grade 4,955 sq. ft single-family residence consisting of 4 bedrooms, 3.5 bathrooms, a kitchen, living & dining room, laundry room, carport, and covered lanai space. The total area of development for the proposed single-family residence and associated structures is 4,955 sq. ft. This includes the total areas for the proposed residence (3,652 sq. ft), carport (480 sq. ft), and propane covered lanai (823 sq. ft).

The proposed residence is consistent with Chapter 13-5, Hawaii Administrative Rules, Exhibit 4, Single Family Residential Standards. Compatibility provisions such as the use of earth toned or compatible colors with the surrounding area will be utilized on the exterior of the residence and all structures will be connected under one (1) roof.

The applicant and their agents have noted in the application that the two (2) TMKs ((1) 4-8-006:001 and (1) 4-8-014:005) owned by the 'Ōhulehule Forest Conservancy, LLC are one (1) legal lot of record (Lot 1 Subdivision File No. 1975/SUB-202). The City and County of Honolulu Department of Planning and Permitting (CCH DPP) provided confirmation that the two (2) TMKs are one (1) lot of record was provided to the applicant and their agents by way of letter (2022/ELOG-1494) dated August 15, 2022. The CCH DPP letter states: *The boundaries of the approved Lot 1 [1,443.48-acres] correspond to the combined boundaries of the abovementioned TMKs [(1) 4-8-006:001 and (1) 4-8-014:005]. Although Lot 1 consists of two TMKs, it is a single lot for the administration of building permits and zoning regulations of the City and County of Honolulu. See **Exhibit 8**.*

Staff notes that pursuant to HAR §13-5-41 Single family residences. (b) *Not more than one single family residence shall be authorized within the conservation district on a legal lot of record*. Based on the above, it appears the proposed single-family residence on Lot 1 is consistent with HAR Chapter 13-5 and will be considered the residence on the property that consists of the two TMKs ((1) 4-8-006:001 and (1) 4-8-014:005).

The application notes that the project area once was the site of a residence that was removed by the landowner in 2017. The siting of the proposed single-family residence will require the removal of invasive plants and trees within the project area. Additionally, landscaping will consist of native, Polynesian introduced, and Non-invasive alien plantings as well as areas of grass lawn for low maintenance and erosion control. Land clearing and construction activities including the single-family residence, driveway, turnaround area, utility structures, catchment tank would occur over an approximate area of 1.4-acres leaving the remaining approximately 325.6-acres (Lot 1 – 1,442.08-acres) relatively undisturbed.

No streams or other water bodies are present within the project area. All construction activities will follow Best Management Practices to mitigate impacts of earthwork and grading activities; water quality and hazardous materials; exterior lighting; and avoid impacts to endangered or rare native birds and the Hawaiian hoary bat.

Based on the information provided, staff believes that the project will have negligible adverse environmental or ecological effects provided that best management practices and mitigation measures as described in the application and environmental assessment, and as required by rule or laws, are fully implemented.

Based on comments received from the Division of Aquatic Resources (DAR) and the Division of Forestry and Wildlife (DOFAW), staff is recommending the following additional conditions be included should the Board of Land and Natural Resources approve the application.

- The permittee shall create a Site-Specific Construction Best Management Practices Plan (SSBMPP) and shall circulate the SSBMPP prior to commencement of any work or construction activity associated with the project. The permittee shall ensure that regular checks for adherence to the SSBMPP are performed. Should any event occur that poses a possible threat to nearby aquatic resources, DAR staff ((808) 587-0100) will be contacted immediately;
- The permittee shall ensure that areas that are disturbed or denuded of vegetation shall be planted or covered as quickly as possible to prevent erosion;
- The permittee shall ensure that work activities are scheduled during periods of minimal rainfall and that erosion and run-off from the site are minimized;
- The permittee shall prevent construction materials, petroleum products, debris and landscaping products from falling, blowing, leaching or flowing into the nearby streams and aquatic environment;
- Trees taller than 15 feet shall not be removed or trimmed during the Hawai'i Hoary bat birthing and pup rearing season from June 1st to September 15th;
- The use of barbed wire fencing during construction is prohibited;
- Should any nighttime work occur during the period of September 15th to December 15th, the permittee shall ensure that any outdoor lighting used be fully shielded for the protection of young seabirds during fledgling season;
- Twilight pre-construction surveys by a qualified biologist will be conducted prior to clearing vegetation. If 'Elepaio territory or nests or Pueo nests are present, a buffer zone should be established in which no clearing occurs until nesting ceases, and DOFAW staff ((808) 587-0160) should be notified immediately;
- The permittee shall consult with the O'ahu Invasive Species Committee (OISC – (808) 266-7994) in planning, design, and construction of the project to learn of any high-risk invasive species in the area and ways to mitigate spread;and,
- To prevent the spread of Rapid 'Ōhi'a Death (ROD), if 'ōhi'a trees are present and will be removed, trimmed, or potentially injured, the permittee and their agents shall review and follow the information and guidance contained at <https://cms.ctahr.hawaii.edu/rod> . All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species. Gear that may contain soil, such as work boots and vehicles, should be thoroughly cleaned with water and sprayed with 70% alcohol solution to prevent the spread of ROD and other harmful fungal pathogens.

These additional conditions have been included below (see conditions 26-35).

RECOMMENDATION

Based on the preceding analysis, staff recommends that the Board of Land and Natural Resources APPROVE Conservation District Use Application OA-3893 for a Single Family Residence, Landscaping, and Related Improvements located at 48-479 Waiāhole Valley North Branch Road, Waikāne, Ko'olaupoko, O'ahu, Lot 1 consisting of two (2) TMKs: (1) 4-8-006:001 & (1) 4-8-014:005 subject to the following conditions:

1. The Board's approval is temporarily stayed until the 30-day judicial challenge period for the project's Final Environmental Assessment and Finding of No Significant Impact (FONSI) has ended;
2. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of HAR Chapter 13-5;
3. The permittee, its successors and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
4. The permittee shall comply with all applicable Department of Health administrative rules;
5. The single family residence shall not be used for rental or any other commercial purposes unless approved by the board. Transient rentals are prohibited, with the exception of wilderness camps approved by the board;
6. The permittee shall provide documentation (e.g., book and page or document number) that the permit approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
7. Before proceeding with any work authorized by the department or the board, the permittee shall submit four (4) copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
8. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one (1) year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be

completed within three (3) years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;

9. All representations relative to mitigation set forth in the accepted application and environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
10. The permittee shall plan to minimize the amount of dust generating materials and activities. Material transfer points and on-site vehicular traffic routes shall be centralized. Dusty equipment shall be located in areas of least impact. Dust control measures shall be provided during weekends, after hours and prior to daily start-up of project activities. Dust from debris being hauled away from the project site shall be controlled. Landscaping and dust control of cleared areas will be initiated promptly;
11. The permittee shall notify the Office of Conservation and Coastal Lands (OCCL) in writing prior to the initiation and upon completion of the project;
12. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD ((808) 692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
13. The permittee shall utilize Best Management Practices for the proposed project;
14. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
15. The single-family residence shall conform to the single-family residential standards included as Exhibit 4 of the Hawai'i Administrative Rules, Chapter 13-5;
16. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
17. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;

18. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply;
19. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
20. Obstruction of public roads, trails, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, or pathways acceptable to the department;
21. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
22. The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
23. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;
24. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawai'i, and by Hawai'i statutory and case law;
25. Any landscaping shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai'i. The introduction of invasive plant species is prohibited;
26. The permittee shall create a Site-Specific Construction Best Management Practices Plan (SSBMPP) and shall circulate the SSBMPP prior to commencement of any work or construction activity associated with the project. The permittee shall ensure that regular checks for adherence to the SSBMPP are performed. Should any event occur that poses a possible threat to nearby aquatic resources, DAR staff ((808) 587-0100) will be contacted immediately;
27. The permittee shall ensure that areas that are disturbed or denuded of vegetation shall be planted or covered as quickly as possible to prevent erosion;

28. The permittee shall ensure that work activities are scheduled during periods of minimal rainfall and that erosion and run-off from the site are minimized;
29. The permittee shall prevent construction materials, petroleum products, debris and landscaping products from falling, blowing, leaching or flowing into the nearby streams and aquatic environment;
30. Trees taller than 15 feet shall not be removed or trimmed during the Hawai'i Hoary bat birthing and pup rearing season from June 1st to September 15th;
31. The use of barbed wire fencing during construction is prohibited;
32. Should any nighttime work occur during the period of September 15th to December 15th, the permittee shall ensure that any outdoor lighting used be fully shielded for the protection of young seabirds during fledgling season;
33. Twilight pre-construction surveys by a qualified biologist will be conducted prior to clearing vegetation. If 'Elepaio territory or nests or Pueo nests are present, a buffer zone should be established in which no clearing occurs until territory is established or nesting ceases, and DOFAW staff ((808) 587-0160) should be notified immediately;
34. The permittee shall consult with the O'ahu Invasive Species Committee (OISC – (808) 266-7994) in planning, design, and construction of the project to learn of any high-risk invasive species in the area and ways to mitigate spread
35. To prevent the spread of Rapid 'Ōhi'a Death (ROD), if 'ōhi'a trees are present and will be removed, trimmed, or potentially injured, the permittee and their agents shall review and follow the information and guidance contained at <https://cms.ctahr.hawaii.edu/rod>. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species. Gear that may contain soil, such as work boots and vehicles, should be thoroughly cleaned with water and sprayed with 70% alcohol solution to prevent the spread of ROD and other harmful fungal pathogens;
36. Other terms and conditions as may be prescribed by the Chairperson; and
37. Failure to comply with any of these conditions shall render this Conservation District Use Permit void under HAR Chapter 13-5, as determined by the chairperson or board.

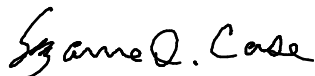
Respectfully submitted,



Trevor Fitzpatrick, Staff Planner
Office of Conservation and Coastal Lands



Approved for submittal:

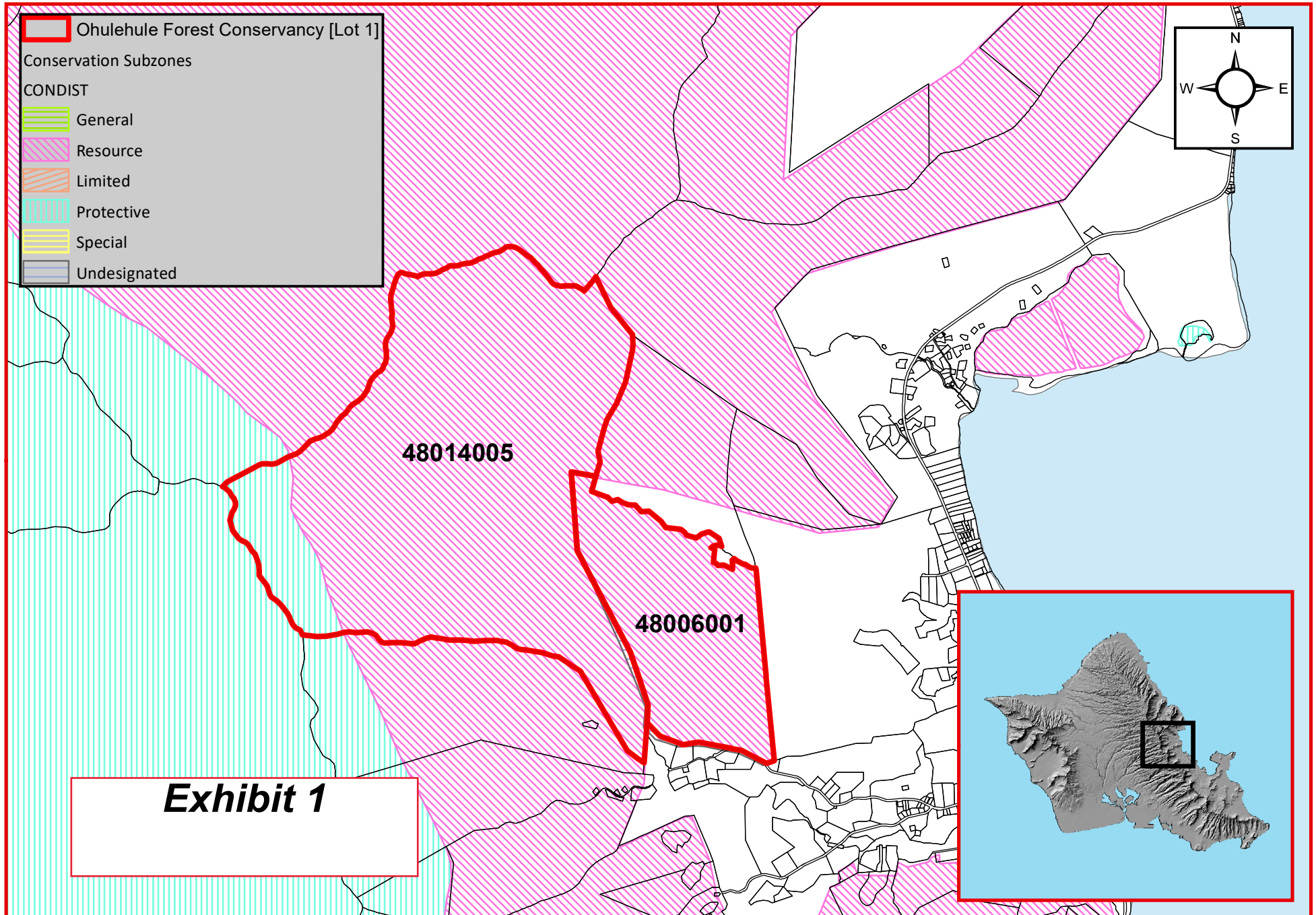


SUZANNE D. CASE., Chairperson
Board of Land and Natural Resources

Ohulehule Forest Conservancy Parcels

TMKs: (1) 4-8-006:001 & 4-8-014:005 [Lot 1]

0 1,250 2,500 5,000 Feet



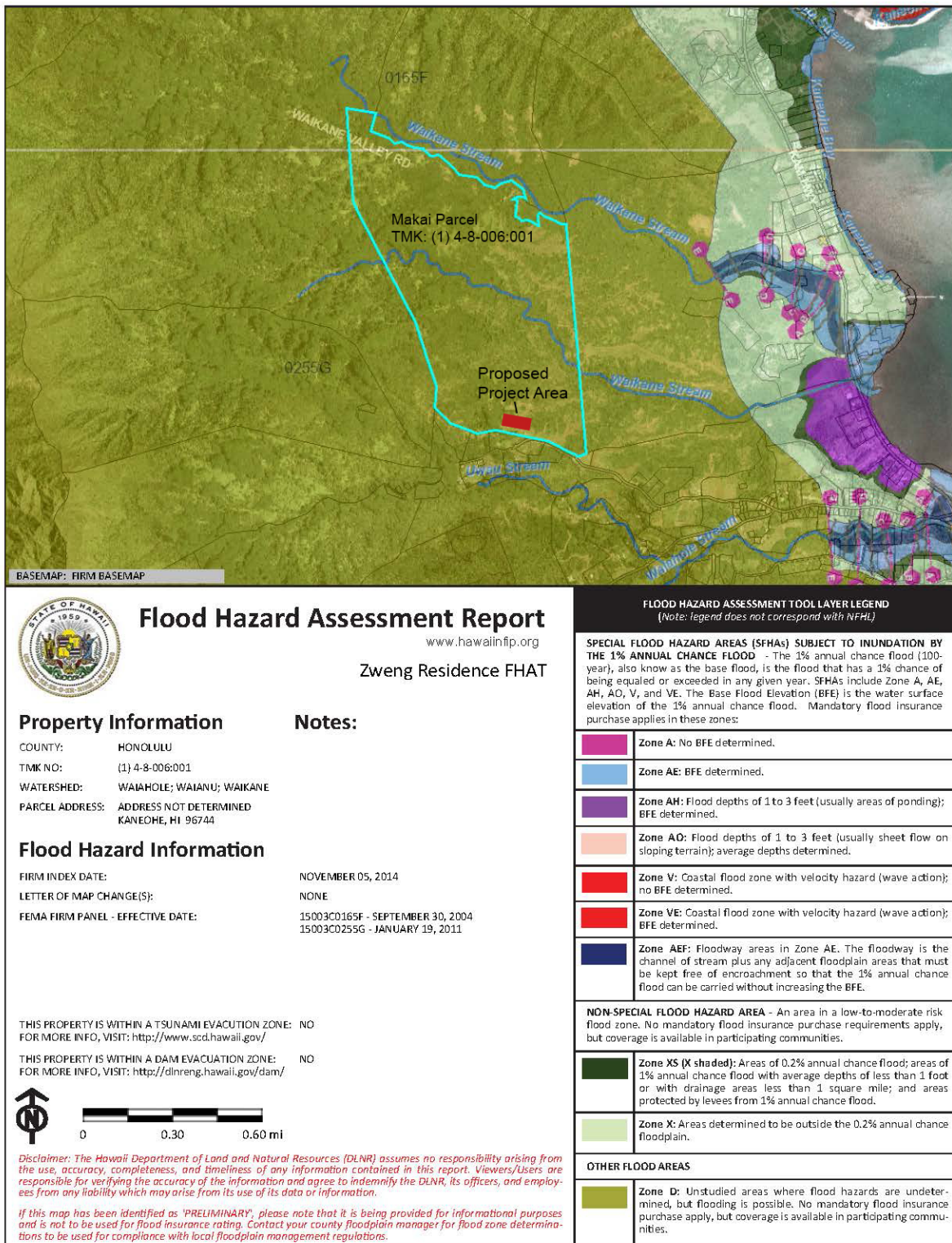


Figure 16 - Flood Zone Map [Source: Hawai'i DLNR: <http://gis.hawaiiifip.org/fhat/>]

Exhibit 2

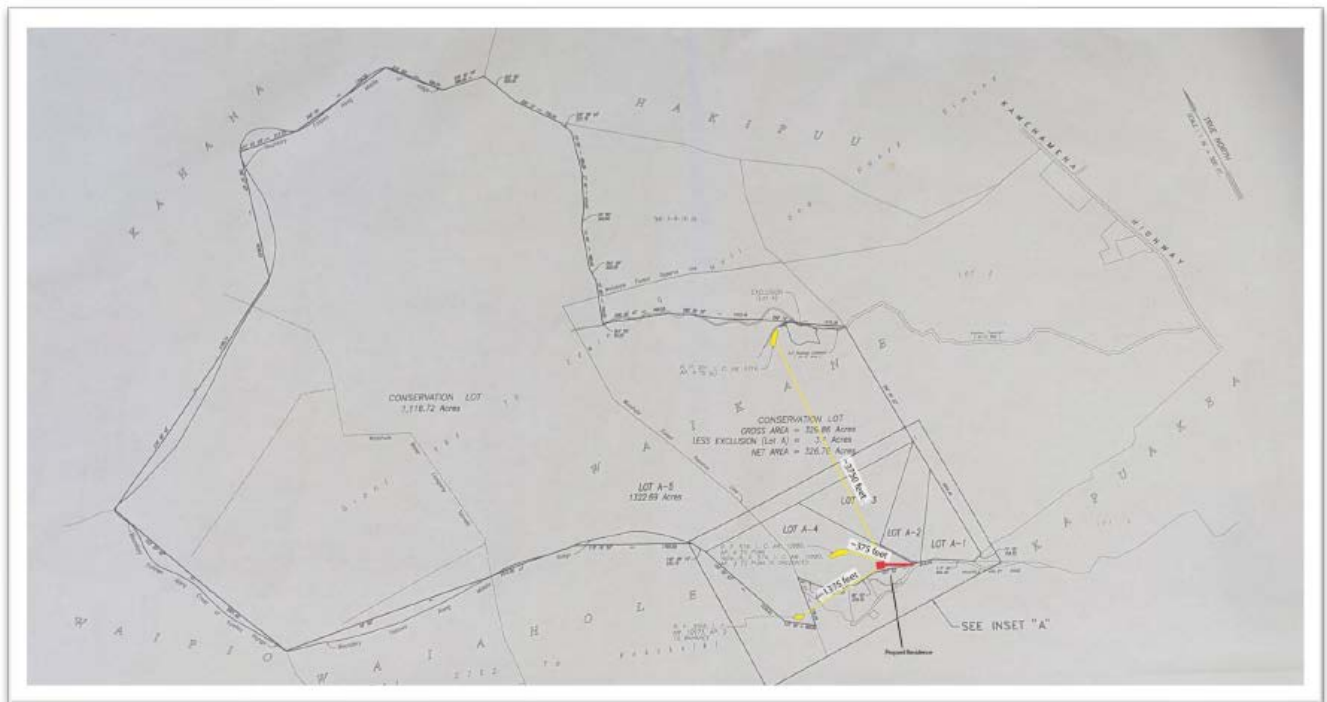
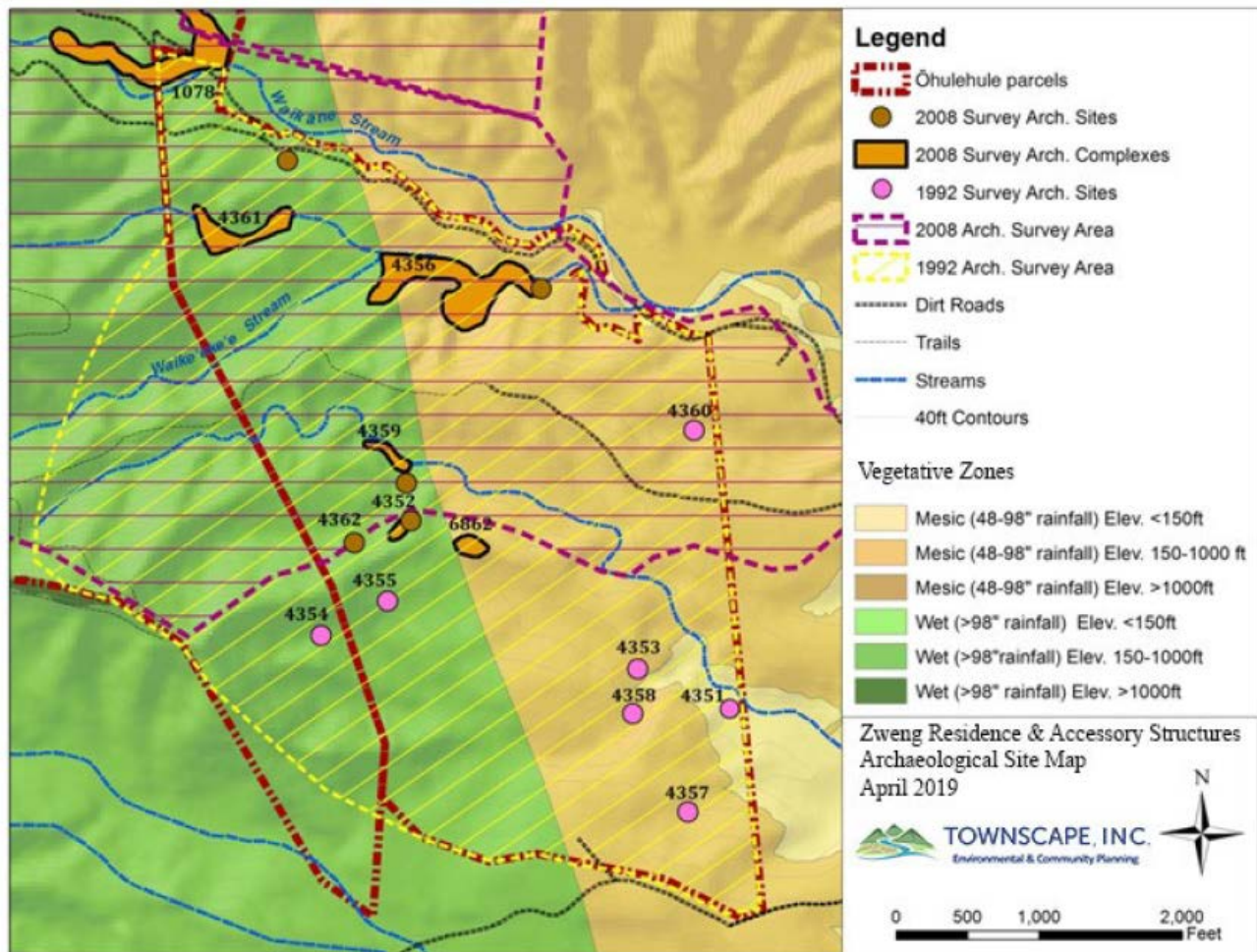


Figure 18 - Property Map with Kuleana parcels

Exhibit 3

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, HI 96707

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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
KABOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 5, 2022

Mr. Michael Cain, Acting Administrator
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, HI 96809

IN REPLY REFER TO:

Project No.: 2022PR00519
Doc. No.: 2205LS06
Archaeology, Architecture

Dear Mr. Cain:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Request Concurrence with Project Effect Determination
Conservation District Use Permit Application – OA-3893
48-479 Waiāhole Valley North Branch Rd., Kāneʻohe – New Single-Family Dwelling
Applicant's Name: Paul Zweng
Waiāhole and Waikāne Ahupuaʻa, Koʻolaupoko District, Island of Oʻahu
TMK: (1) 4-8-006:001, (1) 4-8-014:005**

This letter provides the State Historic Preservation Division's (SHPD's) review of this private project requiring a Conservation District Use Permit (CDUA) OA-3893 from the Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL). The submittal includes a letter from OCCL dated April 20, 2022, in which the OCCL requests the SHPD's concurrence with a HRS §6E-42 project effect determination based on an archaeological literature review and field inspection (LRFI) conducted by Cultural Surveys Hawai'i, Inc. (CSH) on behalf of the applicant. The SHPD received this submittal on April 22, 2022. The project area totals 5,000 sq. ft. The project submittal includes:

- [X] OCCL letter dated April 20, 2022, initiating consultation, providing a project overview, and a request for the SHPD's concurrence with a project effect determination of "No historic properties affected;"
- [X] A notice of acceptance and preliminary environmental determination from OCCL;
- [X] A Conservation District Use Application;
- [X] SHPD HRS 6E Submittal Form, construction plans, and photographs; and
- [X] A draft environmental assessment report titled, *Draft Environmental Assessment Zweng Single-Family Residence, February 2022, TMK: (1) 4-8-006:001 [makai parcel] & (1) 4-8-014:005 [mauka parcel] Waiāhole & Waikāne, Koʻolaupoko, Oʻahu, Hawaiʻi.*

Project Description

The proposed scope of work includes construction of an approximately 4,955-sq.-ft single-story, slab-on-grade, single-family residence, installation of a new photovoltaic system, a rainwater catchment system, and an independent septic system for wastewater disposal, construction of a new driveway, and landscaping at 48-479 Waiāhole Valley North Branch Road, Waikāne. Subsurface disturbance will include grading for the dwelling and the driveway, and excavation for the building pads and retaining walls to a maximum of 3 ft. below grade. Additionally, ground disturbing work includes a total cut of approximately 1,500 cubic yards, fill of approximately 900 cubic yards, and 600 cubic yards of fill for the dwelling. The location of the overall building pad is within a large level area in the vicinity of a former residence that was removed from the property in 2017. Construction activities for the proposed residence and driveway entail an area of approximately 1.4 acres.

Exhibit 4

Page 1 of 2

K-2
page 30

Michael Cain
May 5, 2022
Page 2

The subject parcels total 1,444 acres and is located within the State Conservation District, Resource subzone. The entire property consists of two parcels: TMK: (1) 4-8-014:005 is the *mauka* parcel containing 1,117 acres, and TMK (1) 4-8-006:001 is the *makai* parcel containing 327 acres. The proposed residence will be located at the southwest corner of the makai parcel in Waiāhole Valley, along North Branch Road of Waiāhole Valley Road. Mr. Paul Zweng is the managing member of the 'Ōhulehule Forest Conservancy, LLC and is responsible for the management of the lands, as well as the programs taking place on the property.

Findings

The OCCL letter indicates that CSH reported at least four previous archaeological studies have been conducted within the proposed project area or vicinity. They were carried out in 1988, 1992, and 2008 and approximately 52 historic sites or properties were identified. However, none are within the current project area. These previous archaeological studies identified approximately 52 historic sites or properties; however, the applicant and their agent notes that no historic sites or properties were observed within the proposed project area. The CSH field inspection consisted of a 100% ground survey of the project area, and that no historic properties were identified.

The two historic sites identified within the subject parcels includes portions of Waikāne Taro Flats (SIHP 50-80-10-1078) and Waikē'eke'e Lo'i (SIHP 50-80-10-4356). According to our site files, the Waikane Taro Flats is listed on both the National and Hawai'i Registers of Historic Places and is within TMK: (1) 4-8-006:001; (1) 4-8-014:0004, 006; and in the northwest portion of TMK: (1) 4-8-014:005. This historic property does not extend into the project area and will not be impacted by the current project.

Determination

Based on the information provided, the SHPD concurs with OCCL's determination of "No historic properties affected" for the proposed project. When the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence and historic preservation review ends. The historic preservation review process is ended.

SHPD hereby notifies OCCL that the HRS 6E historic preservation review process is concluded. Project initiation may proceed.

Attach to appropriate permits: In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 692-8015.

Please contact Susan A. Lebo, Archaeology Branch Chief, at Susan.A.Lebo@hawaii.gov for any matters regarding this letter.

Aloha,

Alan Downer

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

cc: Paul Zweng, pzweng@gmail.com
Trevor Fitzpatrick, trevor.j.fitzpatrick@hawaii.gov
Bruce Tsuchida, bruce@townscapeinc.com
Lillie Makaila, lillie@townscapeinc.com
Hallett Hammatt, hhammatt@culturalsurveys.com

Exhibit 4

Page 2 of 2

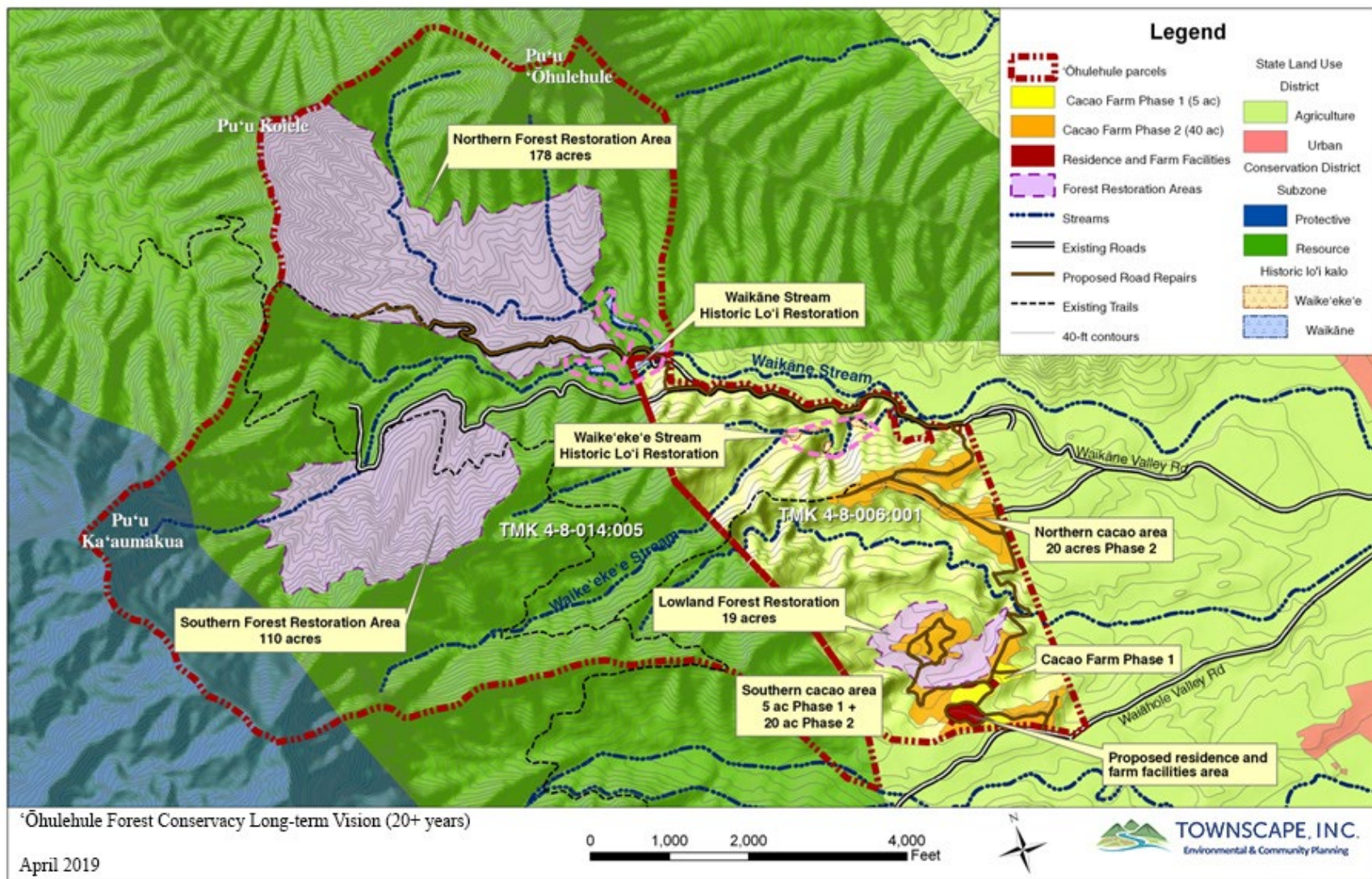


Exhibit 5

Figure 20 - Map of Site Conditions circa 2012

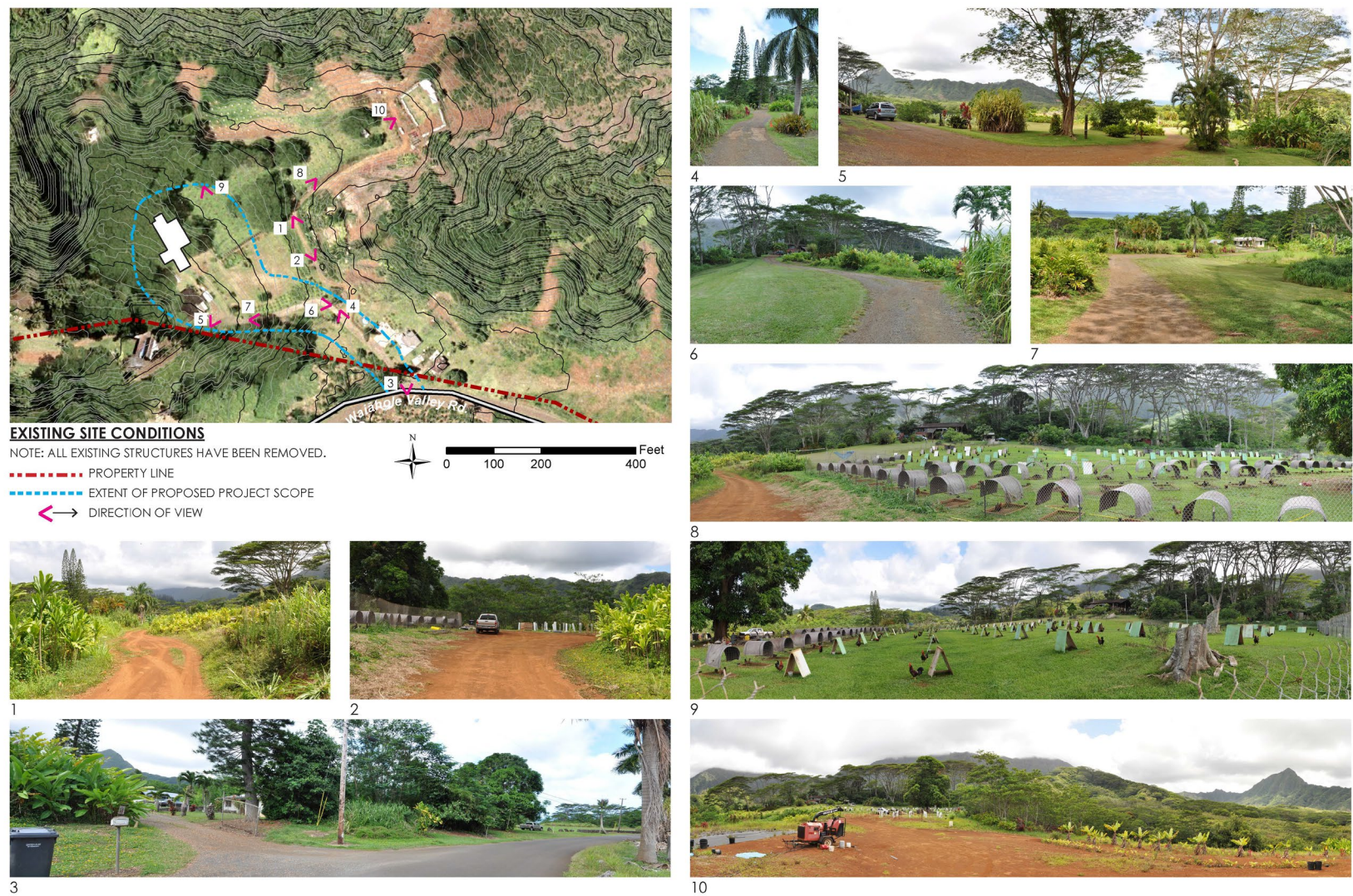
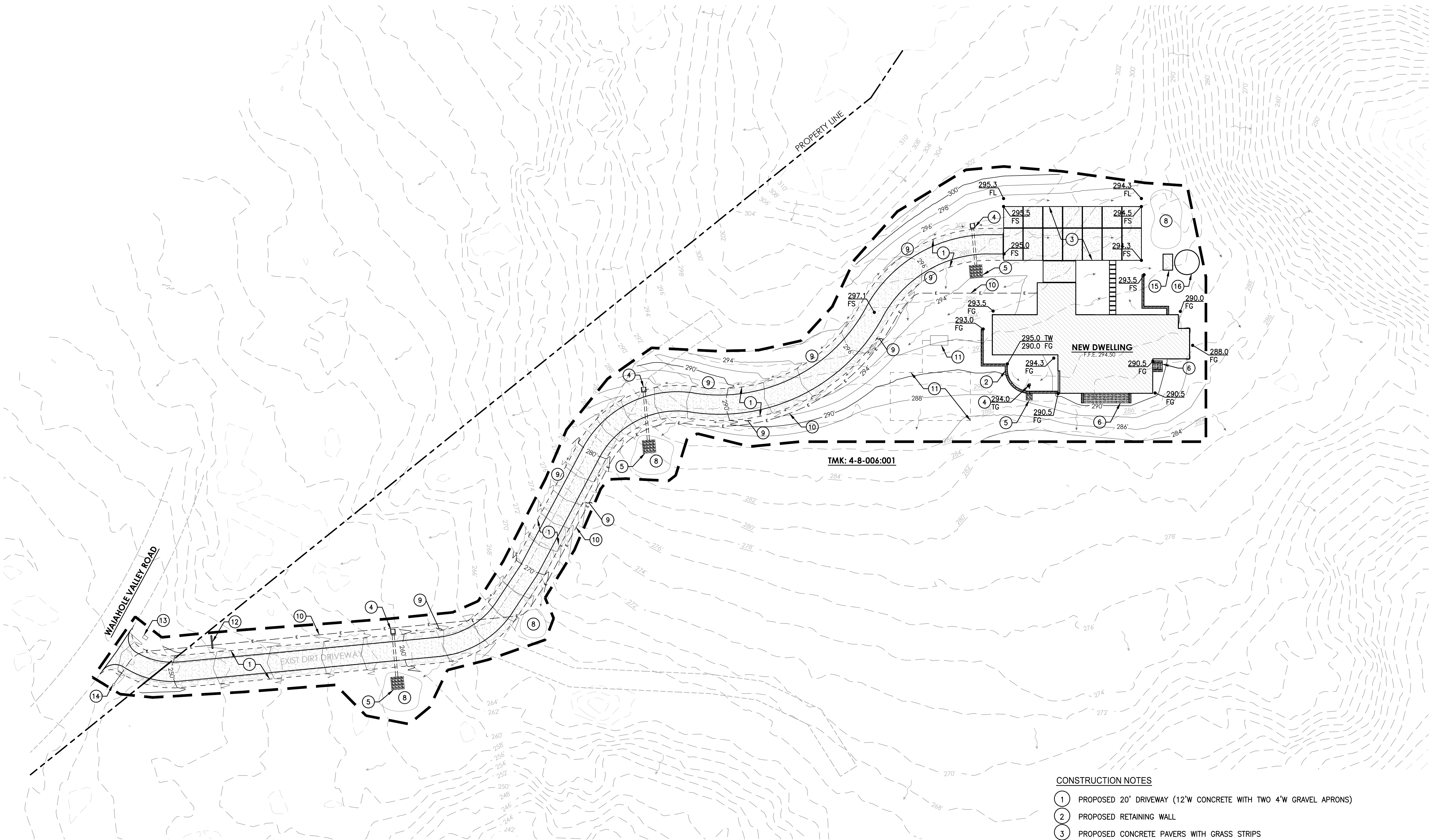


Exhibit 6

D:\X\0037.001_GJA_ZWENG_RESIDENCE\CAD\SHEETS\C100 GRADING PLAN.dwg 1/21/22 16:00



POST-CONSTRUCTION WATER QUALITY

LID SITE DESIGN STRATEGIES:
CONSERVE NATURAL AREAS, SOILS AND VEGETATION;
DIRECT RUNOFF TO LANDSCAPED AREAS; REDUCE
DIRECTLY CONNECTED IMPERVIOUS AREAS;

LID SOURCE CONTROL BMPs:
LIMIT RUNOFF FROM LANDSCAPED AREAS TO
IMPERVIOUS AREAS; STORM DRAIN STENCILING OR
MARKERS

LID TREATMENT CONTROL BMPs:
BIORETENTION BASIN, INFILTRATION, VEGETATED
SWALE, VEGETATED BUFFER STRIP

LEGEND

- PROPERTY LINE
- LIMITS OF WORK
- PROPOSED WALL
- PROPOSED WATER LINE
- PROPOSED POWER LINE
- PROPOSED CONTOUR
- EXISTING CONTOUR
- PROPOSED ELEVATION
- PROPOSED STORM DRAIN INLET
- PROPOSED STORM DRAIN PIPE
- PROPOSED STORM DRAIN OUTFALL

PROJECT AREAS

HOUSE PAD: 4,955 SF (0.11 ACRES)
HARDSCAPE: 16,995 SF (0.39 ACRES)
LANDSCAPE: 39,345 SF (0.90 ACRES)
TOTAL: 61,300 SF (1.4 ACRES)

EARTHWORK ESTIMATE

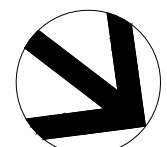
CUT: 1,500 CY
FILL: 900 CY
FILL FOR DWELLING: 600 CY
NET: 0 CY IMPORT/EXPORT

ABBREVIATIONS

BMP BEST MANAGEMENT PRACTICES
FF FINISHED FLOOR
FG FINISHED GRADE
FL FLOW LINE
FS FINISHED SURFACE
GB GRADE BREAK
LID LOW IMPACT DEVELOPMENT
TG TOP OF GRATE
TW TOP OF WALL

CONSTRUCTION NOTES

- PROPOSED 20' DRIVEWAY (12'W CONCRETE WITH TWO 4'W GRAVEL APRONS)
- PROPOSED RETAINING WALL
- PROPOSED CONCRETE PAVERS WITH GRASS STRIPS
- PROPOSED STORM DRAIN INLET AND PIPING
- PROPOSED STORM DRAIN OUTLET AND ENERGY DISSIPATION
- PROPOSED STAIRS
- NOT USED
- PROPOSED BIORETENTION BASIN
- PROPOSED DRAINAGE SWALE (VEGETATED AND/OR ROCK)
- PROPOSED UTILITIES (ELEC, CABLE, TEL)
- PROPOSED SEPTIC SYSTEM
- PROPOSED MONUMENT FOR UTILITY METERS
- EXISTING HHFDC WATER METER (NOT USED)
- EXISTING POWER POLE
- PROPOSED UTILITY STRUCTURE FOR WATER CATCHMENT SYSTEM
- PROPOSED WATER CATCHMENT TANK



30 15 0 30
SCALE: 1"=30'

Exhibit 7

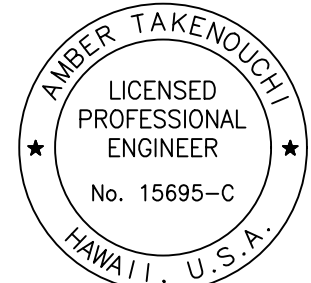
Page 1 of 7



BLUE OCEAN
CIVIL CONSULTING

© BLUE OCEAN CIVIL CONSULTING. THIS DOCUMENT CONTAINS
COPYRIGHTED MATERIAL AND CONFIDENTIAL TRADE SECRET INFORMATION
BELONGING EXCLUSIVELY TO BLUE OCEAN CIVIL CONSULTING. ANY
UNAUTHORIZED USE, DISCLOSURE, REPRODUCTION OR PUBLICATION OF
ANY OF THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED.

STAMP



EXP: 4/30/2022

CONSULTANT

PREPARED FOR

PAUL ZWENG
48-479 WAIHAOLE VALLEY N BR RD
KANELOHE, HI 96744

PROJECT

ZWENG
RESIDENCE
'OHULEHULE FOREST
CONSERVANCY

48-479 WAIHAOLE VALLEY N BR RD
KANELOHE, HI 96744
TMK: 4-8-006:001

DATE DESCRIPTION

DRAWN BY: AT CHECKED BY: -
DATE: 2022.01.21
SCALE: AS SHOWN
PROJECT NO: 5037.001

SHEET TITLE

PRELIMINARY
GRADING AND
DRAINAGE
PLAN

SHEET NO

C100

SHEET 1 OF 2 SHEETS

K-2
page 34

PLANTING SCHEDULE		
Type Mark	Description	
T.2	Medium Deciduous Tree - 30'	
T.3	Medium Deciduous Tree - 25'	

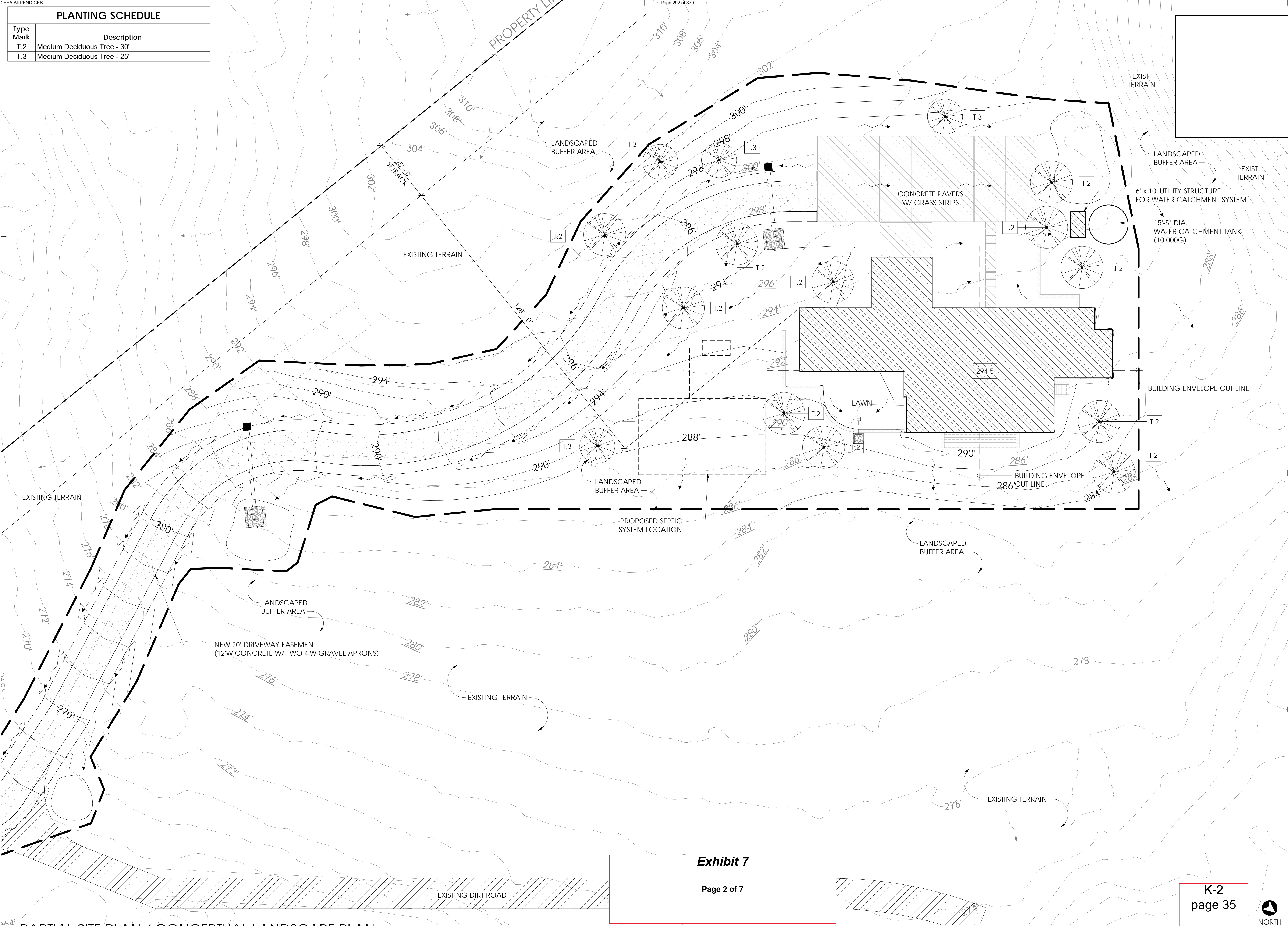


Exhibit 7

Page 2 of 7

PARTIAL SITE PLAN / CONCEPTUAL LANDSCAPE PLAN

1/16" = 1'-0"

K-2

page 35



‘ŌHULEHULE FOREST CONSERVANCY

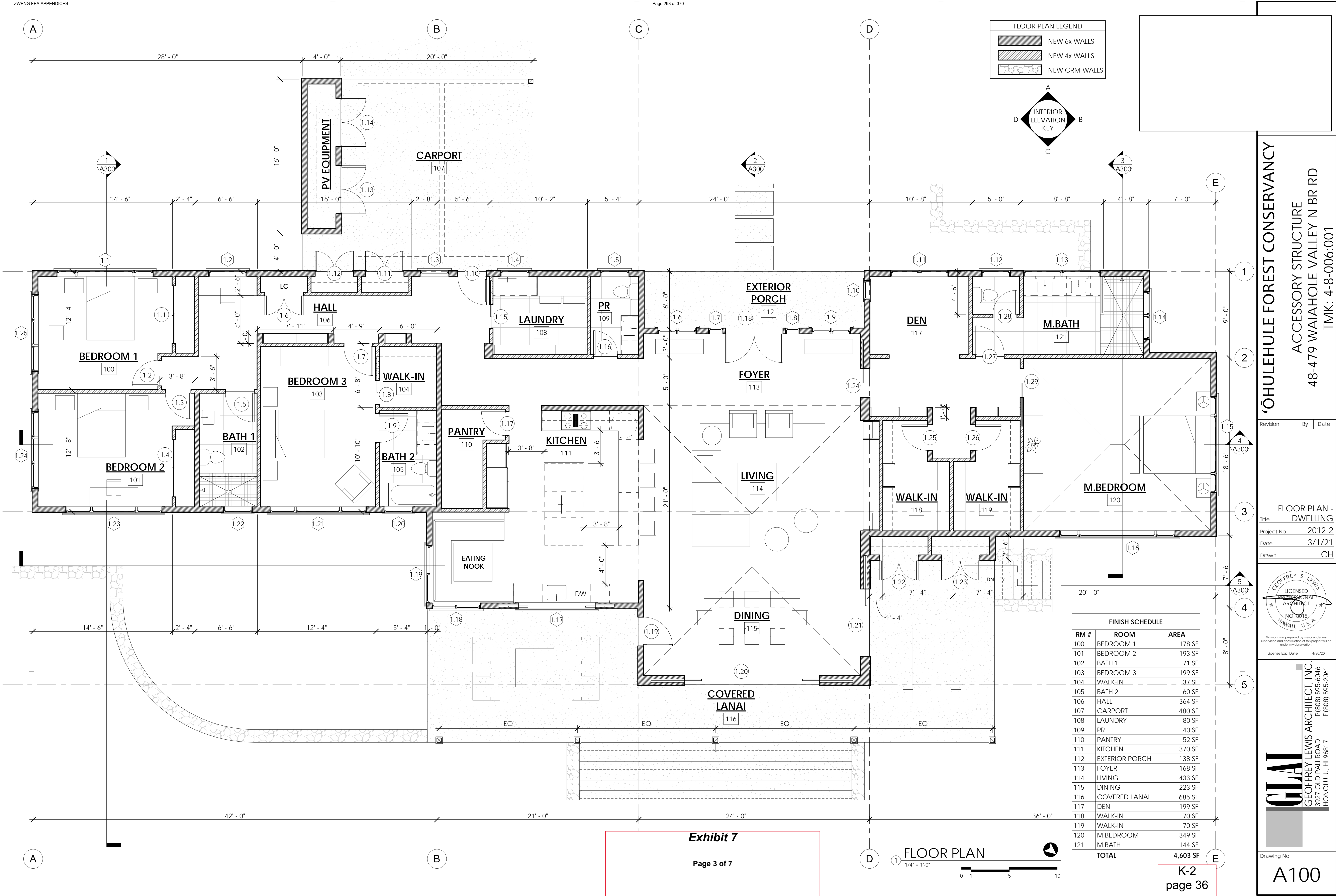
ACCESSORY STRUCTURE
48-479 WAIHAOLE VALLEY N BR RD
TMK: 4-8-006:001

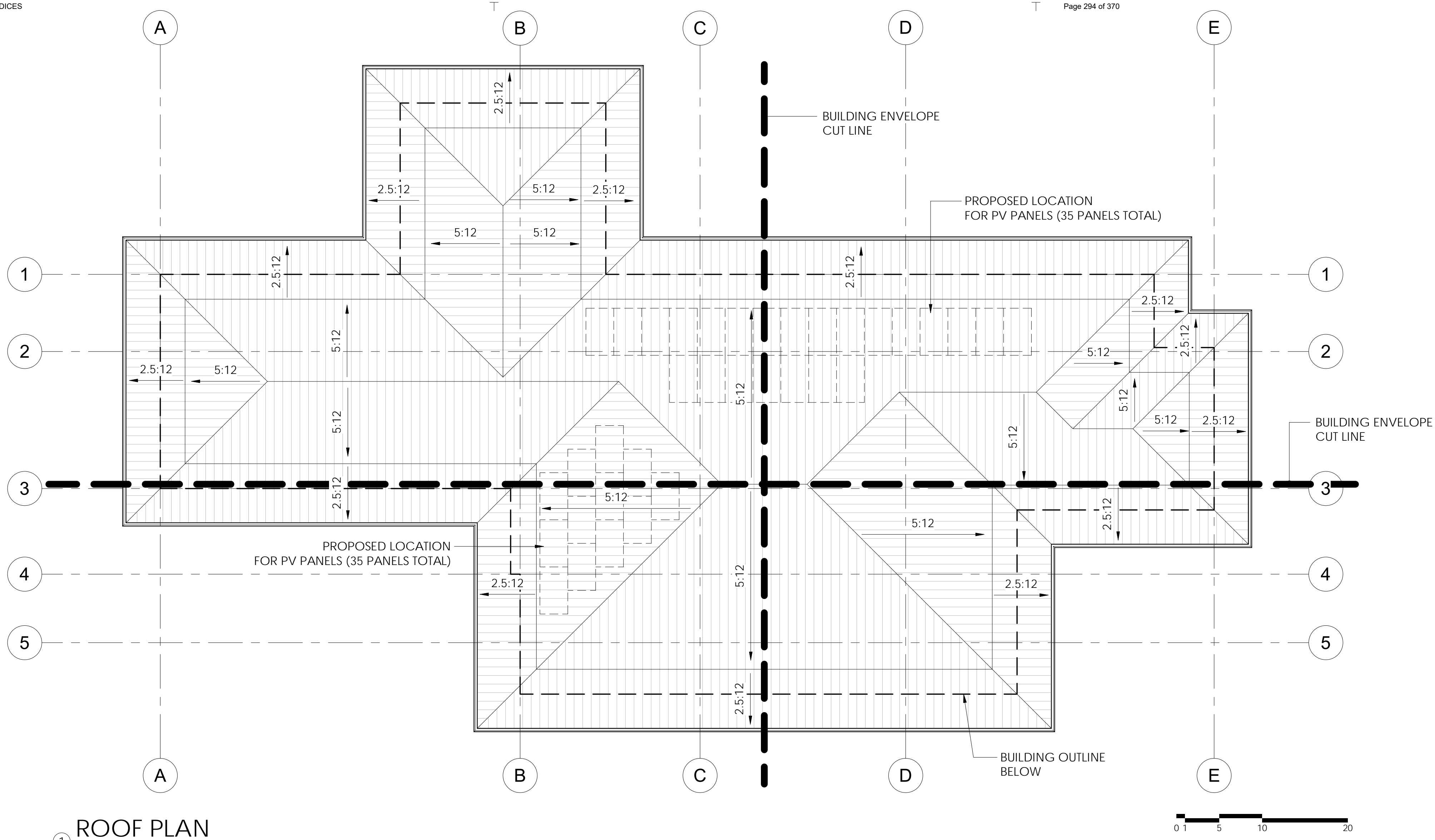
Revision	By	Date
SITE PLAN / LANDSCAPE PLAN		
Title		
Project No.	2012-2	
Date	3/1/21	
Drawn	CH	

NOT FOR
CONSTRUCTION

GLAI
GEOFFREY LEWIS ARCHITECT, INC.
P (808) 595-6046
3927 OLD PALI ROAD
HONOLULU, HI 96817
F (808) 595-2061

Drawing No.
A001





1 ROOF PLAN



2 FLOOR PLAN -- SQUARE FOOTAGES

Exhibit 7

Page 4 of 7

K-2
page 37

‘ŌHULEHULE FOREST CONSERVANCY

ACCESSORY STRUCTURE
48-479 WAIHOLE VALLEY N BR RD
TMK: 4-8-006:001

Revision By Date

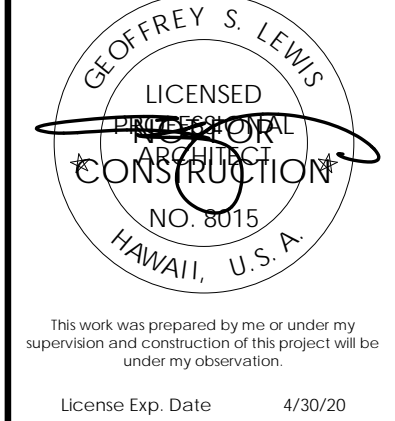
ROOF PLAN & SQUARE FOOTAGES

Title

Project No. 2012-2

Date 3/1/21

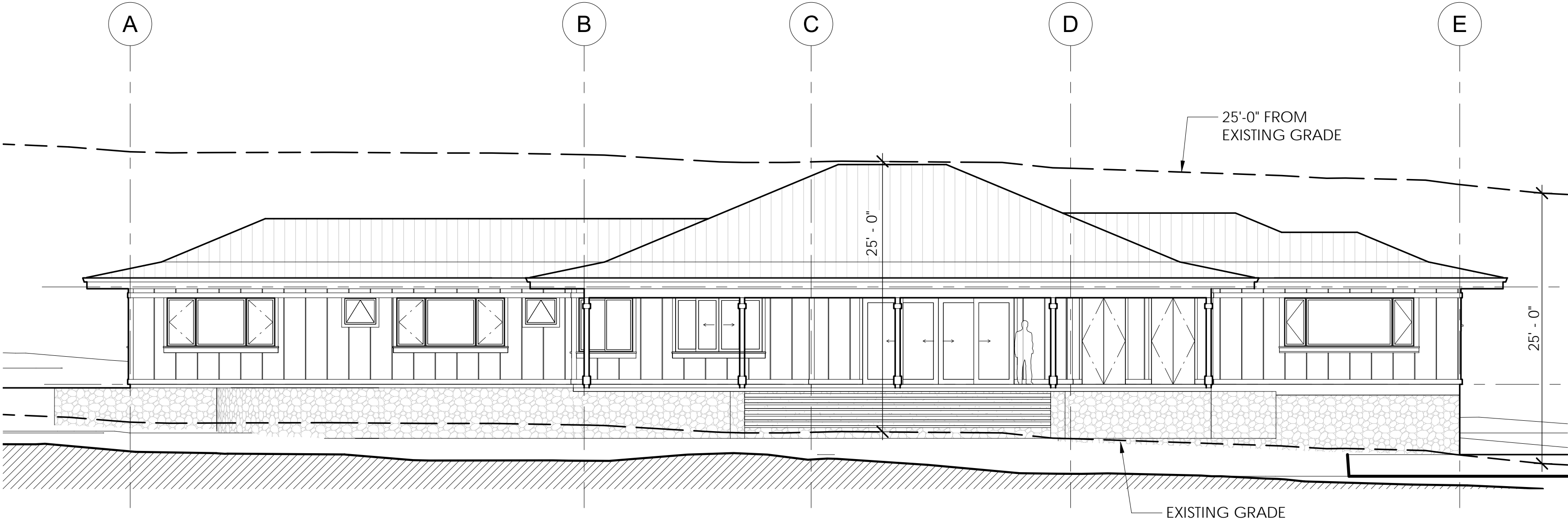
Drawn CH



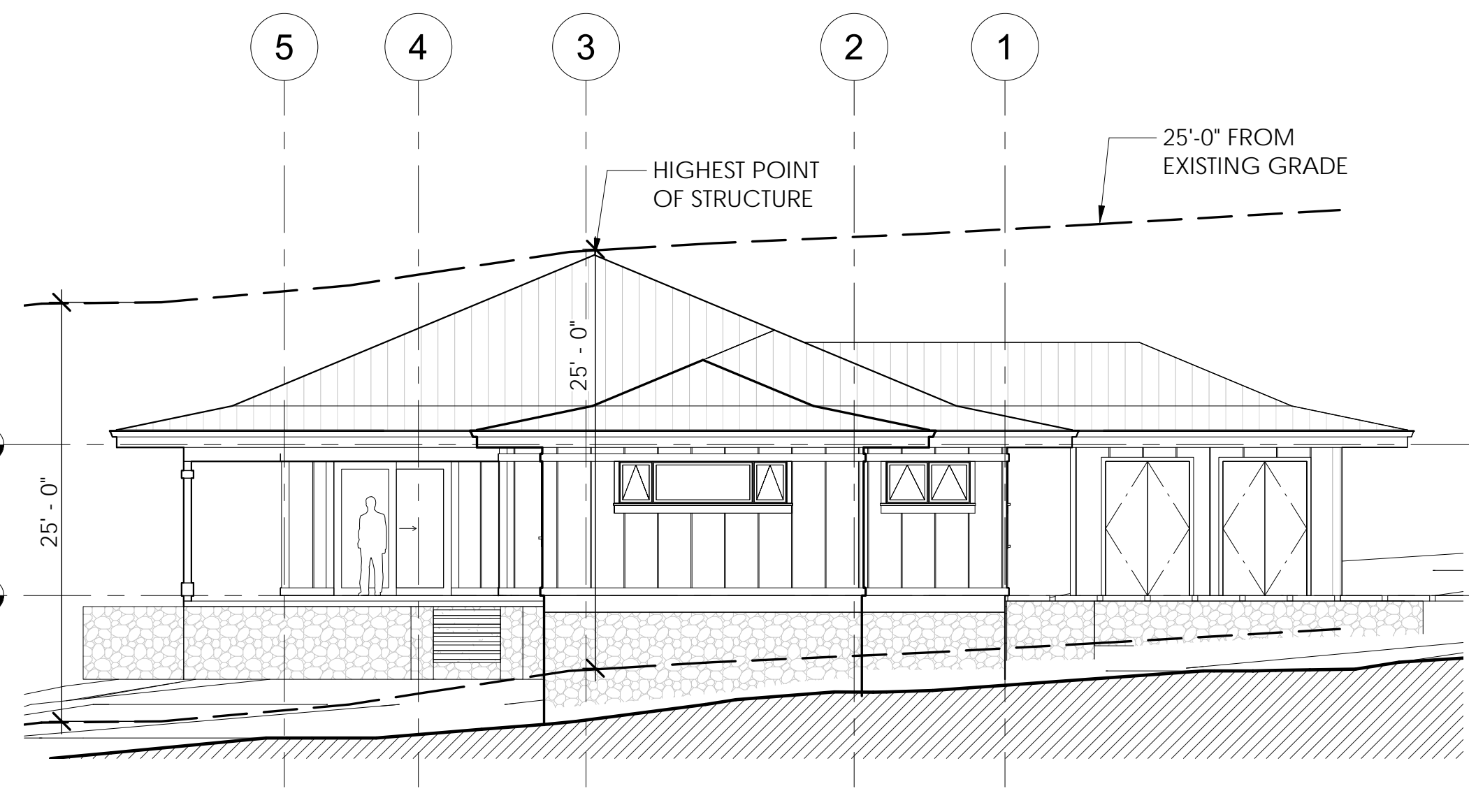
GLAI
GEOFFREY LEWIS ARCHITECT, INC.
P: (808) 595-6046
F: (808) 595-2061
3927 OLD PALI ROAD
HONOLULU, HI 96817

Drawing No.

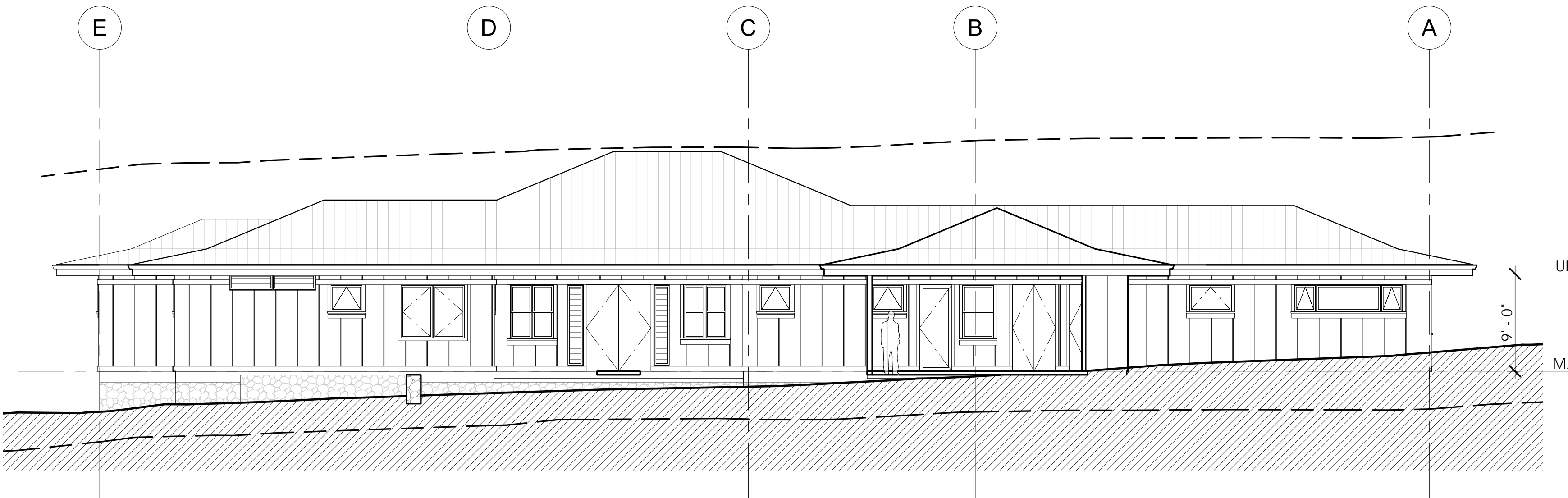
A101



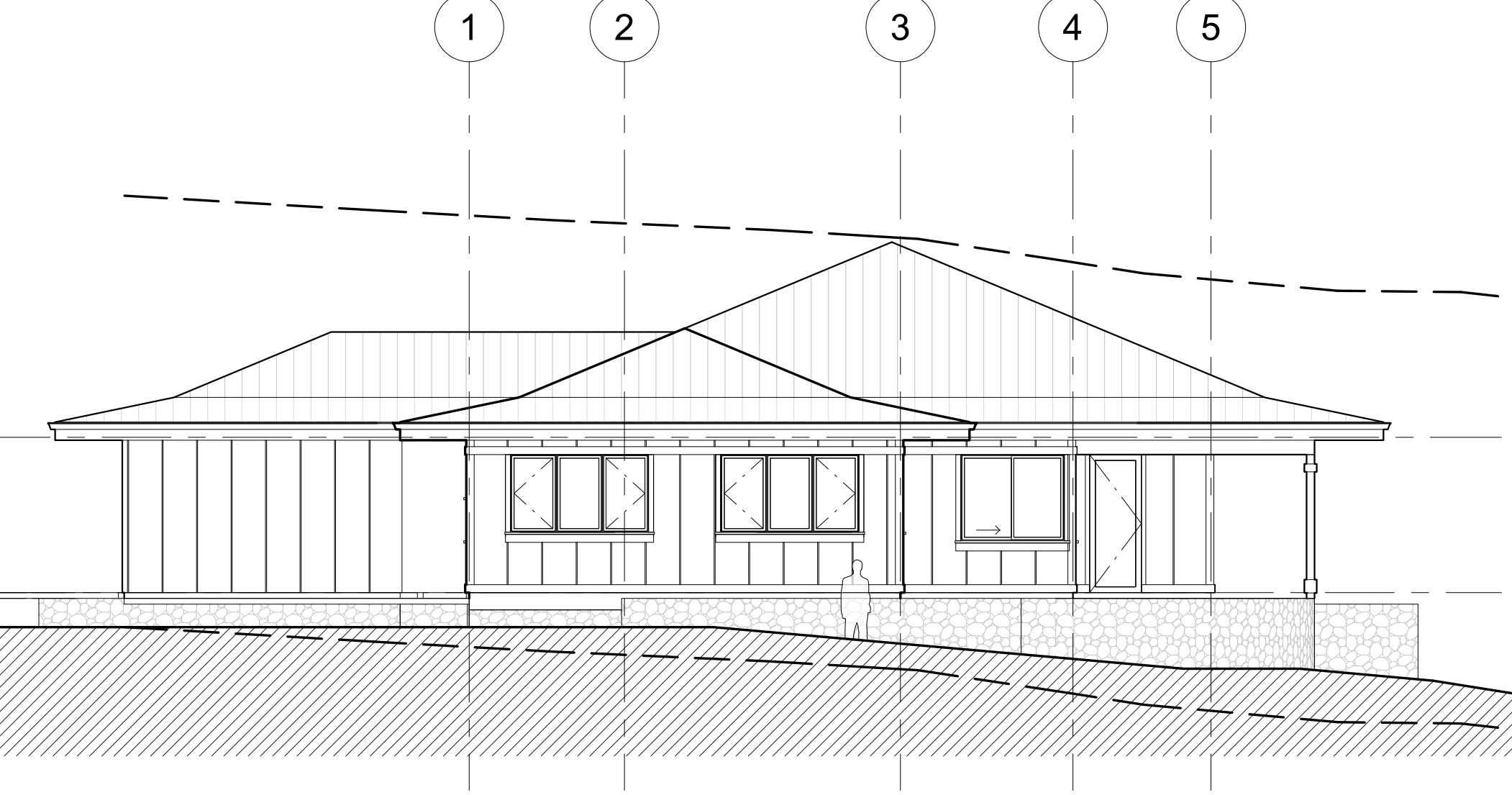
① NORTHEAST ELEVATION
1/8" = 1'-0"



② NORTHWEST ELEVATION
1/8" = 1'-0"



③ SOUTHWEST ELEVATION
1/8" = 1'-0"



④ SOUTHEAST ELEVATION
1/8" = 1'-0"

Exhibit 7

Page 5 of 7

K-2
page 38



‘ŌHULEHULE FOREST CONSERVANCY

ACCESSORY STRUCTURE
48-479 WAIHAOLE VALLEY N BR RD
TMK: 4-8-006:001

Revision	By	Date

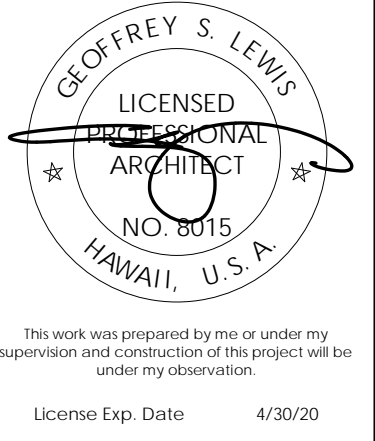
EXTERIOR ELEVATIONS

Title

Project No. 2012-2

Date 3/1/21

Drawn



GLAI
GEOFFREY LEWIS ARCHITECT, INC.
P (808) 595-6046
3927 OLD PALI ROAD
HONOLULU, HI 96817
F (808) 595-2061

Drawing No.
A200

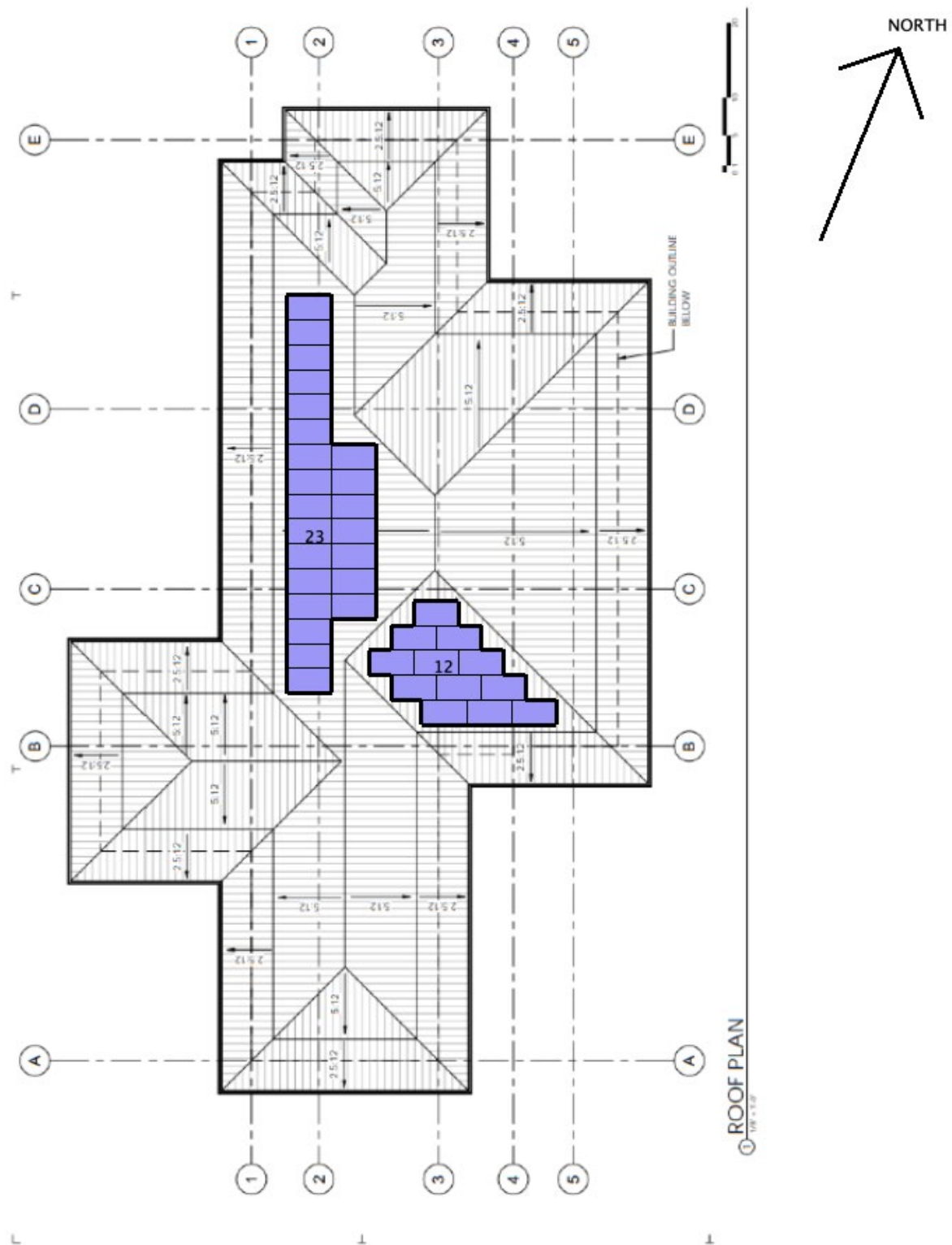


Figure 12 - Roof Plan

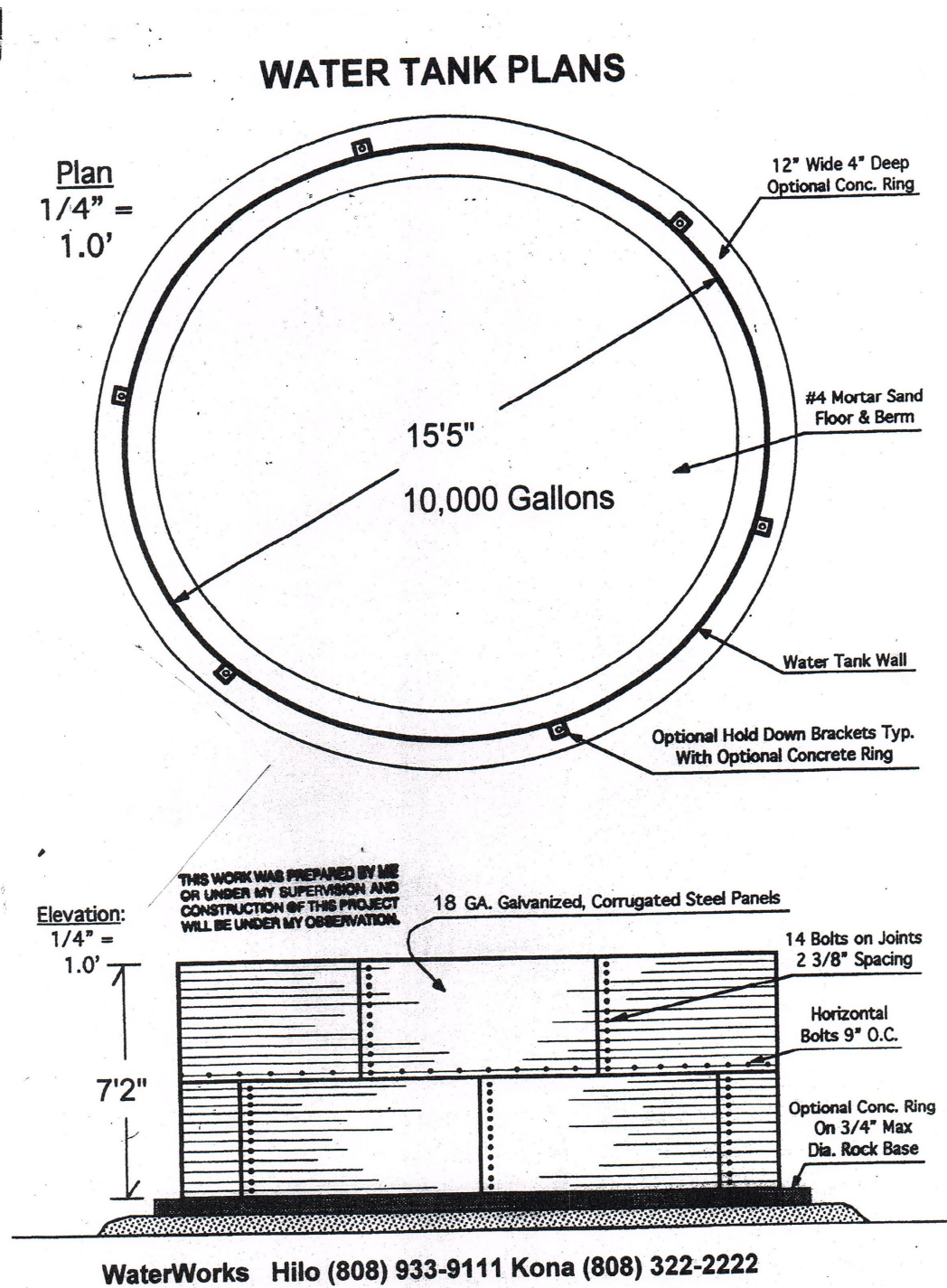
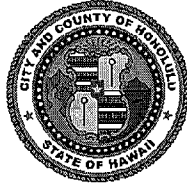


Figure 13 - Proposed Water Tank Plans A

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluluapp.org • CITY WEB SITE: www.honolulu.gov



RICK BLANGIARDI
MAYOR

DEAN UCHIDA
DIRECTOR

DAWN TAKEUCHI APUNA
DEPUTY DIRECTOR

August 15, 2022

2022/ELOG-1494

Ms. Lillie Makaila
Townscape, Inc.
900 Fort Street Mall, Suite 1160
Honolulu, Hawaii 96813

Dear Ms. Makaila:

This is in response to your letter dated July 19, 2022, requesting confirmation from the Department of Planning and Permitting (DPP) that the current Tax Map Keys 4-8-006: 001 and 4-8-014: 005 constitute one single lot.

We confirm that on July 24, 1975, the Department of Land Utilization (now DPP) granted approval to Subdivision File No. 1975/SUB-202 for the consolidation and resubdivision of various parcels into Lot 1 of 1,443.48 acres and Lot 2 of 528.937 acres, and the cancellation and designation of various easements. The boundaries of the approved Lot 1 correspond to the combined boundaries of the abovementioned TMKs. Although Lot 1 consists of two TMKs, it is a single lot for the administration of building permits and zoning regulations of the City and County of Honolulu. Enclosed are copies of the approved subdivision map showing Lot 1 (highlighted in yellow) and the corresponding approval letter. No records of any subsequent consolidation and/or subdivision of Lot 1 were found.

Should you have any questions on this letter, please contact Sharon Nishiura at (808) 768-8101 or Mario Siu-Li at (808) 768-8098.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dean Uchida", followed by a long horizontal flourish.

for Dean Uchida
Director

Enclosures

cc: State Department of Land and Natural Resources –
Office of Conservation and Coastal Lands (with enclosures)

Exhibit 8

Page 1 of 3

K-2
page 41

JUL 29 1975

1975 (202) (R)

Community Planning, Inc.
700 Bishop Street
Suite 608
Honolulu, Hawaii 96813

Gentlemen:

Proposed Subdivision: Waikane-Waiahole--Kamehameha Highway
Tax Map Keys: 4-8-04: 1, 2, 4, 5 and 7 to 15
4-8-05: 4 to 7 and 10 to 12
4-8-06: 1 to 6 and 8 and 4-8-14: 2, 4 and 5
Owner : Pao Investment Corporation
Surveyor : Community Planning, Inc.

Approval was granted on July 24, 1975, to the proposed consolidation and resubdivision of various parcels of Tax Map Keys 4-8-04; 4-8-05; 4-8-06 and 4-8-14 into two lots: Lot 1 with a net area of 1,443.48 acres and Lot 2 with a net area of 528.937 acres; cancellation of a 20-foot roadway easement within Lot 2 and the designation of Easements 1 and 2 (44 feet wide) for roadway purposes. The proposed subdivision is for conveyance purposes.

A copy of the final survey map bearing the stamp of approval is enclosed.

Sincerely yours,



WILLIAM E. WANKET
Deputy Director

WEW:et

Encl.: Map

cc: Department of Transportation Services
Utility Companies
Department of Education
Federal Housing Administration

Exhibit 8

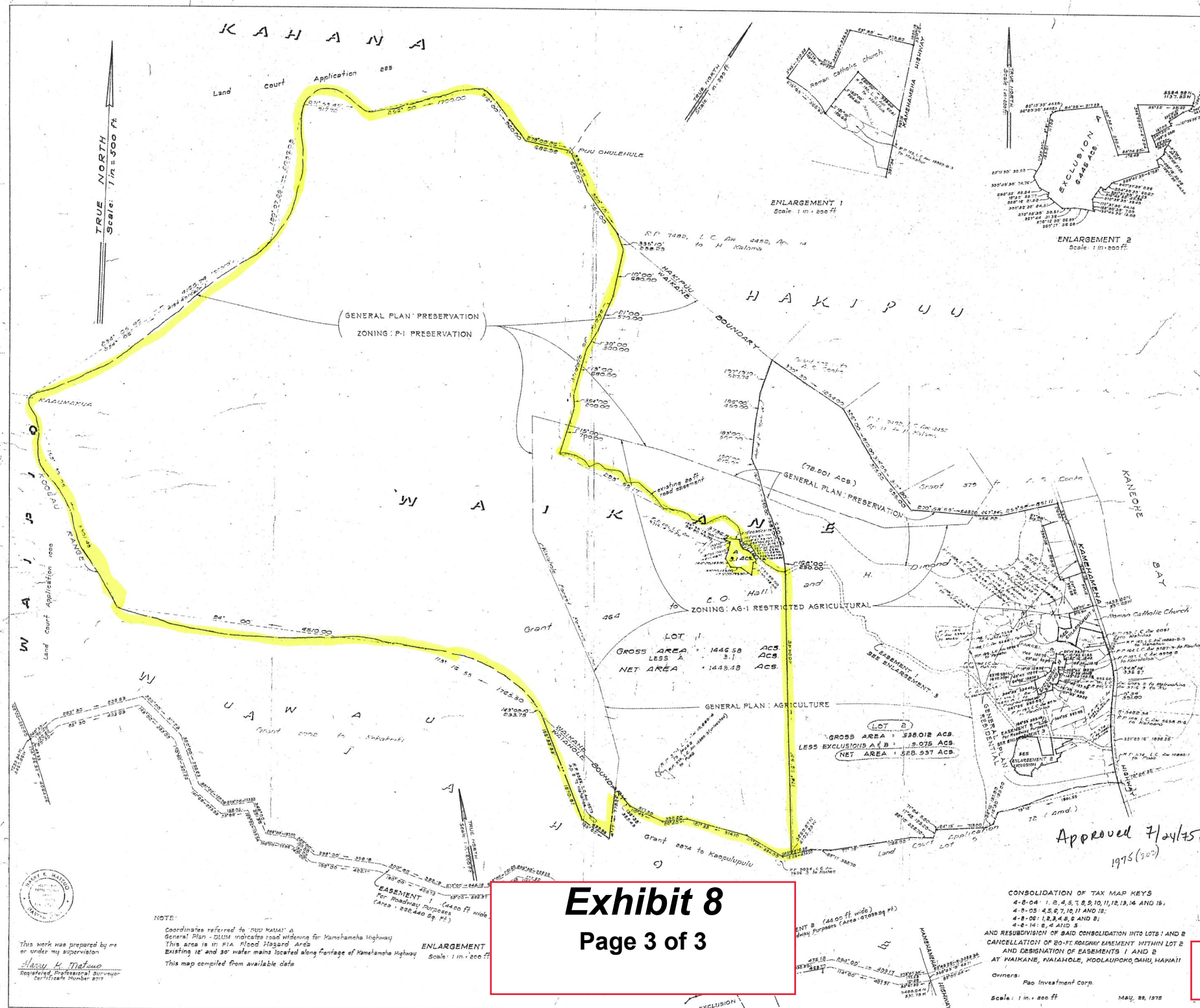


Exhibit 8

Page 3 of 3