Item D-16  Issuance of Direct Lease to Hawaii Fish Company, Inc. for Aquaculture Purposes, Mokuleia, Waialua, Oahu, Tax Map Key: (1) 6-9-001:002, 003, 033, and 036.

Mr. Atta conveyed that this property has been under use for aquaculture and the applicant has an extensive history in aquaculture development in the State. This area is complicated because a number of different agencies with joint or abutting jurisdictions are next to one another. Staff had discussions with State Parks and Forestry because of the Kealia Trail that is above this operation and a portion of the land is within the State Parks jurisdiction. Also, staff consulted with State Department of Transportation (DOT) regarding the impact of this operation to the Dillingham Air Field. DOT did submit written testimony that they are not opposed to this operation and had concerns with the operation attracting wildlife and possible bird strikes, but that issue has been resolved. Staff’s recommendation is to issue the direct lease.

Ron Weidenbach representing Hawaii Fish Company, Inc. testified relating some history regarding this item that without a lease they are not able to get electricity and financing to go forward and asked the Board to allow that. His father and grandfather were aviators and his grandfather died from a bird strike. Mr. Weidenbach related the number of bird strikes statewide that there have been no incidents related to birds at Dillingham Air Field. Wildlife Services who is responsible with managing these issues stated to FAA that they feel there is not an issue and his company has been working with the Wildlife Service to mitigate issues by modifying their cage designs. The bird counts have gone down prior to Mr. Weidenbach’s operation from 15 to 0-5. His company is also part of DOFAW’s regular monitor for water birds. They feel this issue is resolved and is ready to go forward. They have also been awarded grants to produce new products and he supports staff’s recommendation.

Member Gon noted that Office of Hawaiian Affairs (OHA) is in favor and Chair Thielen noted the community support.

Unanimously approved as submitted (Gon, Agor)

Item D-11  Consent to Revocable Permit of Lands under Governor’s Executive Order No. 4097 to the Department of Business, Economic Development and Tourism, Honolulu, Oahu, Tax Map Key (1) 3-1-042:portion of 009.

Mr. Atta communicated that this was a request from our Hawaii Film Office to facilitate production of a new TV show and the representatives are here.

Georja Skinner representing Department of Business, Economic Development and Tourism (DBEDT) testified that this is for a new television series called “Off the Map” and they need little more time to negotiate the rate, but because of the timeline of the production they need to take occupancy quickly. She agrees with the recommendation as questioned by Member Gon.
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 8, 2010

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

PSF No.: 070d-001

Issuance of Direct Lease to Hawaii Fish Company, Inc. for Aquaculture Purposes, Mokuleia, Waialua, Oahu, Tax Map Key: (1) 6-9-001:002, 003, 033, and 036.

APPLICANT:

Hawaii Fish Company, Inc., a domestic corporation, whose mailing address is P.O. Box 740, Waialua, Hawaii 96791-0740.

LEGAL REFERENCE:

Section 171-59(b), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Mokuleia, Waialua, Oahu, identified by Tax Map Key: (1) 6-9-001:002, 003, 033, and 036, as shown on the attached map labeled Exhibit A.

AREA:

147.646 acres, more or less.

Note: At the commencement of the lease, the applicant is allowed to use the 18 acres as approved by the previous CDUP. Applicant understands that another CDUP is needed for any additional acreage to be used.

ZONING:

State Land Use District: Conservation and Agricultural
City and County of Honolulu LUO: P-1 & P-2
TRUST LAND STATUS:

(1) 6-9-001:002, 033, and 036
Acquired after Statehood, i.e. non ceded

(1) 6-9-001:003
Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

(1) 6-9-001:002, 033, and 036 encumbered by Governor's Executive Order No. 4141 to the Division of State Parks for State Park Reserve purposes.

Portion of (1) 6-9-001:003 is encumbered by Revocable Permit No. 6814 issued to the applicant.

CHARACTER OF USE:

Aquaculture purposes.

LEASE TERM:

Thirty-five (35) years

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

ANNUAL RENT:

$900 or 1% of gross annual receipt, whichever is the greater.

METHOD OF PAYMENT:

Semi-annual payments, in advance.

RENTAL REOPENINGS:

At the 10th, 20th, and 30th years of the lease term, by staff or independent appraisal on both the base rent and percentage rent.
PERFORMANCE BOND:

Twice the annual base rental amount.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

CDUA (OA-2504) was approved by the Board on January 24, 1992 (item H-2) and said permit was extended three times by the Board. The latest expiration date of the CDUP is July 31, 2012. Staff notes that the CDUP is only covering an area of about 18 acres as shown on Exhibit B in yellow for land and blue for water. Applicant understands that any use of State land beyond the said 18 acres may require a new CDUP and compliance with Chapter 343.

DCCA VERIFICATION:

Staff understands the applicant is a newly formed company, and staff will make sure the proper confirmation from DCCA will be obtained prior to the issuance of the lease.

APPLICANT REQUIREMENTS:

DAGS Survey Division has map and description for the four parcels covered by this request. If the subdivision of parcel 3 as mentioned in Remarks Section proceeds, applicant shall be required to provide survey maps and descriptions for the subdivided area according to State DAGS standards and at Applicant's own cost.

REMARKS:

The requested area is located at the former Dillingham quarry site vacated by Hawaii Bitumuls and Paving Co., Ltd in mid-1970s. In January 1992, the Board approved the Conservation District Use Permit (OA-2504) for a commercial aquaculture facility over an area of about 18 acres, which is further identified as tax map key (1) 6-9-001:003 and 033. Over the past years, such CDUA has been extended three times with the current expiration date falls on July 31, 2012.

Since June 1992, the applicant has been utilizing about 18 acres for his fish farm under revocable permit No. 6814. Portions of the requested area [i.e. 002, 033, and 036] have been set aside to the Division of State Parks (SP) pursuant to Governor's Executive Order No. 4141 in 2005 for State park reserve.

Use for State Parks Purposes

Staff and the applicant have discussed the project with SP and understand that there is no imminent development of the requested area into a State park due to tight resources. SP has indicated they have no objection to the request. Actually, there were some discussions pertaining to the incorporation of the subject fish farm into the future park
program. In the past, the applicant has entertained guided tours to his fish farm for students.

Direct Issuance of Lease for Aquaculture
The requested use "aquaculture" is permissible to be granted a direct lease pursuant to 171-59(b), Hawaii Revised Statutes. The applicant has over 30 years of experience in the related field prior to becoming the permittee under the revocable permit in 1992. Staff is not aware of any other interest in the same area for any commercial operation. Therefore, disposing the lease by public auction over the subject area may not attract lot of interest. Staff is recommending the Board issue a direct lease to an existing State permittee, who has a proven record of operating a fish farm.

As mentioned above, staff is not aware of any other interested parties over the same area. By entertaining the subject request, the Board is promoting the development of aquaculture industry in the State. Staff believes this would help encouraging competition in the industry.

Current and Future CDUA
Office of Conservation and Coastal Lands has indicated that they have no objection to the request, provided that the applicant understand that he has to file new CDUA application for any new improvements on the subject property not already covered by existing CDUP OA-2504, or he starts operation beyond the original 18 acres as permitted by CDUP OA-2504. Exhibit B shows the extent of the current CDUP (colored). Relevant language will be inserted into the lease stipulating that any new improvement on the area outside the existing CDUP may require a CDUP. Applicant has no problem with this remark.

Division of Forestry and Wildlife Future Gaming Management Area
Parcel 003 comprises the former quarry pit, which forms a substantial portion of the fish farm [fish cages being placed in the pit]. The same parcel also includes a portion of the slope and a trail, under the Na Ala Hele Program managed by the Division of Forestry and Wildlife (DOFAW). It is proposed to subdivide the parcel into two parcels, and the applicant and DOFAW will manage their respective portions under the lease and a Governor's executive orders (GEO). During the discussion with the staff, applicant indicates that the future DOFAW area can be included in the lease area until the Applicant files all the paperworks for the subdivision, including another CDUA.
DOFAW requests participation in the process of determining the subdivision boundary between the new lease area and the DOFAW area. Upon such subdivision, staff will bring the request to withdraw from the lease area and a GEO to the Board for consideration at a later date.

Appraisal and Rent
Land Division manages another aquaculture lease offshore of Ewa with an area of 28 acres. The annual rent payable for that lease is $1,400 or 1% of the annual gross receipts, whichever is the greater. The base rent equates to $50/acre. Staff recommends using the
same rent structure for the proposed lease which will cover an area of 18 acres at the commencement of the lease. The base rent is: $50/acre x 18 acres = $900. However, it is anticipated that the applicant will expand its operation during the term of the lease and subject to approval of corresponding CDUP(s). Staff recommends inserting language in the lease allowing the State raise the base rent based on the permitted acreage under any future CDUP(s).

**Agencies Comments**
Comments from agencies and staff/applicant responses are consolidated as Exhibit C. Majority of them do not have major comment on the proposal.

In the meantime, staff understands the Applicant is discussing with DOT-A regarding the agency comments. According to the Applicant, the issue potential bird strike hazard was discussed with DOT-A, DOFAW, USFWS, USDA Wildlife Services, and FAA, and has been addressed to FAA’s satisfaction. Applicant will obtain document confirming such resolution for our file. Further, the Applicant will have a meeting with DOT-A on June 28, 2010 regarding the utility payment comment and any other concerns. Staff does not believe that those issues should stop the process of issuing the lease because the Applicant will get separate utility connection upon the issuance of lease.

Applicant does not object to DOT-A having an access road over the proposed leased area for access to the water tank. Staff notes that such access easement in favor of DOT will be brought to the Board at a later date by DOT for consideration when the alignment is determined.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

**RECOMMENDATION:** That the Board

1. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of a direct lease to Hawaii Fish Company, Inc. covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

   A. Applicant's obtaining document indicating the potential wildlife hazards issue is resolved with the Department of Transportation-Airports Division.

   B. The standard terms and conditions of the most current aquaculture lease document form, as may be amended from time to time;

   C. Upon obtaining relevant Conservation District Use Permit, withdraw portions of TMK (1) 6-9-001:003 from the leased premises for setting
aside to the Division of Forestry and Wildlife, further subject to no compensation payable to the lessee.

D. Additional base rent at the same unit rate shall become payable upon obtaining relevant Conservation District Use Permit(s) covering additional acreage allowed for development/improvement.

E. Review and approval by the Department of the Attorney General; and

F. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

2. Authorize the cancellation of Revocable Permit No. 6814 upon issuance of the lease.

Respectfully Submitted,

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

Laura H. Thielen, Chairperson
TMK (1) 6-9-001:002,003,033, and 036

EXHIBIT A
<table>
<thead>
<tr>
<th>Agency</th>
<th>Agency Comments</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>OCCL</td>
<td>Current CDUA OA-2504 for Mr. Weidenbach aquaculture farm for TMK (1) 6-9:1:3 &amp; 33. Land uses occurring outside these parcels will require Mr. Weidenbach submit a new CDUA.</td>
<td>Applicant is aware of the requirement of a new CDUA and is prepared to submit such application at a later date. Staff will note the condition in the lease.</td>
</tr>
<tr>
<td>DHHL</td>
<td>No comments</td>
<td>Noted</td>
</tr>
<tr>
<td>SHPD</td>
<td>This action does not affect historic properties</td>
<td>Noted</td>
</tr>
<tr>
<td>BWS</td>
<td>No comments/objections</td>
<td>Noted</td>
</tr>
<tr>
<td>DAR</td>
<td>No objections</td>
<td>Noted</td>
</tr>
<tr>
<td>DOA</td>
<td>1. Require applicant to extend any CDUP as necessary. 2. Require applicant to conduct environmental assessment within a reasonable period. 3. Require applicant to rezone the current conservation land to agriculture under State land use classification; exclude the trail and forestry during the subdivision process.</td>
<td>1. See response for OCCL above. 2. EA will be conducted when the new CDUA is filed. Applicant is required to process the subdivision at its own costs. Further, staff does not agree that the reclassification is necessary because setting aside State land to DOA can include land zoned non-agriculture.</td>
</tr>
<tr>
<td>DPP</td>
<td>No objection</td>
<td>Noted</td>
</tr>
<tr>
<td>DPR</td>
<td>No comments</td>
<td>Noted</td>
</tr>
<tr>
<td>DFM</td>
<td>No objections</td>
<td>Noted</td>
</tr>
<tr>
<td>CWRM</td>
<td>Permits for construction of well and water use were issued. Still require permit for pump installation.</td>
<td>Noted</td>
</tr>
<tr>
<td>DOT-A</td>
<td>1. Due to its close proximity to the Dillingham Airfield, DOT-A requires applicant to develop and maintain a wildlife hazard management program approved by DOT-A. 2. Applicant makes no reference to potential water usage nor where the applicant will acquire water service. 3. Applicant makes no reference about how to acquire electrical services. DOT-A requires applicant to pay for utility charges.</td>
<td>See responses by the Applicant at Exhibit D and Remarks Section.</td>
</tr>
</tbody>
</table>
| **if the service is obtained through airport facilities, or applicant sets up its own meter.**
| **4. Requests an easement over existing roads to water tank site for maintenance purpose.**
| **DOFAW** | "The continued operation of the Hawaii Fish Company's aquaculture facility is not likely to create or contribute a wildlife hazard problem." |
| | Noted. |
February 1, 2010

TO: Barry Cheung
Department of Land and Natural Resources
Land Division

FROM: Ronald P. Weidenbach
Co-Owner/Manager
Hawaii Fish Company

SUBJECT: Responses to the Department of Transportation, Airports Division’s comments on request for issuance of direct lease to Hawaii Fish Company for aquaculture purposes

The Department of Transportation, Airports Division (DOT-A) offered four comments on Hawaii Fish Company (HFC)’s request for issuance of a direct lease for aquaculture purposes in their response of December 4, 2009. HFC has reviewed these comments, researched the issues in question, and will respond to each in sequence.

Response to Comment 1. The DOT-A states that it objects to a 35-year lease being issued to HFC because they contend its aquaculture purpose is considered a hazard to aviation safety due to its close proximity to Dillingham Airfield and the potential to attract wildlife hazardous to aircraft operations at the Airfield, or, would consider allowing the aquaculture activity if a condition is placed in the lease that the lessee develop and maintain a wildlife hazard management plan approved by DOT-A.

The DOT-A’s stated contention that the aquafarm is considered a hazard to aviation safety is not supported by the documented wildlife facts in this case, as evidenced by the published bird strike data for Dillingham Airfield by the U.S. Federal Aviation Administration (FAA), the published water bird counts at the quarry site by the U.S. Fish and Wildlife Service (USFWS) and the DLNR Division of Forestry and Wildlife (DOFAW), and the observations of the U.S. Department of Agriculture, Animal and Plant Inspection Service, Wildlife Services (WS) staff that are responsible for controlling the wildlife hazards at the airfield, as detailed below. As you review this data, please be assured that HFC’s
Co-owners, Mr. and Mrs. Weidenbach, are personally very aware of the issue of potential wildlife hazards to aircraft as Mr. Weidenbach’s grandfather was killed when his bi-plane struck a large flock of birds over the Florida Everglades, and, Mr. Weidenbach’s father was the longtime Superintendent of Station Audits (airline maintenance and safety) for the former Eastern Airlines, based at Miami International Airport which is located near the eastern edge of the Everglades.

The FAA bird strike records for Dillingham Airfield from 2001 to 2008 are provided at http://www.city-data.com/wildlife/Dillingham-Airfield-Airport-Mokuleia-Hawaii.html and document that none of the 23 recorded bird strikes during the past nine years have involved any of the water bird species present at the quarry site aquafarm (Attachment 1). Instead, the primary birds involved in these bird strikes have been Zebra doves and seasonally occurring Pacific golden plovers, both of which frequent the grassy fields that surround the airfield runways. Beyond these small birds, the primary birds of concern to WS at Dillingham Airfield have been large seabirds, i.e., Laysan albatross that return seasonally to the airfield, and Great frigate birds that periodically return to the area before approaching ocean storms.

The USFWS stated in a letter to Mr. Weidenbach dated May 24, 1991 (Attachment 2.), which was attached to HFC’s 1991 Environmental Assessment (EA) for the proposed quarry site fish farm, that: “The quarry is deep and has extremely steep sides. As such, it does not have the gradually sloping wetland vegetation border that is found with many natural wetlands. This lack of vegetation greatly reduces its attractiveness as coot habitat.”

The DOFAW Wetland/Taxon Summary Count data for the subject Mokuleia Quarry from August 22, 1990 to August 20, 2008 (Attachment 3.) indicates a low and declining presence of Hawaiian coots, Night herons, and Mallard ducks at the site. The highest recorded water bird count was in 1990, two years before HFC started its commercial aquaculture operations, with 14 Hawaiian coots. The counts from 1996 to 2008 have ranged from only two to six total water birds (coots, herons, and ducks) per inspection, and the count in January 2010 was “zero”. This official data clearly indicates that HFC’s aquaculture activities at the quarry site over the past 20 years have not resulted in any increase of water birds. It also supports the USFWS opinion above that the quarry pond is not an attractive water bird habitat, the DOFAW staff opinions conveyed to Mr. and Mrs. Weidenbach, in response to the subject DOT-A letter, that the aquafarm does not pose a wildlife hazard to the airfield, and the WS staff opinion conveyed to Mr. Weidenbach that the proposed wildlife hazard management program is both unwarranted and unnecessary.

Given these official records and personally conveyed expert opinions, HFC believes that the DOT-A’s stated opposition to HFC’s lease as a wildlife hazard is unfounded, and, that the DOT-A’s request to place a condition in the lease that the lessee develop and maintain a wildlife hazard management program approved by
the DOT-A is clearly unwarranted and would constitute a costly and unreasonable burden for HFC and the DOT-A.

It should be noted that a succession of DOT-A administrators have long supported HFC's efforts to obtain a long-term lease of the quarry site for its aquaculture operations. The DOT-A has rented three land parcels at Dillingham Airfield to HFC since approximately 1990 to present, initially to support HFC's Environmental Assessment efforts of the proposed quarry site aquafarm, and subsequently for HFC's establishment of a temporary fish hatchery at the airfield, under three DLNR-approved Revocable Permits, until HFC could obtain a long-term lease of the quarry site and secure electrical service, construct a permanent fish hatchery, and initiate hatchery operations at the quarry site.

In addition, in recent years, HFC has periodically provided progress reports on HFC's efforts to obtain its long-term aquaculture lease of the quarry site to the late Oahu District Airports Manager, Mr. Benjamin R. Schlapak, who patiently supported HFC's efforts to obtain the subject lease. HFC has been and remains very grateful for his patience and long-term support.

Response to Comment 2. The DOT-A states that the lease makes no reference to the potential water usage necessary to maintain aquaculture operations nor where the lessee will acquire water service.

HFC's proposed quarry site aquafarm water usage was previously reviewed and approved by the DLNR Commission On Water Resources Management, and a 400 gpm well was subsequently drilled, cased and registered. The Commission's expert assessment determined that the Army well system and the HFC aquafarm well system were the only wells on the subject aquifer, and that the combined water usage by these two systems would be well below the aquifer capacity.

Response to Comment 3. The DOT-A states that the lease does not state how the lessee is or will be obtaining electrical service to the property.

HFC's request to Hawaiian Electric Company (HECO) for electrical service to the quarry site aquafarm was initially made approximately 20 years ago, with periodic follow-up requests and discussions, and is currently pending DLNR's approval of the subject lease and an additional easement for a HECO service power line. This extended quarry site electrical service delay has been the primary reason that the DOT-A has so generously rented airfield lands to HFC for the past 20 years for its temporary airfield fish hatchery. Once the subject DLNR lease is finalized, HFC and HECO will finalize arrangements for electrical service to the quarry site, with a separate meter for HFC as requested by DOT-A. HECO electrical service, with a separate meter, has already been provided to the DOFAW endangered plant nursery on the mauka quarry property.
Response to Comment 4. The DOT-A states that it requests a permanent easement over the existing roads to the water tank for maintenance purposes.

Land Court Application 588 previously designated Easement “D” (16 feet wide) for a roadway in favor of U.S.A., from the airfield to the water tank. However, the DOT-A re-routed the previously existing access road in 1987/88 under State Project No. D02018-23 titled “Water Tank Access Road Improvements.” It is unclear whether or not the prior easement was terminated when the road was rerouted, and, whether a new easement was designated for the new access road route. This question should be clarified for the DOT-A and HFC, and addressed if necessary.

Thank you for giving HFC the opportunity to respond to the DOT-A comments on this proposed aquafarm lease. Should you have any questions or comments regarding the above, please contact Mr. Ron Weidenbach at (808) 429-3147 or hawaiifish@gmail.com.

#   #   #
Mr. Ron Weidenbach  
Hauula, Hawaii  96717

Dear Mr. Weidenbach:

This follows up on our telephone conversation of May 14 regarding your proposed development of an aquaculture facility at the Dillingham quarry site, Oahu, Hawaii. You are proposing to construct a series of floating cages for the production of catfish and talapia for commercial purposes. Specifically, you requested that we review the proposal and consider the possible impact of the construction and operation of the facility on the Hawaiian coot, an endangered waterbird. While you would lease the quarry from the State of Hawaii (the owner), no federal permit, funding, or authorization is required.

As you described, the cages to be constructed would be of two sizes: 4- by 8- feet and 8- by 12-feet. A series of these cages would float on the quarry pond surface. The cages and hatchery tanks would occupy a small fraction of the 7-acre pond.

Hawaiian coots have been observed on the pond. As many as 15 have been reported there at any one time (summer, 1990). It appears, however, that the birds become partially used to human activities and tolerate minor disturbances; they would be expected to continue to use the pond after initial construction disturbance. The quarry is deep and has extremely steep sides. As such, it does not have the gradually sloping wetland vegetation border that is found with many natural wetlands. This lack of vegetation greatly reduces its attractiveness as coot habitat. While the birds may land on the pond and feed, it is doubtful if they nest there.

The pond does not contribute to the coots' island-wide recovery to any significant degree. As such, and in consideration of the "low impact" types of activities you have described, we do not believe your project will have any appreciable impact on coots. We have reached this determination with the understanding that you will not be adversely affecting the water quality in the quarry through the addition of chemicals or other harmful compounds, and that you will not be harassing any birds which may land on the ponds in any overt way. To do so may be in violation of federal and state law.

Thank you for the opportunity to comment on your proposal.

Sincerely yours,

William R. Kramer  
Fish and Wildlife Enhancement  
Pacific Islands Office
<table>
<thead>
<tr>
<th>Island</th>
<th>WetlandName (Complex)</th>
<th>WetlandSurveyName</th>
<th>Date</th>
<th>TaxonName</th>
<th>CommonName</th>
<th>Adult</th>
<th>SubAdult</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oahu</td>
<td>Mokulela Quarry</td>
<td>Mokulela Quarry</td>
<td>8/20/2008</td>
<td>Anas platyrhynchos</td>
<td>Mallard</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Fulica alis</td>
<td>Hawaiian Coot, 'Alae Ke'oke'o</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Nycticorax nycticorax</td>
<td>Night Heron, 'Auku'u</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Oahu</td>
<td>Mokulela Quarry</td>
<td>Mokulela Quarry</td>
<td>1/17/2007</td>
<td>Fulica alis</td>
<td>Hawaiian Coot, 'Alae Ke'oke'o</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Nycticorax nycticorax</td>
<td>Night Heron, 'Auku'u</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Oahu</td>
<td>Mokulela Quarry</td>
<td>Mokulela Quarry</td>
<td>1/19/2006</td>
<td>Fulica alis</td>
<td>Hawaiian Coot, 'Alae Ke'oke'o</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Other Domestic Waterfowl</td>
<td>Other Domestic Waterfowl</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Oahu</td>
<td>Mokulela Quarry</td>
<td>Mokulela Quarry</td>
<td>8/17/2005</td>
<td>Fulica alis</td>
<td>Hawaiian Coot, 'Alae Ke'oke'o</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Oahu</td>
<td>Mokulela Quarry</td>
<td>Mokulela Quarry</td>
<td>1/19/2005</td>
<td>Fulica alis</td>
<td>Hawaiian Coot, 'Alae Ke'oke'o</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Nycticorax nycticorax</td>
<td>Night Heron, 'Auku'u</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Oahu</td>
<td>Mokulela Quarry</td>
<td>Mokulela Quarry</td>
<td>8/19/2004</td>
<td>Fulica alis</td>
<td>Hawaiian Coot, 'Alae Ke'oke'o</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Oahu</td>
<td>Mokulela Quarry</td>
<td>Mokulela Quarry</td>
<td>1/21/2004</td>
<td>Fulica alis</td>
<td>Hawaiian Coot, 'Alae Ke'oke'o</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Oahu</td>
<td>Mokulela Quarry</td>
<td>Mokulela Quarry</td>
<td>8/20/2003</td>
<td>Nycticorax nycticorax</td>
<td>Night Heron, 'Auku'u</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Oahu</td>
<td>Mokulela Quarry</td>
<td>Mokulela Quarry</td>
<td>1/16/2003</td>
<td>Fulica alis</td>
<td>Hawaiian Coot, 'Alae Ke'oke'o</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
## Wetland/Taxon Summary Count

**August 22, 1990 to August 20, 2008**

<table>
<thead>
<tr>
<th>Island</th>
<th>WetlandName (Complex)</th>
<th>WetlandSurveyName</th>
<th>Date</th>
<th>TaxonName</th>
<th>CommonName</th>
<th>Adult</th>
<th>SubAdult</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oahu</td>
<td>Mokuleia Quarry</td>
<td>Mokuleia Quarry</td>
<td>8/21/2002</td>
<td>Fulica alai</td>
<td>Hawaiian Coot, 'Alae Ke'oke'o</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Oahu</td>
<td>Mokuleia Quarry</td>
<td>Mokuleia Quarry</td>
<td>8/15/2001</td>
<td>Fulica alai</td>
<td>Hawaiian Coot, 'Alae Ke'oke'o</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Oahu</td>
<td>Mokuleia Quarry</td>
<td>Mokuleia Quarry</td>
<td>1/17/2001</td>
<td>Fulica alai</td>
<td>Hawaiian Coot, 'Alae Ke'oke'o</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Nycticorax nycticorax</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oahu</td>
<td>Mokuleia Quarry</td>
<td>Mokuleia Quarry</td>
<td>9/4/1998</td>
<td>Fulica alai</td>
<td>Hawaiian Coot, 'Alae Ke'oke'o</td>
<td>6</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Oahu</td>
<td>Mokuleia Quarry</td>
<td>Mokuleia Quarry</td>
<td>8/22/1990</td>
<td>Fulica alai</td>
<td>Hawaiian Coot, 'Alae Ke'oke'o</td>
<td>14</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Mokuleia Quarry 8/22/1990 to 8/20/2008 Total:** 43 0 15
February 24, 2010

Mr. Ron Weidenbach
Hawaii Fish Company
P.O. Box 1039
Waialua, Hawaii 96791

Dear Mr. Weidenbach,

We understand that you are in the process of applying for a long-term lease through the Board of Land and Natural Resources for your aquaculture farm at the Dillingham quarry site. We further understand that upon agency review of the draft Board submittal, the Department of Land and Natural Resources’ Land Division received comments from the Hawaii Department of Transportation, Airports Division (DOT-A) raising concern that your aquaculture facility may pose a wildlife hazard to the Dillingham airfield. This letter responds to your inquiry regarding this suggested risk.

The Hawaii Division of Forestry and Wildlife has conducted Statewide Bi-annual Waterbird Surveys at the Dillingham quarry site for over 20 years and believes, based upon our long-term data, that your aquaculture facility as currently managed does not actively attract waterbirds. This is evident in the exceptionally low numbers of waterbirds observed at the Dillingham quarry site during the State’s Bi-annual Waterbird Surveys. Our official records indicate a small yet declining presence of Hawaiian Coots, Black-crowned Night Herons, and Mallard and hybrid ducks utilizing the quarry pond. Waterbird counts between 1996 and 2008 have ranged from a high of six to a low of two total waterbirds observed at the site. Our most recent survey, conducted this past January, 2010, showed zero waterbirds utilizing the quarry pond. It is thus apparent from our records that the Hawaii Fish Company’s aquaculture activities
at the Dillingham quarry site have not resulted in an increase of waterbirds at that site and consequently, the continued operation of the Hawaii Fish Company's aquaculture facility is not likely to create or contribute to a wildlife hazard problem.

Regarding the DOT-A's concerns on the presence of game birds in the game bird hunting areas upland of the site, it should be noted that their diet primarily consists of seeds, nuts, insects, and grass. There are no game birds in Hawaii that are piscivorous (which feed on fish) therefore a fish hatching operation is not likely to have an effect on those species.

If you need any further assistance please contact Norma Bustos, Wildlife Biologist, at 808-587-0163, or myself.

Sincerely,

Paul J. Conry
Administrator
Mr. Ronald Weidenbach
Hawaii Fish Company
P.O. Box 1039
Waialua, Hawaii 96791

Subject: Technical Assistance for a Long-Term Lease for an Aquaculture Farm at Dillingham Quarry Pond, Oahu

Dear Mr. Weidenbach:

We are in receipt of your request of February 22, 2010, in which you requested our assistance regarding your application to the State of Hawaii Board of Land and Natural Resources for a long-term lease for an aquaculture farm at Dillingham Quarry Pond (pond). We received your request on February 22, 2010. You have operated an aquaculture farm at the pond since 1992.

You requested our assistance in evaluating potential bird-airstrike hazards (BASH) associated with the continued operation of the aquaculture farm. You also requested our assistance in evaluating whether the site may attract game birds that generally occur in upland areas. We can assist you with endangered species issues; however, we do not evaluate BASH risks, and we do not manage game birds.

Based upon information you provided, the pond is approximately 7 acres in size, and aquaculture activities would occur in a series of cages that float on the pond surface. Endangered Hawaiian waterbirds that might occur in the area include the endangered Hawaiian duck (Anas wyvilliana), Hawaiian moorhen (Gallinula chloropus sandvicensis), Hawaiian coot (Fulica alata), and Hawaiian stilt (Himantopus mexicanus knudseni). Based upon the February 24, 2010, letter from Hawaii Division of Forestry and Wildlife (DOFAW) and information in our files, bi-annual surveys for waterbirds have been conducted statewide and at the pond for over 20 years. The species observed have been Hawaiian coots, black-crowned night-herons (Nicticorax nicticorax), mallards (Anas platyrhynchos), and mallard hybrids. Generally, low numbers (zero to four) individuals have been observed, although 14 Hawaiian coots were counted in 1990, prior to the operation of the aquaculture farm.
Mr. Ronald Weidenbach

We hope this letter can assist you with your application. If you have questions, please contact Aaron Nadig, Fish and Wildlife Biologist, Consultation and Technical Assistance Program (phone: 808-792-9400, fax: 808-792-9581).

Sincerely,

Christo Russell

for Loyal Mehrhoff
Field Supervisor
Mr. Steve Wong  
Program Manager  
FAA, Honolulu Airports District Office  

Dear Mr. Wong  

April 28, 2010  

This letter is in response to FAA request to provide a recommendation on the Dillingham Airfield quarry site. On April 9, 2010 Wildlife Services (WS) conducted a site visit at the Dillingham Airfield quarry to observe the Tilapia aquaculture farm Hawaii Fish Company (HCF) owned and operated by Mr. Ron Weidenbach. During the visit, Mr. Weidenbach informed us of the history of the site, how it came into existence, as well as, the current and future plans.

Prior to Mr. Weidenbach’s operations beginning in 1991, Waterbird Surveys conducted by the Department of Fish and Wildlife (DOFAW) counted 14 Hawaiian Coots in 1990. All counts thereafter have resulted in no more than six Hawaiian Coots in 1996 and 5 or less total birds in the Waterbird Surveys from 2000-2008. The types of birds counted were mainly Mallards, Hawaiian Coots and Black-Crowned Night Heron. On the rare occasions Black-Crowned Night Herons and various species of ducks are encountered, they seem to be attracted to a canal on the north side at the departure end of Runway 8, and not the quarry area. In a letter from William Kramer of U.S. Fish and Wildlife Service dated May 24, 1991, it was stated that Hawaiian Stilts may occur in this pond but from WS observations of this area, there is no suitable habitat for stilts. There are no embankments and the sides are steep and covered with thick vegetation and trees.

Since 2002, the FAA records for Dillingham Airfield indicate 9 Zebra Doves, 7 Pacific Golden Plovers, 2 Spotted Doves, 2 Common Waxbills, 1 Frigatebird, 1 House Finch and 1 Red-Vented Bulbul were involved in strikes. There are no wetland or waterbird species such as Mallards, Hawaiian Coots, Black-Crowned Night Herons or Hawaiian Stilts in the strike records. We do see seabirds such as Laysan Albatross on the airfield on a frequent basis. Upon our site visit, we did count at least two Black-Crowned Night Heron, one Common Barn Owl a flock of pigeons passing through but along the cliffs and away from the aircraft take off and landing patterns and a dozen or so House Finch and a few Red-Vented Bulbuls.

In regards to the holding cages for the tilapia, Mr. Weidenbach has taken steps to minimize predation on his fish, by implementing plastic pipes around the edges to prevent perching. The cages are also covered with wire to prevent fish from jumping out or birds predating. Mr. Weidenbach mentioned he was given 15mm "Bird Banger" pyrotechnics to use if he needed to haze birds from his cages. With these steps taken, along with Mr. Weidenbach’s operations, WS believes this may actually be deterring birds from being attracted to this quarry. The site visit
gave us only a snapshot of what species, how many and how often the site is used by waterbirds, therefore we will continue monitoring of the area in case the situation does change.

Regarding Mr. Weidenbach’s operation, we see no impact to aviation safety and his cooperation with wildlife issues is a positive step in ensuring any wildlife hazards to aviation could be mitigated if it ever arises.

Sincerely,

Darrin Phelps
USDA/APHIS/Wildlife Services
Assistant District Supervisor
December 13, 1993

Mr. Ronald Weidenbach
HAWAII FISH COMPANY
68-059 B Waialua Beach Road
Waialua, HI 96791

Dear Mr. Weidenbach:

I was glad to have had the opportunity to meet with you to learn about your particular aquaculture activity at Dillingham Airfield.

Based on our discussion, it appears that those concerns which I had raised in my earlier correspondence regarding the possible negative impact to the water table is not a problem, contrary to our earlier impression. We are now satisfied that you have coordinated your affairs with the State Department of Health and the arrangement established will not pose any possible harm to our well source. Investigation by the SDOH has confirmed this situation.

In order to correctly document your use of the area to include the fish propagation tanks, a revocable permit to include the spaces between the cabins is needed. Application for these areas is enclosed for your completion.

Sincerely,

BARRY FUJUNAGA
Manager
Honolulu International Airport

Enc.
SENDERS: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
   Mr. Ron Waidenbach
   Hawaii Fish Company
   P.O. Box 1039
   Waialua, HI 96791

2. Article Number
   (Transfer from service label)
   7002 2030 0006 6831 9126

3. Service Type
   - Certified Mail
   - Insured Mail
   - Express Mail
   - Registered
   - Return Receipt for Merchandise
   - C.O.D.

4. Restricted Delivery? (Extra Fee)
   - Yes

COMPLETE THIS SECTION ON DELIVERY

- Received by (Please Print Clearly)
- Date of Delivery
- Signature
- Is delivery address different from item 1?
- Yes
- No

PS Form 3811, March 2001
Domestic Return Receipt
102595-01-M-142
COMMISSION ON WATER RESOURCE MANAGEMENT
P. O. Box 621
Honolulu, Hawaii 96809

Attention: Lenore
February 24, 2004

Mr. Ron Weidenbach
Hawaii Fish Company
P.O. Box 1039
Waialua, HI 96791

Dear Mr. Weidenbach:

Approval of Water Use Permit for Well No. 3412-04
Mokuleia Ground-Water Management Area, Oahu

This letter transmits your water use permit for Hawaii Fish Company Well #1 (Well No. 3412-04) for use of 0.576 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on February 18, 2004. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 19:

Special Conditions

1. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.

2. The applicant shall obtain a water lease/permit from Land Division prior to actual use of the well water.

Enclosed with this letter of approval are the following:

1. Your water use permit
2. Your official monthly water use report form

Please be sure to read the conditions of your approved permit.

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.
Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Mokuleia Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call Lenore Y. Nakama of the Commission staff at 587-0218.

Sincerely,

[Signature]

Peter T. Young
Chairperson

Attachments

c: State of Hawaii, DLNR
# GROUND-WATER USE PERMIT

## PERMITTEE

<table>
<thead>
<tr>
<th>Permittee/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Hawaii Fish Company</td>
</tr>
<tr>
<td>P.O. Box 1039</td>
<td>State</td>
</tr>
<tr>
<td>Waialua, HI 96791</td>
<td>Address</td>
</tr>
</tbody>
</table>

## PERMITTED SOURCE INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
<th>Oahu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>North</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>Mokuleia</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>Mokuleia</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>12</td>
</tr>
<tr>
<td>Well Name</td>
<td>Hawaii Fish Company Well #1</td>
</tr>
<tr>
<td>State Well No.</td>
<td>3412-04</td>
</tr>
</tbody>
</table>

## PERMITTED USE INFORMATION

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>Aquaculture; Domestic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>0.576 mgd</td>
</tr>
<tr>
<td>Location of water use</td>
<td>6-9-001:003</td>
</tr>
<tr>
<td>TMK #</td>
<td>Mokuleia</td>
</tr>
<tr>
<td>Address</td>
<td>Conservation</td>
</tr>
<tr>
<td>State land use classification</td>
<td>P-1</td>
</tr>
</tbody>
</table>

Pursuant to Hawaii’s State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground-water use here must not interfere with surface or other ground-water rights or reservations.

5. The ground-water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its February 18, 2004 meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.

9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect the water sources (quantity or quality);
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water use;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. Carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).

11. This permit shall be subject to the Commission's periodic review of the Mokuleia Aquifer System's sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the Mokuleia Aquifer System, or relevant modified aquifer(s), is reduced.

12. A permit may be transferred, in whole or in part, from the permittee to another, if:
   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer, which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.

13. The use(s) authorized by law and by this permit do not constitute ownership rights.
14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances that will affect the permittee's water use.

15. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the Mokuleia Ground-Water Management Area.

17. The water use permit shall be subject to the Commission's establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

18. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.

19. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

Attachment

cc: State of Hawaii
STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

February 18, 2004
Honolulu, Oahu

Hawaii Fish Company
APPLICATION FOR A WATER USE PERMIT
Hawaii Fish Company Well #1 (Well No. 3412-04), TMK 6-9-001:003, WUP No. 669
New (Aquaculture) Use for 0.576 mgd
Mokuleia Ground Water Management Area, Oahu

APPLICANT: Hawaii Fish Company
P.O. Box 1039
Waialua, HI 96791

LANDOWNER: State of Hawaii, DLNR
P.O. Box 621
Honolulu, HI 96809

SUMMARY OF REQUEST:
The applicant proposes to drill a fresh water well to provide up to 0.576 mgd of potable water for operation of a fish hatchery, fish farm, and office/caretakers building. The proposed well will provide a disease-free source of water for HFC’s fish hatchery and farm at TMK 6-9-001:003.

LOCATION MAP: See Exhibit 1

BACKGROUND:
On October 3, 2003, a completed water use permit application was received from Hawaii Fish Company (HFC) by the Commission on Water Resource Management (Commission).

On October 23, 2003, Land Division responded to the Commission’s request for review comments on the subject application, informing us that the proposed well development project requires a Conservation District Use Permit and a water lease/permit.
On November 5, 2003, the Commission forwarded a copy of Land Division's review comments and notified the applicant that any further processing of the water use permit application would be deferred because the proposed use was inconsistent with the State Land Use District designation, one of the seven criteria that must be met in order to obtain a water use permit under §174C-49(a) Haw. Rev. Stat. Until a Conservation District Use Permit is in place, the Commission may not legally grant a water use permit.

On December 22, 2003, Land Division staff notified the Commission that approval of a Site Plan for the proposed well would suffice in place of a new Conservation District Use Permit, but that until the Site Plan is approved, the project is still not considered compliant with the State Land Use designation (personal communication with Dawn Hegger).

On January 21, 2004, the applicant hand-delivered a copy of the approved Site Plan. The Site Plan indicates that HFC is proposing to construct both fresh- and salt-water wells. However, HFC is only applying for a water use permit for a single fresh-water well at this time. Should HFC decide to construct other fresh-or salt-water wells for aquaculture use, HFC must apply for new permits from the Commission.

Additional information regarding the source, use, notification, objections, and field investigation(s) is provided in Attachment A.

ANALYSIS/ISSUES:

Section 174C-49(a) of the State Water Code establishes seven (7) criteria that must be met to obtain a water use permit. An analysis of the proposed permit in relation to these criteria follows:

(1) Water availability

Through the Hawaii Water Plan, the Commission has adopted 12 mgd as the sustainable yield for the Mokuleia Aquifer System. Individual existing water use permits in this aquifer system are shown in Exhibit 2. A summary of the current ground water conditions in the aquifer is provided in Table 1:
Table 1. Mokuleia Aquifer System

<table>
<thead>
<tr>
<th>ITEM</th>
<th>Mokuleia Aquifer System (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sustainable Yield</td>
<td>12</td>
</tr>
<tr>
<td>Less: Other Existing Water Use Permits (shown in Exhibit 2)</td>
<td>7.725</td>
</tr>
<tr>
<td>Subtotal (Current Available Allocation)</td>
<td>4.275</td>
</tr>
<tr>
<td>Less: Other Pending Completed Applications</td>
<td>0.000</td>
</tr>
<tr>
<td>Less: This application (HFC, Well No. 3412-04)</td>
<td>0.576</td>
</tr>
<tr>
<td>Subtotal (Potential Available Allocation Remaining)</td>
<td>3.699</td>
</tr>
</tbody>
</table>

Table 1 shows that there is an adequate supply of ground water that is available to meet HFC’s proposed use. There is 4.275 mgd of ground water currently available. If the Commission grants the requested 0.576 mgd for Well No. 3412-04, there will still be 3.699 mgd available to satisfy new reasonable and beneficial uses.

(2) Reasonable-beneficial

Section 174C-3 HRS defines "reasonable-beneficial use" is

"...the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest".

HFC’s mission is to research, commercialize, and produce premium quality food fish, ornamental fish, and associated products for sales to Asian live seafood markets and restaurants, mainstream seafood outlets, and ornamental fish distributors in Hawaii and major metropolitan areas in North America and around the Pacific Rim.

Actual water use is estimated to be 0.576 mgd. Because of the extremely wide range of water usage estimates for aquaculture, depending on the species type and management strategy employed, the Commission has relied on communication with the Aquaculture Development Corporation (ADC) staff for determination of reasonable quantities. ADC staff has confirmed that 0.576 mgd is a reasonable quantity of fresh water needed for the proposed intensive hatchery and fish farm (personal communication with Leonard Young, November 6, 2003). Because the proposed use is for a commercial aquaculture operation and appears to be efficient, the proposed use is deemed to be reasonable and beneficial in these respects. Other reasonable-beneficial criteria are discussed in following sections.
(3) **Interference with other existing legal uses**

Exhibit 1 shows the location of the well in proximity to other nearby wells. Exhibit 3 provides detailed information on the nearby wells. The three downgradient wells are not being pumped; one is an observation well, and the other two wells are unused.

However, there is a public water system well (Well No. 3412-02) about a third of a mile to the east of the proposed source. Pumping tests are required under the Exploratory Well Construction Permit (issued November 5, 2003). The pumping tests should show the impact, if any, on Well No. 3412-02. If Well No. 3412-02 is negatively impacted by the proposed pumpage at HFC’s new well, the Commission may modify HFC’s allocation, pursuant to Standard Conditions 3.c., 4. and 9.b.

There is also an old quarry immediately mauka of HFC’s proposed well site. Although not initially designed as a water source, the quarry is, in effect, functioning as a dug well because it intercepts and exposes the ground-water table. There is no pump in the quarry, but staff has observed the quarry being used as an aquaculture pond. The evaporative losses from the quarry may be considered a “use” of ground water (see Hawaii Prince Golf Club submittal, 1/14/98), and the staff will pursue the permitting of the quarry with the State of Hawaii, landowner at the quarry site.

(4) **Public interest**

There have been no objections to this application, although we have received comments from the Department of Health and Land Division.

The Department of Health (DOH) has reviewed and approved a treatment individual wastewater system (septic tank) at TMK 6-9-001:003. DOH recommends that the applicant test for bacteriological and chemical presence before the well water is used for drinking and routinely monitor the water quality thereafter. However, because HFC’s well does not meet the definition of a public water system, there are no requirements for monitoring or treatment, and the applicant uses the water at their own risk.

The Land Division has commented that a water lease/permit is required. We have forwarded the review comments to the applicant and have advised the applicant to work with the Land Division to resolve this issue (Exhibit 4).

The proposed use of ground water for domestic use and operation of a fish hatchery and fish farm, where there are no adverse impacts to water resources, existing legal uses, or public trust purposes, is deemed to be in the public interest.

(5) **State & county general plans and land use designations**

The proposed use is consistent with the state and county general plans and land use designations.
(6) **County land use plans and policies**

The proposed use is consistent with county land use plans and policies.

(7) **Interference with Hawaiian home lands rights**

All permits are subject to the prior rights of Hawaiian home lands. The Department of Hawaiian Home Lands (DHHL) and the Office of Hawaiian Affairs were sent copies of the application for review. No comments or concerns were raised.

**RECOMMENDATION:**

Staff recommends that the Commission approve the issuance of Water Use Permit No. 669 to Hawaii Fish Company for the reasonable and beneficial use of 0.576 million gallons per day of potable water for aquaculture and domestic use from the Hawaii Fish Company Well #1 (Well No. 3412-04), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

1. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.

2. The applicant shall obtain a water lease/permit from Land Division prior to actual use of the well water.

Respectfully submitted,

[Signature]

ERNEST Y.W. LAU
Deputy Director

Attachment(s):

A (Water Use Permit Detailed Information)
B (Water Use Permit Standard Conditions)

Exhibit(s):

1 (Location Map)
2 (Existing Water Use Permits and 12-Month Moving Average Withdrawal)
3 (Other Nearby Wells)
4 (Land Division Review Comments)

APPROVED FOR SUBMITTAL:

[Signature]

PETER T. YOUNG
Chairperson

Commissioner Kauai inquired about the spent water. Ron explained that the water would be recycled through multiple uses. DOT has inspected and recommends a seepage/percolation field.

If there is any impact to the well water from the septic tank/percolation field, HFC would be the only one to be negatively affected.
WATER USE PERMIT DETAILED INFORMATION

Source Information

AQUIFER: Mokuleia System, North Sector, Oahu
Sustainable Yield: 12 mgd
Existing Water Use Permits: 7.725 mgd
Available Allocation: 4.275 mgd
Total other pending completed applications: 0.000 mgd
This Application: 0.576 mgd

PROPOSED WELL: Hawaii Fish Company Well #1 (Well No. 3412-04)
Location: 69-190 Farrington Hwy., Oahu, TMK: 6-9-001:003
Year Drilled: NA
Casing Diameter: 8 in.
Elevations (msl = 0 ft.)
Water Level:
Ground: 5 ft.
Bottom of Solid Casing: 16 ft.
Bottom of Perforated: -84 ft.
Bottom of Open Hole: -134 ft.

Total Depth: 150 ft.
Grouted Annulus Depth: 90 ft.

Pump Capacity 400 gpm

ATTACHMENT A
Use Information

Quantity Requested: 0.576 million gallons per day.
New Type of Water Use: Aquaculture, Domestic
Place of Water Use: TMK: 6-9-001:003

Reported Water Usage: NA

Mokuleia Aquifer System
Reported 12-Month Moving Average Withdrawal (See Exhibit 2): 0.014 mgd

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Honolulu Advertiser on October 22, 2003 and October 29, 2003 and a copy of the notice was sent to the Mayor’s office. Copies of the completed application were sent to the Department/Board of Water Supply, Planning Department, Department of Land Utilization (Oahu only), Department of Health, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, the various divisions within the Department of Land and Natural Resources, and other interested parties for comments. Written comments and objections to the proposed permit were to be submitted to the Commission by November 13, 2003.

Objections

The public notice specifies that an objector meet the following requirements: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; (3) state all grounds for objections to the proposed permits, (4) provide a copy of the objection letter(s) to the applicant, and (5) submit objections meeting the previous requirements to the Commission by November 13, 2003. No objections were filed.

Briefs in Support

Responses to objections, or briefs in support, regarding the application are required to be filed with the Commission ten (10) days after an objection is filed and, presumably, copies are served to the applicant. No briefs in support were filed with the Commission.

Field Investigation

No field investigation was conducted as this is for a proposed well and water use.

ATTACHMENT A
STANDARD WATER USE PERMIT CONDITIONS

1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground-water use here must not interfere with surface or other ground-water rights or reservations.

5. The ground-water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its February 18, 2004 meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.
9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:

a. protect the water sources (quantity or quality);
b. meet other legal obligations including other correlative rights;
c. insure adequate conservation measures;
d. require efficiency of water uses;
e. reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
f. meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
g. carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a yearly basis (attached).

11. This permit shall be subject to the Commission's periodic review of the Mokuleia Aquifer System's sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the Mokuleia Aquifer System, or relevant modified aquifer(s), is reduced.

12. A permit may be transferred, in whole or in part, from the permittee to another, if:

a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.

13. The use(s) authorized by law and by this permit do not constitute ownership rights.

14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

ATTACHMENT B
15. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the Mokuleia Ground-Water Management Area.

17. The water use permit shall be subject to the Commission's establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

18. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

19. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.
Exhibit 1
Aquifer System Water Use Permit Index (non-saltwater)

**ISLAND OF OAHU**

<table>
<thead>
<tr>
<th>WUP No</th>
<th>Approved</th>
<th>Applicant</th>
<th>Well No.</th>
<th>Well Name</th>
<th>WUP (mgd)</th>
<th>12-MAV (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>657</td>
<td>9/17/2003</td>
<td>STANHOPE FARMS</td>
<td>3308-02</td>
<td>STANHOPE FARMS</td>
<td>0.056</td>
<td>UNL</td>
</tr>
<tr>
<td>679</td>
<td>1/13/2004</td>
<td>KAALA RANCH</td>
<td>3309-02</td>
<td>MOKULEIA</td>
<td>0.127</td>
<td>UNL</td>
</tr>
<tr>
<td>651</td>
<td>9/11/1981</td>
<td>WESTERN UNITED LIFE ASSUB310-01</td>
<td>MOKULEA HMSTD</td>
<td>1.25</td>
<td>NR</td>
<td></td>
</tr>
<tr>
<td>652</td>
<td>12/14/1988</td>
<td>WESTERN UNITED LIFE ASSUB310-02</td>
<td>MOKULEA HMSTD</td>
<td>0.85</td>
<td>NR</td>
<td></td>
</tr>
<tr>
<td>038</td>
<td>9/11/1981</td>
<td>U.S. AIR FORCE</td>
<td>3314-03</td>
<td>USAF KAENA PT.</td>
<td>0.018</td>
<td>0.000</td>
</tr>
<tr>
<td>606</td>
<td>1/30/2002</td>
<td>C&amp;C DOE</td>
<td>3407-25</td>
<td>WAIALUA HI SCHO</td>
<td>0.039</td>
<td>NR</td>
</tr>
<tr>
<td>049</td>
<td>9/11/1981</td>
<td>WAIALUA SUGAR [02]</td>
<td>3409-13</td>
<td>PUMP 11</td>
<td>0.53</td>
<td>UNL</td>
</tr>
<tr>
<td>050</td>
<td>9/11/1981</td>
<td>MOKULEIA ASSOC</td>
<td>3409-16</td>
<td>MOKULEIA ASSOC.</td>
<td>0</td>
<td>UNL</td>
</tr>
<tr>
<td>446</td>
<td>10/23/1996</td>
<td>MOKULEIA AQUAFARM</td>
<td>3409-24</td>
<td>MAF 1</td>
<td>0.25</td>
<td>UNL</td>
</tr>
<tr>
<td>653</td>
<td>9/11/1981</td>
<td>MOKULEIA WATER LLC</td>
<td>3410-01</td>
<td>MOKULEA HMSTD</td>
<td>0.5</td>
<td>NR</td>
</tr>
<tr>
<td>654</td>
<td>9/11/1981</td>
<td>WESTERN UNITED LIFE ASSUB410-03</td>
<td>MOKULEA HMSTD</td>
<td>1.5</td>
<td>NR</td>
<td></td>
</tr>
<tr>
<td>052</td>
<td>9/11/1981</td>
<td>WAIALUA SUGAR [02]</td>
<td>3411-04</td>
<td>PUMP 5</td>
<td>2.55</td>
<td>UNL</td>
</tr>
<tr>
<td>052</td>
<td>9/11/1981</td>
<td>WAIALUA SUGAR [02]</td>
<td>3411-06</td>
<td>PUMP 5</td>
<td>0</td>
<td>UNL</td>
</tr>
<tr>
<td>052</td>
<td>9/11/1981</td>
<td>WAIALUA SUGAR [02]</td>
<td>3411-07</td>
<td>PUMP 5</td>
<td>0</td>
<td>UNL</td>
</tr>
<tr>
<td>052</td>
<td>9/11/1981</td>
<td>WAIALUA SUGAR [02]</td>
<td>3411-08</td>
<td>PUMP 5</td>
<td>0</td>
<td>UNL</td>
</tr>
<tr>
<td>052</td>
<td>9/11/1981</td>
<td>WAIALUA SUGAR [02]</td>
<td>3411-09</td>
<td>PUMP 5</td>
<td>0</td>
<td>UNL</td>
</tr>
<tr>
<td>052</td>
<td>9/11/1981</td>
<td>WAIALUA SUGAR [02]</td>
<td>3411-10</td>
<td>PUMP 5</td>
<td>0</td>
<td>UNL</td>
</tr>
<tr>
<td>052</td>
<td>9/11/1981</td>
<td>WAIALUA SUGAR [02]</td>
<td>3411-11</td>
<td>PUMP 5</td>
<td>0</td>
<td>UNL</td>
</tr>
<tr>
<td>052</td>
<td>9/11/1981</td>
<td>WAIALUA SUGAR [02]</td>
<td>3411-13</td>
<td>PUMP 5</td>
<td>0</td>
<td>UNL</td>
</tr>
<tr>
<td>053</td>
<td>9/11/1981</td>
<td>D.O.T. AIRPORTS</td>
<td>3412-02</td>
<td>DILLINGHAM AFB</td>
<td>0.055</td>
<td>NR</td>
</tr>
</tbody>
</table>

Summary for 'SYSTEM' = MOKULEIA (20 detail records)

Totalling 7.725
<table>
<thead>
<tr>
<th>Well No.</th>
<th>Well Name</th>
<th>Aquifer Code</th>
<th>Owner/User</th>
<th>Year Drilled</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Type</th>
<th>Total Depth</th>
<th>Case Dia. in.</th>
<th>Bottom Solid Casing</th>
<th>Bottom Perf Casing</th>
<th>Bottom of Hole</th>
<th>Static Head</th>
<th>CI- Temp</th>
<th>Specific Capacity</th>
<th>Installed Capacity</th>
<th>T</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>3412-01</td>
<td>Dillingham Afb</td>
<td>30401</td>
<td>State Dot-Airp</td>
<td>1894</td>
<td>213448</td>
<td>1581236</td>
<td>9</td>
<td>18</td>
<td></td>
<td>-58</td>
<td>-223</td>
<td></td>
<td>8.7</td>
<td></td>
<td></td>
<td>UNU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3412-02</td>
<td>Dillingham Afb</td>
<td>30401</td>
<td>State Dot-Airp</td>
<td>1920</td>
<td>213448</td>
<td>1581236</td>
<td>12</td>
<td>241</td>
<td>18</td>
<td>-58</td>
<td>-223</td>
<td></td>
<td>8.6</td>
<td>115</td>
<td>20.2</td>
<td>.720</td>
<td></td>
<td>DOM</td>
</tr>
<tr>
<td>3412-03</td>
<td>Dillingham Afb</td>
<td>30401</td>
<td>USGS</td>
<td>1962</td>
<td>213454</td>
<td>1581251</td>
<td>4</td>
<td>20</td>
<td>13</td>
<td>-7</td>
<td>-7</td>
<td></td>
<td>10</td>
<td>182</td>
<td></td>
<td>OBS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3512-01</td>
<td>Mokuleia Bch</td>
<td>30401</td>
<td>US Army</td>
<td>1970</td>
<td>213504</td>
<td>1581243</td>
<td>59</td>
<td>15</td>
<td>-32</td>
<td>-44</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3512-02</td>
<td>Mokuleia Bch</td>
<td>30401</td>
<td></td>
<td>1970</td>
<td>213504</td>
<td>1581242</td>
<td>56</td>
<td>16</td>
<td>-22</td>
<td>-40</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>UNU</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
October 21, 2003

TO: Dede Mamiya, Administrator  
Land Division

FROM: Ernest Y.W. Lau, Deputy Director  
Commission on Water Resource Management

SUBJECT: Request for Comments  
Water Use Permit Application  
Mokuleia Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by November 13, 2003. If we do not receive your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Class
Attachment(s)

Response:

XX) A water lease/permit is required of this applicant and an application for such will be requested by our division.
( ) A water lease/permit is not required of this applicant.
( ) A water lease/permit has been obtained by the applicant through lease no.
XX) This well project [requires () does not require] a CDUP. If a CDUP is required it ( ) has [ ] has not been approved and ( ) is [ ] is not currently active.
( ) Other relevant Land Division rules/regulations, information, or recommendations are attached.
( ) No objections
XX) Other comments: The well is located on State-owned land and looks like it is just into the conservation District

Contact person: Gary Martin  
Phone: 587-0421

Signed: _______________  
Exhibit 4
Ronald Weidenback  
P.O. Box 1039  
Wailua, Hawaii 96791

Dear Mr. Weidenback,

SUBJECT: Request for Site Plan Approval for Saltwater and Freshwater Well Construction at Subject Parcel TMK: (1) 6-9-001:003 and 033, Waialua, Island of Oahu

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your letter dated January 21, 2004, requesting Site Plan Approval (SPA) for saltwater and freshwater well construction for your land based Aquaculture farm, located at Subject Parcel TMK: (1) 6-9-001:003 and 033, Waialua, Island of Oahu.

According to your information, you are proposing to construct freshwater and saltwater wells. An application has been submitted to the Commission on Water Resources Management to construct a freshwater well to provide a disease-free water source for Hawaii Fish Company's fish hatchery, and potable drinking water for the laboratory, restrooms, and caretaker's buildings. A small eight (8) foot by twelve (12) foot concrete pump house may be constructed to protect the well. Additional well permit applications will be submitted to the commission for this purpose. Additional information and Site Plans are supplied in Exhibit 1.

According to departmental records, the subject parcel is located in the State Land Use Conservation District, General and Limited subzones. Departmental records also indicate that the applicant has a current Conservation District Use Permit OA-2504.

The OCCL has no objections to granting a Site Plan Approval for this request, as long as the work occurs within the metes and bounds of the above-mentioned parcel. This work is authorized pursuant to Hawaii Administrative Rules (HAR), Chapter 13-5-23 (L-7, STRUCTURES, ACCESSORY, B-1, "construction or placement of structure accessory to an existing structure, building, or facility under an existing Conservation District Use Permit. Accessory uses shall be allowed only if they are consistent with the purpose of the Conservation District." The proposed project is minor in scope and may
be considered an exempt action under State environmental laws under Section 11-200-8(3), HAR.

Authorization is hereby granted to construct saltwater and freshwater wells and for the proposed well covers for your land based aquaculture farm, located at Subject Parcel TMK: (1) 6-9-001:003 and 033, Waialua, Island of Oahu, subject to the following conditions:

1. The applicant shall comply with all ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of Chapter 13-5, HAR;

2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this approval or relating to or connected with the granting of this approval;

3. The applicant shall comply with all applicable Department of Health administrative rules;

4. In issuing the approval, the Department has relied on the information and data, which the applicant has provided in connection with the application. If, subsequent to the issuance of the approval such information and data prove to be false, incomplete, or inaccurate, this approval may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings;

5. The applicant must get approval from the Commission on Water Resources Management for the well(s); and

5. Failure to comply with any of these conditions shall render this approval null and void.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return one copy with the Site Plan Approval fee of $50 dollars within thirty (30) days. The check should be made out to the State of Hawaii Department of Land and Natural Resources.
Should you have any questions on any of these conditions, please feel free to contact Dawn Hegger of at 587-0380.

Aloha

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

Receipt acknowledged:

Applicant's Signature

Date

Cc: Oahu District Land Office
Commission on Water Resource Management
November 26, 2003

Mr. Peter T. Young, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Young:

Water Use Permit Application
for Hawaii Fish Company Well No. 3412-04, Mokuleia, Oahu, Hawaii

We have reviewed the Water Use Permit Application for Hawaii Fish Company Well No. 3412-04 and have no objections. The Board of Water Supply also has no objections, and our previous comments in our letter dated October 1, 2003 especially in regard to the project’s consistency with the North Shore Sustainable Communities Plan remain the same.

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

Sincerely yours,

ERIC G. CRISPIN, AIA
Director of Planning and Permitting

EGC:js
Attachment

cc: Mayor Jeremy Harris (18920)
Chester Lao, Board of Water Supply
Mr. Ron Weidenbach  
Hawaii Fish Company  
P.O. Box 1039  
Waialua, Hawaii 96791

Dear Mr. Weidenbach:

Water Use Permit Application for  
Hawaii Fish Company Well #1, Mokuleia, Oahu, Hawaii

We have reviewed the subject application and provide the following comments:

1. Since the application involves only 16.25 acres of the total 76.376-acre parcel, the application should be revised to indicate “portion of 003” for Tax Map Key 6-9-001: 003.

2. The current zoning for TMK: 6-9-001: 003 is P-1 Restricted Preservation District and the site is within an area designated for Agriculture.

3. Regarding TMK 6-9-001: Portion of 003, we understand from your application that approximately 576,000 gallons per day of potable water will be used to provide potable drinking water for the hatchery office/caretakers building and a disease-free water source for the Hawaii Fish Company’s fish hatchery. The Department of Planning and Permitting also confirms that the aquaculture use on the old quarry site near Dillingham Airfield is cited by and consistent with the North Shore’s Sustainable Communities Plan. However, since this area is within the State Conservation District, the Department of Land and Natural Resources should be consulted on appropriate use.

4. The above-referenced Tax Map Key is not located within the Special Management Area (SMA) and is not subject to the SMA requirements of Chapter 25, Revised Ordinances of Honolulu.

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

Sincerely yours,

ERIC G. CRISPIN, AIA  
Director of Planning and Permitting

EGC:js

Attachment

cc: Commission on Water Resource Management  
P:/Divfunction/Wup/Hawaii Fish Company Well #1
STATE OF HAWAI’I
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, Hawaii 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

November 5, 2003

TO: Peter T. Young, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources

FROM: Anthony J.H. Ching, Executive Officer

SUBJECT: Water Use Permit Application
Mokuleia Groundwater Management Area, Oahu

We have reviewed the subject application forwarded by your transmittal dated October 21, 2003 and confirm that the project area, identified as Tax Map Key No: 6-9-01:3 and generally represented on Attachment 2, is designated within the boundary of the State Land Use Conservation District.

With respect to your request as to whether the current designation is appropriate for the proposed project, inasmuch as the establishment of permitted activities or uses within the Conservation District is under the jurisdiction of the Department of Land and Natural Resources pursuant to chapter 183C, Hawaii Revised Statutes, we have no comments to offer on this matter.

Thank you for the opportunity to comment on the subject application. As requested, we are returning the cover memo for the subject application.

Please feel free to contact Bert Saruwatari of my office at 587-3822 should you require clarification or any further assistance.

Enclosure
October 21, 2003

TO: Mr. Anthony Ching, Executive Officer
   Land Use Commission

FROM: Peter T. Young, Chairperson
      Commission on Water Resource Management

SUBJECT: WATER USE PERMIT APPLICATION
         Mokuleia Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

We would appreciate your review of the proposed use that is described in the attached application (i.e. line item 6 or Table 1). Specifically, we request that you inform us of the current state land use designation for the TMK parcel, or portion thereof, for the proposed use area(s) and, secondly, whether the current state land use designation is appropriate for the proposed project.

We have attached a TMK map(s) that covers the proposed use area(s). Where water is proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the proposed use area(s) has been clearly delineated on the attached map. Please respond by returning this cover memo along with your review comments by November 13, 2003. If we do not receive your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

CI: ss
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
(✓) Comments attached

Contact person: Bert Saruwatari
Phone: 587-3822
Signed: Bert Saruwatari
Date: October 31, 2003
October 21, 2003

TO:    Aquatic Resources
       Forestry and Wildlife/Natural Area Reserve System
       Historic Preservation
       State Parks

FROM:  Ernest Y. W. Lau, Deputy Director
       Commission on Water Resource Management

SUBJECT: Request for Comments
         Water Use Permit Application
         Mokuleia Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by November 13, 2003. If we do not receive your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Class
Attachment(s)

Response:

( ) We have no comments
(✓) We have no objections
( ) Comments attached

Contact person: David S. Khun

Signed: David S. Khun
Phone: 587-0240
Date: Nov. 17, 2003
TO: Aquatic Resources  
Forestry and Wildlife/Natural Area Reserve System  
Historic Preservation  
State Parks

FROM: Ernest Y.W. Lau, Deputy Director  
Commission on Water Resource Management

SUBJECT: Request for Comments  
Water Use Permit Application  
Mokuleia Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by November 13, 2003. If we do not receive your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Cl: ss
Attachment(s)

Response:

( ) We have no comments  
( V) We have no objections  
( V) Comments attached

Contact person: Mike Yamaoto  
Phone: 7-0082

Signed: D. Dennis  
Date: 11-10-03
MEMORANDUM

To: Ernest Y. W. Lau, Deputy Director
Commission on Water Resource Management

From: William S. Devick, Administrator
Division of Aquatic Resources

Subject: Comments on _x_ Water Use Permit Application

Comments Requested By: Lenore Y. Nakama

Summary of Project

Applicant: Hawaii Fish Company Well No. 3412-04
Location: Mokuleia Ground Water Management Area, Oahu

Brief Description:

Hawaii Fish Company (HFC) is a small, multi-species aquaculture farm owned and operated by Ronald P. Weidenbach and Estralita P. Weidenbach. HFC currently rents approximately 18 acres of land at the former Dillingham Quarry site from the State of Hawaii, Department of Land and Natural Resources. The company's aquaculture operations are conducted in the quarry site's existing water-filled borrow pit.

Proposed is the use of 576,000 gallons per day of potable water to provide drinking water for a hatchery office/caretaker's building, and a disease-free water source for the Hawaii Fish Company's fish hatchery. The source of the water, the Mokuleia Hydrologic Unit (MHU), has a sustainable yield of 12 MGD. Currently, the MHU is experiencing light to moderate water demand, and the proposed action of drilling and operating a well of 0.5 MGD can be accommodated.

The surrounding lands are unused and covered with dryland scrub vegetation. There are no perennial streams in the immediate vicinity.

Comments:

We have no objection to the proposed request.
Transmitted for your review and comment is a copy of a water use permit application for Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by November 13, 2003. If we do not receive your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.
November 5, 2003

Mr. Ron Weidenbach
Hawaii Fish Company
P.O. Box 1039
Waialua, HI 96791

Dear Mr. Weidenbach:

We are forwarding the review comments from the Department of Land and Natural Resources, Land Division, on your water use permit application. Land Division raises two issues: 1) the need for a water lease/permit, and 2) the requirement for a Conservation District Use Permit (CDUP).

With regard to the water lease/permit issue, please contact Land Division at 587-0241 to begin the water lease/permit processing. Approval of a water lease/permit is required prior to actual use of the well water.

With regard to the need for a CDUP, please notify us in writing when this issue has been resolved. We are not able to continue processing of your water use permit application if the need for a CDUP is an outstanding issue. We will hold your water use permit application in abeyance pending your resolution of this matter.

If you have any questions please contact Lenore Y. Nakama of the Commission staff at 587-0218.

Sincerely,

ERNEST Y.W. LAU
Deputy Director

LYN:ss
Attachment
October 29, 2003

Log #: 2003.2211

Doc #: 0310EJ12

Date Received: October 22, 2003

Applicant/Agency: Ernest Y. W. Lau, Deputy Director

Address: Commission on Water Resource Management

DLNR

SUBJECT: Chapter 6E-42 Historic Preservation Review Water Use Permit

Application for Hawaii Fish Company Well No. 3412-04

Ahupua'a: Mokuleia

District, Island: Waialua, O'ahu

TMK: (1) 6-9-001: por. 003

1. _____ This project has not gone through the historic preservation review process. Please submit documentation ________________________________

2. ___ This project has already gone through the historic preservation preview process.
   _____ a. mitigation has been completed
   _____ b. other CDUA OA-2405 reviewed in 1991 for the commercial aquaculture facility.

There are no known sites at this location which was once a quarry and has been extensively modified. This letter supercedes our previous comment (LOG NO: 2003.2154, DOC NO: 0310SC22, dtd October 24, 2003) since the subject submission contains the additional information requested.

3. _____ We have not been consulted on this undertaking, however we believe there are no historic properties present, because:
   _____ a) intensive cultivation has altered the land
   _____ b) residential development/urbanization has altered the land
   _____ c) previous grubbing/grading has altered the land
   _____ d) an acceptable archaeological assessment or inventory survey found no historic properties
   _____ e) other:

   ___ Thus, we believe that “no historic properties will be affected” by this undertaking.

Aloha,

P. Holly McEldowney, Acting Administrator
State Historic Preservation Division
TO:  
Honorable Micah Kane, Chairperson  
Department of Hawaiian Home Lands  
Honorable Chiyoue L. Fukino, M.D., Director  
Department of Health  
Attn: Mr. Harold Yee  
Attn: Mr. William Wong  
Honorable Haunani Apoliona, Chairperson  
Office of Hawaiian Affairs  
Mr. Clifford S. Jamile, Manager & Chief Engineer  
Honolulu Board of Water Supply  
Attn: Mr. Chester Lao  
Attn: Mr. Barry Usugawa  
Mr. Eric Crispin, Acting Director  
Department of Planning and Permitting  
Attn: Planning Division

FROM: Peter T. Young, Chairperson  
Commission on Water Resource Management

SUBJECT: Water Use Permit Application  
Mokuleia Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by November 13, 2003. If we do not receive your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Cl: ss

Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
(A) Comments attached

Contact person: William Wong

Signed: ____________________________  Phone: 586-4258  Date: OCT 28 2003
The Department of Health, Safe Drinking Water Branch has the following comment in regards to the Water Use Permit Application for the Hawaii Fish Company Well No. 1 for Well No. 3-3412-04 Oahu:

This well does not appear to qualify as a source serving a public water system (serves less than 25 or more people at least 60 days per year or 15 service connections). However, if the well water is to be used for drinking, as stated in the application (potable use for the caretaker residence quarters), the private owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. Note that if any future planned use from this source increases to meet the public water system definition, then Director of Health approval is required prior to implementation.
October 21, 2003

TO: Honorable Micah Kane, Chairperson
Department of Hawaiian Home Lands

Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Attn: Mr. Harold Yee
Attn: Mr. William Wong

Honorable Haunani Apoliona, Chairperson
Office of Hawaiian Affairs

Mr. Clifford S. Jamile, Manager & Chief Engineer
Honolulu Board of Water Supply
Attn: Mr. Chester Lao
Attn: Mr. Barry Usugawa

Mr. Eric Crispin, Acting Director
Department of Planning and Permitting
Attn: Planning Division

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Water Use Permit Application
Mokuleia Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by November 13, 2003. If we do not receive your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Response:

( ) We have no comments
X We have no objections
( ) Comments attached

Contact person: Lon N. Kajiwara
Phone: 586-4294
Signed: Olowa N. Kajiwara
Date: 10-24-2003
A septic tank file has been found and the following information is provided. In general, the Department of Health has reviewed and approved of the plans based on the information submitted as verification that a treatment individual wastewater system (IWS) such as a septic tank was constructed and authorized to be used for wastewater disposal from a building/dwelling.

Tax Map Key number: 69-190 Farrington Hwy
Address: 379
Septic Tank File #: 69-190 farrington hwy
Applicant Name: Weidenbach
Submit Plan Date: 9-30-2003
Plan Approval Date: 10-08-2003
Inspection Date: 
System Approved for Use Date: 
System / Disposal Via: Septic Tank / Trench
Capacity: 1250 gallons
# of Bedrooms or Other: 5 bedrooms
Designed By: McNulty

Wastewater Branch Engineer
Planning/Design Section (Oahu)
Johnny Ony

For further information, you may also call the Wastewater Branch neighbor island engineers:

[ ] Mr. Dane Hiromasa at the Kealakekua Health Center, Kona at (808)322-1507
[ ] Mr. Jerry Nunogawa at the Hawaii District Health Office, Hilo at (808)933-0401
[ ] Mr. Joe Tateyama at the Kauai District Health Office at (808)241-3323
[ ] Mr. Roland Tejano at the Maui District Health Office at (808)984-8232
October 21, 2003

TO: Dede Mamiya, Administrator
    Land Division

FROM: Ernest Y.W. Lau, Deputy Director
    Commission on Water Resource Management

SUBJECT: Request for Comments
          Water Use Permit Application
          Mokuleia Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by November 13, 2003. If we do not receive your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

CI:ss
Attachment(s)

Response:

  XX) A water lease/permit is required of this applicant and an application for such will be requested by our division.
  ( ) A water lease/permit is not required of this applicant.
  ( ) A water lease/permit has been obtained by the applicant through lease no.
  XX) This well project requires ( ) does not require a CDUP. If a CDUP is required it ( ) has X3 has not been approved and ( ) isX3 is not currently active.
  ( ) Other relevant Land Division rules/regulations, information, or recommendations are attached.
  ( ) No objections
  XX) Other comments: The well is located on State-owned land and looks like it is just into the conservation District

Contact person: Gary Martin  Phone: 587-0421
Signed: Gary Martin  Date: OCT 23 2003
TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
Historic Preservation
State Parks

FROM: Ernest Y.W. Lau, Deputy Director
Commission on Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Mokuleia Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by November 13, 2003. If we do not receive your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Response:
( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: Nelson Ainged
Signed: Michael G. Buck, Administrator
DIVISION OF FORESTRY AND WILDLIFE

Phone: 7-4175
Date: OCT 22 2003
PUBLIC NOTICE

Application for Water Use Permit
Mokuleia Ground Water Management Area, Oahu

The following application for water use permit has been received and is hereby made public in accordance with Department of Land and Natural Resources Administrative Rules 13-171, "Designation and Regulation of Water Management Areas."

Hawaii Fish Company Well #1 (Well No. 3412-04)
Applicant: Hawaii Fish Company
P.O. Box 1039
Waialua, HI 96791
Date Completed Application Received: October 3, 2003
Aquifer: Mokuleia System, North Sector, Oahu
Water Source: Hawaii Fish Company Well #1 (Well No. 3412-04) at 69-190 Farrington Highway, Oahu, Tax Map Key 6-9-1:3
Quantity Requested: .576 million gallons per day.
Existing/New Water Use: New
Place of Water Use: Old Dillingham Airport Quarry at Tax Map Key: 6-9-1:3

Written objections or comments on the above application may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter (provide TMK information); (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permit. Written objections must be received by November 13, 2003. Objections must be sent to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809 and 2) the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

[Signature]

ERNEST Y.W. LAU, Deputy Director for
PETER T. YOUNG, Chairperson

Dated: ______________

October 21, 2003

Mr. Ron Weidenbach  
Hawaii Fish Company  
P.O. Box 1039  
Waialua, HI 96791

Dear Mr. Weidenbach:

We acknowledge receipt, on October 3, 2003, of your completed water use permit application for the Hawaii Fish Company Well #1 (Well No. 3412-04). You can expect your application to be processed within ninety (90) days from the date of receipt unless there are objections to your application.

Enclosed is a copy of the public notice for your water use permit application which will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

Please be aware that there may be objections to your application. If objections are made, the objector is required to file such objections with the Commission and is also required to send you a copy of the objections.

You, or any other party, may respond to objections by filing a brief in support of your application with the Commission within ten (10) days of the filing of an objection. You, or the other party, must also send a copy of the response to the objector.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

ERNEST Y.W. LAU  
Deputy Director

Enclosure
Transmitted for your review and comment is a copy of a water use permit application for Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by November 13, 2003. If we do not receive your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

CI:ss
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: ___________________________ Phone: ___________________________
Signed: ___________________________ Date: ___________________________
October 21, 2003

TO: Dede Mamiya, Administrator  
Land Division

FROM: Ernest Y.W. Lau, Deputy Director  
Commission on Water Resource Management

SUBJECT: Request for Comments  
Water Use Permit Application  
Mokuleia Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by November 13, 2003. If we do not receive your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Cl:ss  
Attachment(s)

Response:

( ) A water lease/permit is required of this applicant and an application for such will be requested by our division.

( ) A water lease/permit is not required of this applicant.

( ) A water lease/permit has been obtained by the applicant through lease no.

( ) This well project ( ) requires ( ) does not require a CDUP. If a CDUP is required it ( ) has ( ) has not been approved and ( ) is ( ) is not currently active.

( ) Other relevant Land Division rules/regulations, information, or recommendations are attached.

( ) No objections

( ) Other comments:

Contact person: ___________________________ Phone: ___________________________

Signed: ___________________________ Date: ___________________________
TO: Honorable Micah Kane, Chairperson
   Department of Hawaiian Home Lands
   Honorable Chiyome L. Fukino, M.D., Director
   Department of Health
   Attn: Mr. Harold Yee
   Attn: Mr. William Wong
   Honorable Haunani Apoliona, Chairperson
   Office of Hawaiian Affairs
   Mr. Clifford S. Jamile, Manager & Chief Engineer
   Honolulu Board of Water Supply
   Attn: Mr. Chester Lao
   Attn: Mr. Barry Usugawa
   Mr. Eric Crispin, Acting Director
   Department of Planning and Permitting
   Attn: Planning Division

FROM: Peter T. Young, Chairperson
   Commission on Water Resource Management

SUBJECT: Water Use Permit Application
         Mokuleia Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by November 13, 2003. If we do not receive your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Cl: ss
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: ________________________________ Phone: ________________________________
Signed: ________________________________ Date: ________________________________
October 21, 2003

TO: Mr. Anthony Ching, Executive Officer
    Land Use Commission

FROM: Peter T. Young, Chairperson
    Commission on Water Resource Management

SUBJECT: WATER USE PERMIT APPLICATION
         Mokuleia Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for
Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in

We would appreciate your review of the proposed use that is described in the attached
application (i.e. line item 6 or Table 1). Specifically, we request that you inform us of the current
state land use designation for the TMK parcel, or portion thereof, for the proposed use area(s) and,
secondly, whether the current state land use designation is appropriate for the proposed project.

We have attached a TMK map(s) that covers the proposed use area(s). Where water is
proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the
proposed use area(s) has been clearly delineated on the attached map. Please respond by returning
this cover memo along with your review comments by November 13, 2003. If we do not receive
your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an
extension of the review period for this application, please contact Lenore Nakama at 587-0218.

CI:ss
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: ___________________________ Phone: ___________________________
Signed: ___________________________ Date: ___________________________
TO: Mr. Eric Crispin, Acting Director  
Department of Planning and Permitting  
Attn: Art Challacombe

FROM: Peter T. Young, Chairperson  
Commission on Water Resource Management

SUBJECT: WATER USE PERMIT APPLICATION  
Mokuleia Ground Water Management Area, Oahu

October 21, 2003

For your review and record, we are forwarding a copy of the application for Hawaii Fish Company for Well No. 3412-04, which includes a copy of your concurrence letter, dated October 1, 2003, confirming the zoning designation for the proposed uses on the attached application and confirming the consistency of the proposed projects with the current zoning designation. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

If you have any questions, please contact Lenore Nakama at 587-0218.

Response:

( ) The proposed water use(s) is consistent with the current zoning designation(s).
( ) Comments attached

Contact person: ___________________________ Phone: ___________________________

Signed: ___________________________ Date: ___________________________
October 21, 2003

TO: Other Interested Parties

FROM: Ernest Y.W. Lau, Deputy Director Commission on Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Mokuleia Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for Hawaii Fish Company for Well No. 3412-04. Public notice of this application will be published in the Honolulu Star Bulletin issues of October 22, 2003 and October 29, 2003.

We would appreciate your review of the attached application for any conflicts or interferences with the programs, plans, and objectives of the organization or agency that you represent. Written objections should be made in accordance with Section 13-171-18 of our Administrative Rules and must be filed by the November 13, 2003 deadline. If we do not receive your comments by this date, we will assume you have no comments.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Cl: ss
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact person: _______________________________ Phone: _________________

Signed: _______________________________ Date: __________________________
October 21, 2003

Honorable Jeremy Harris, Mayor
City & County of Honolulu
City Hall
Honolulu, HI 96813

Dear Mayor Harris:

Notice of an Application for Water Use Permit
Mokuleia Ground Water Management Area, Oahu

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-171-17(a), we are sending you a copy of the public notice and water use permit application for Hawaii Fish Company for Well No. 3412-04, which will be published in the Honolulu Star Bulletin.

In addition, Section 13-171-13(b), of our Administrative Rules, states:

"Within sixty days after receipt of notice of a permit application, the county shall inform the commission if the proposed use is inconsistent with the county land use plans and policies."

We have received a concurrence letter from the Department of Planning and Permitting (DPP) confirming the current zoning designation for the proposed use locations and the consistency of the current zoning designations with the proposed projects. In accordance with the procedure that has been established by DPP, we have also sent a copy of the application and an individual request for comments to DPP and the Board of Water Supply to facilitate and expedite City agencies review. We will look forward to receiving the City's review comments from DPP within the next sixty (60) days, on whether this water use is consistent with county plans, policies, and land use designations.

Sincerely,

[Signature]

Peter T. Young
Chairperson

Enclosures
October 1, 2003

Mr. Ron Weidenbach
Hawaii Fish Company
P.O. Box 1039
Waialua, Hawaii 96791

Dear Mr. Weidenbach:

Water Use Permit Application for
Hawaii Fish Company Well #1, Mokuleia, Oahu, Hawaii

We have reviewed the subject application and provide the following comments:

1. Since the application involves only 16.25 acres of the total 76.376-acre parcel, the application should be revised to indicate “portion of 003” for Tax Map Key 6-9-001: 003.

2. The current zoning for TMK: 6-9-001: 003 is P-1 Restricted Preservation District and the site is within an area designated for Agriculture.

3. Regarding TMK 6-9-001: Portion of 003, we understand from your application that approximately 576,000 gallons per day of potable water will be used to provide potable drinking water for the hatchery office/caretakers building and a disease-free water source for the Hawaii Fish Company’s fish hatchery. The Department of Planning and Permitting also confirms that the aquaculture use on the old quarry site near Dillingham Airfield is cited by and consistent with the North Shore’s Sustainable Communities Plan. However, since this area is within the State Conservation District, the Department of Land and Natural Resources should be consulted on appropriate use.

4. The above-referenced Tax Map Key is not located within the Special Management Area (SMA) and is not subject to the SMA requirements of Chapter 25, Revised Ordinances of Honolulu.

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

Sincerely yours,

ERIC G. CRISPIN, AIA
Director of Planning and Permitting

cc: Commission on Water Resource Management
P:/Divfunction/Wup/Hawaii Fish Company Well #1
**State of Hawaii**
**COMMISSION ON WATER RESOURCE MANAGEMENT**
**Department of Land and Natural Resources**

**APPLICATION FOR WATER USE PERMIT**

Groundwater or Surface Water

**Instructions:** Please print in ink or type and send 15 copies of completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96823. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For questions, call the Regulation Branch at 808-682-2252.

**PERMITTEE INFORMATION**

1. **(a) APPLICANT**
   - Name: Hawaii Fish Company
   - Address: P.O. Box 1389, Whidbey Island, WA 98293
   - Contact Person: Ron Weidenbach
   - Phone: 360-632-0494, Fax: 360-632-0499
   - E-mail: hawaiifish@emc.com

2. **(b) LANDOWNER OF SOURCE**
   - Name: State of Hawaii
   - Address: P.O. Box 522, Honolulu, HI 96822
   - Contact Person: Don Landry
   - Phone: 808-587-0433, Fax: 808-587-0455

**SOURCE INFORMATION**

2. **WATER MANAGEMENT AREA: Makaha**

3. **(a) EXISTING WELLSTREAM DIVERSION NAME AND STATE NUMBER:** (if source doesn't presently exist, please attach well construction/water diversion permit or application)

4. **(b) PROPOSED (NEW) WELLSTREAM DIVERSION NAME:** Hawaii Fish Company

5. **(c) LOCATION:** Address: 3950 Farrington Hwy, Pearl City, HI 96782
   - (Attach and show source location on a USGS map, scale 1"=2000", and a property tax map)

**USE INFORMATION**

6. **LOCATION OF PROPOSED WATER USE:** (if possible, show on same maps as source location. Otherwise, attach similar maps)
   - (a) PUC-Regulated Private System
   - (b) Tax Map Key: Please complete Table 1 on back of application and show applicable portion of property tax map.

7. **QUANTITY OF WATER REQUESTED:** 57,600 gpd galons per day (averaged over 1 year)

8. **METHOD OF MEASUREMENT:** Flowmeter

9. **QUALITY OF WATER REQUESTED:** Fresh

10. **PROPOSED USE:** Aquaculture

11. **PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION:** 24 hrs/day

12. **APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:**
   - (a) Can be accommodated with the available water sources
   - (b) Is a reasonable-beneficial use
   - (c) Will not interfere with any existing legal use
   - (d) Is consistent with the public interest
   - (e) Is consistent with state and county general plans and land use designations
   - (f) Is consistent with county land use plans and general policies
   - (g) Will not interfere with the rights of the Department of Hawaiian Home Lands

13. **REMARKS, EXPLANATIONS:** Water use will be for operation of a fish hatchery, fish farm, and caretaker residence quarters. Please attach Island.

---

**NOTE:** Signing below indicates that the signatory understands and agrees that: 1) the information provided on this application is accurate and true to the best of their knowledge; 2) line 14 is the responsibility of the applicant prior to Commission approval; 3) if necessary, further information may be required before the application is considered complete; 4) if a water use permit is granted by the Commission, this permit is subject to prior existing permitted uses, changes to groundwater yields and surface water standards, reserved uses as defined by the Commission, and Hawaiian Home Lands future uses; and 5) upon permit approval, a water shortages plan must be submitted by the applicant as defined by the Commission.

**Applicant (princpl):** Ron Weidenbach

**Landowner (cont):**

**Signature:**

**Date:** 9/12/2003
<table>
<thead>
<tr>
<th>PROJECT NAME &amp; PHASES (Include address if applicable)</th>
<th>EXISTING or NEW USE (If existing, fill in date of first use)</th>
<th>POTABLE or NONPOTABLE</th>
<th>TMK</th>
<th>STATE LUD</th>
<th>CURRENT COUNTY ZONING CODE</th>
<th>UNITS or NET ACRES</th>
<th>GPD (TO FILL IN DIFFERENT USE)</th>
<th>4-YEAR CUMULATIVE PROJECTED DEMAND</th>
<th>ULTIMATE DEMAND GPD (TO BUILD OUT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii Fish Company Well 9</td>
<td>NEW</td>
<td>Potable 6-9-01:003</td>
<td>C</td>
<td>P-1</td>
<td>16,25</td>
<td>35,496</td>
<td>200K</td>
<td>300K</td>
<td>400K</td>
</tr>
</tbody>
</table>

Instructions for completing Table 1: Individual projects and phases must be listed separately and numbered sequentially on Table 1. Copy Table 1 and attach additional sheets if necessary. Please indicate individual projects and phases on TMK maps by clearly delineating project areas and indicating sequential number within delineated areas to coincide with Table 1. Please attach a separate sheet giving the address and a brief description of each project and phase listed above. In addition, if the proposed use is existing, please provide the WUP No. or indicate when the existing use was initiated. Also, the Department of Planning and Permitting (DPP) must sign before application is acceptably complete. Please consult with DPP at 880 South King Street, 7th Floor, Honolulu, Hi 96813 Attn: Arthur O. Chelisaembe.
Mr. Ron Weidenbach  
Hawaii Fish Company  
P.O. Box 1039  
Waialua, Hawaii 96791  

Dear Mr. Weidenbach:  

Water Use Permit Application for  
Hawaii Fish Company Well #1, Mokuleia, Oahu, Hawaii  

We have reviewed the subject application and provide the following comments:  

1. Since the application involves only 16.25 acres of the total 76.376-acre parcel, the application should be revised to indicate “portion of 003” for Tax Map Key 6-9-001: 003.  

2. The current zoning for TMK: 6-9-001: 003 is P-1 Restricted Preservation District and the site is within an area designated for Agriculture.  

3. Regarding TMK 6-9-001: Portion of 003, we understand from your application that approximately 576,000 gallons per day of potable water will be used to provide potable drinking water for the hatchery office/caretakers building and a disease-free water source for the Hawaii Fish Company’s fish hatchery. The Department of Planning and Permitting also confirms that the aquaculture use on the old quarry site near Dillingham Airfield is cited by and consistent with the North Shore’s Sustainable Communities Plan. However, since this area is within the State Conservation District, the Department of Land and Natural Resources should be consulted on appropriate use.  

4. The above-referenced Tax Map Key is not located within the Special Management Area (SMA) and is not subject to the SMA requirements of Chapter 25, Revised Ordinances of Honolulu.  

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

Sincerely yours,  

ERIC G. CRISPIN, AIA  
Director of Planning and Permitting  

EGC.js  

Attachment  

cc: Commission on Water Resource Management  
P:/Divfunction/Wup/Hawaii Fish Company Well #1
Proposed project area

Figure 1. Location map

Attachment 1.
Figure. USGS map overlain by tax map key 6-9-1

Attachment 2.
August 18, 2003

State of Hawaii, Commission on Water Resource Management, Department of Land and Natural Resources

APPLICATION FOR WATER USE PERMIT – Groundwater Attachment 3.

Item 12. Applicant must establish that the proposed use of water:

(a) Can be accommodated with the available water source. The Mokuleia Hydrologic Unit (30401) has a sustainable yield of 12 MGD (Attachment 4.) with only light to moderate current water use. The proposed action of drilling and operating a well of 0.5 MGD can be accommodated with the available water source. Hawaii Fish Company (HFC) is currently using a similarly sized U.S. Army well (State Well No. 3-3412-01) at the adjacent Dillingham Airfield for operation of a temporary fish hatchery and research facility. The current use of this well will be terminated when the new well is drilled and operational.

(b) Is a reasonable-beneficial use. The proposed use of water is necessary for the economic and efficient operation of HFC’s fish hatchery and aquaculture research operations at the subject property, and for approved domestic purposes at the site. The well will be used in a manner which is not wasteful, in accordance with existing aquaculture best management practices, and is both reasonable and consistent with the state and county land use plans and the public interest.

(c) Will not interfere with any existing legal use. The proposed use will not interfere with any existing legal use. The proposed well will be at the former Dillingham quarry and bitumuls site that has been unused since the mid 1970s, except for pilot-scale aquaculture operations by the applicant. The surrounding lands are unused dryland scrub vegetation. The adjacent property is Dillingham Airfield where HFC currently operates a fish hatchery and fish research facility using a U.S. Army well of similar or larger size (State Well No. 3-3412-01). This use will be discontinued after the new well is drilled and operational, and the fish hatchery is relocated to the former quarry site.

(d) Is consistent with the public interest. The proposed use is consistent with the public interest in that aquaculture has been identified as an economically beneficial and environmentally appropriate activity for Hawaii. HFC’s quarry site aquaculture activities are specifically mentioned in the City and County of Honolulu’s North Shore Sustainable Communities Plan and are supported in writing by the Mokuleia Community Association, Waialua Elementary School,
Haleiwa Mainstreet (now the North Shore Chamber of Commerce), the North Shore Neighborhood Board, and other community members and entities.

(e) **Is consistent with state and county general plans and land use designations.** The subject property is classified as Conservation (C) by the State Land Use Commission and as Preservation (P-1) by the City and County of Honolulu. Aquaculture is a permitted use within these land use designations. Hawaii Fish Company’s Conservation District Use Application (CDUA) #OA-9/6/91-2504 for aquaculture development of the subject property was approved by the Board of Land and Natural Resources on May 22, 1992, and continues under a current Board-approved 3-year extension.

(f) **Is consistent with county land use plans and general policies.** The proposed use is consistent with the county land use plans and general policies that are supportive of aquaculture development activities, and, as indicated in the answers to items (b), (d), and (e) above.

(g) **Will not interfere with the rights of the Department of Hawaiian Home Lands.** The proposed use will not interfere with the rights of the Department of Hawaiian Home Lands.

**Item 13. Remarks, Explanations** The proposed water use will be for the operation of a commercial fish hatchery and fish farm, including, aquaculture research facilities, restrooms, and caretaker living quarters. Details are provided in Hawaii Fish Company’s Development Plan (Attachment 5.) submitted to the Department of Land and Natural Resources, Division of Land Management in March 2001 in support of HFC’s CDUP Extension request approved by the Board of Land and Natural Resources the same month.
ISLAND OF OAHU
TOTAL = 446 MGD

HYDROLOGIC UNITS
Sustainable Yield / Aquifer Code

NORTH
91 MGD / 304

MOKULEIA
12 MGD / 30401

KEAAU
4 MGD / 30305

MAKAHA
4 MGD / 30304

WAIAHA
23 MGD / 30501

KAWAILOA
39 MGD / 30403

WAIPAHU-WAIWA
104 MGD / 30203

WAIMEA
23 MGD / 30501

WINDWARD
99 MGD / 306

CENTRAL
23 MGD / 305

NANAKULI
1 MGD / 30301

MOKAPU PI

MALAKOLE
1000mg/l / 30207

MAKAHA
(undetermined)

EWA-KUNIA
16 MGD / 30204

KAPOLEI
1000mg/l / 30208

PUUOIA
1000mg/l / 30206

EWA CAPROCK
1000mg/l / 302

PEARL HARBOR
165 MGD / 302

HONOLULU
53 MGD / 301

KOOLAUPOKO
43 MGD / 30603
(DY = 13.72 MGD)

KOOLAUOLA
45 MGD / 30201

WAIALAE-WEST
4 MGD / 30105

WAIALAE-EAST
2 MGD / 30106

PALOLO
5 MGD / 30101

NUUANU
15 MGD / 30102

KAUHAIU
13 MGD / 30602
(DY = 0.14 MGD)

MAKAIWA
(undetermined)

EWA-CAPROCK overlying 30205 & 30203 basal aquifer systems

Map Projection: Universal Transverse Mercator

03/31/2000
DEVELOPMENT PLAN

AQUACULTURE FARM AT FORMER DILLINGHAM QUARRY
SITE, MOKULEIA, OAHU, HAWAII

Portion of TMK 6-9-01: 3
Revocable Permit No. S-6814

Applicant: Ronald P. Weidenbach
dba Hawaii Fish Company
69-190 Farrington Highway
P.O. Box 1039
Waialua, HI 96791-1039
Tel/Fax: (808) 637-0494
hawaiifish@msn.com

Submitted To: State of Hawaii
Department of Land and Natural Resources
Division of Land Management
P.O. Box 621
Honolulu, Hawaii 96809

Date: February 25, 2001

1.0 INTRODUCTION: Hawaii Fish Company (HFC) is a small multi-species aquaculture farm owned and operated by Ronald P. Weidenbach and Estralita P. Weidenbach. HFC was formed in 1980 and operates as a sole proprietorship. The company currently rents approximately 18 acres of land at the former Dillingham quarry site from the State of Hawaii, Department of Land and Natural Resources (DLNR) under Revocable Permit (RP) No. S-6814 (portion of TMK 6-9-1: 3). HFC's current aquaculture operations are conducted in the quarry site's existing water-filled borrow pit or pond, with temporary office, feed storage, and fish hatchery operations at the adjacent Dillingham Airfield, under RP No. 5158. The lands around the quarry pond are presently used as a security buffer and for the storage of HFC's ocean shipping containers and construction office previously relocated to the site from HFC's former Punaluu Valley fish farm and the adjacent Dillingham Airfield. These are intended for use in the construction of HFC's feed storage, fish hatchery, and farm operation office/caretaker building described below. Of immediate urgency is HFC's pending request to relocate a small redwood home from Honolulu to the quarry site as soon as possible for construction of the Board-approved hatchery office/caretaker building before the structure is demolished by the owner for planned new home construction.
HFC's long-term goal is to obtain a long-term direct aquaculture lease for a larger portion of the quarry site, using the knowledge gained in the current pilot-scale operations to construct and operate a larger and more economical commercial aquaculture operation. HFC's quarry site aquafarm development effort is strongly supported by the Mokuleia and Waialua communities, is included in the North Shore Sustainable Communities Plan, May 1999, and is being supported by Empower North Shore Oahu and the City and County of Honolulu by way of a Community Investment Fund grant and a current Community Block Development Grant, respectively. HFC has been developing a Business Plan for the quarry site aquafarm project for the past several years. This Business Plan will be completed and submitted to DLNR later this year for Board approval. In the meantime, HFC submits this Development Plan for approval of currently planned construction under RP No. S-6814, including the current urgent redwood home relocation request detailed below.

2.0 MISSION: HFC's mission is to research, commercialize, and produce premium quality food fish, ornamental fish, and associated products for sales to Asian live seafood markets and restaurants, mainstream seafood outlets, and ornamental fish distributors in Hawaii and major metropolitan areas in North America and around the Pacific Rim.

3.0 LOCATION: HFC is located on State lands on the North Shore of Oahu at the former Dillingham Quarry site in Mokuleia (Figure 1.). The former quarry site is approximately 35 miles northwest of Honolulu and approximately seven miles west of Waialua town. The quarry site borders the west side of Dillingham Airfield and extends westward along the mauka side of Farrington Highway to Camp Harold R. Erdman of the YMCA (Figures 2., 3., 4.).

4.0 HISTORY: The former quarry site lands have been included in the State Conservation District but are highly disturbed lands that have been in agricultural and industrial use for more than a century. The first recorded commercial uses of the former quarry site and adjacent lands were by: the Lok Hop Sing Co. in circa 1894, for rice farming; the Dillingham Ranch in circa 1908, for livestock grazing; and Waialua Agricultural Co. in circa 1928, for sugar production. The U.S. Army initiated quarry operations at the site in 1941, with the operations being transferred to the Mokuleia Ranch and Land Co., Ltd. in 1944, the Hawaiian Rock and Supply Co., Ltd. in 1953, and the Hawaiian Bitumuls and Paving Co., Ltd. in 1961/62, under which quarry and bitumuls operations continued through 1976/77.

HFC submitted an Environmental Assessment (EA) to DLNR in 1991 for its proposed fish farm at the former quarry site, and received a Conservation District Use Permit (CDUP) and RP for the proposed aquaculture operations in 1992. However, due to the numerous physical and environmental hazards remaining on portions of the site from the years of quarry and bitumuls operations, and based on the advice of professionals from the State Department of Health (DOH), Hazard Evaluation and Emergency Response Office, HFC limited its RP request to only 18 acres of land around and including the quarry pond, which were determined to be largely free of potential environmental
problems, until the various clean-up liability/responsibility issues of the larger site could be evaluated and resolved. This process is ongoing.

5.0 EXPERIENCE: Mr. and Mrs. Weidenbach both hold Masters Degrees and have more than 50 years of combined aquaculture experience. HFC is considered to be an aquaculture industry leader and has a long history of being innovative, resourceful, and resilient. The company pioneered the commercial culture of Chinese catfish and floating cage culture in Hawaii, and was among the first aqua farms in the State to grow grass, silver, and bighead carps, hybrid orange tilapia, and apple snails. HFC is also currently conducting proprietary research on several additional foodfish species. The company has been awarded four U.S. Department of Agriculture (USDA), Small Business Innovative Research (SBIR) grants and three State of Hawaii SBIR grants since 1993 for its innovative research and commercialization efforts in aquaculture.

On September 29, 2000, Mr. Weidenbach was honored as Hawaii's aquaculture industry person of the year at the Second Annual Targeted Industries Growth Report (TIGR) awards luncheon at Hilton Hawaiian Village, for his contributions to the local aquaculture industry. On October 3, 2000, Mr. and Mrs. Weidenbach were both honored as winners of the Fifth Annual U.S. Small Business Administration Tibbetts Awards at a White House breakfast, awards luncheon, and Capital Hill reception in Washington, D.C., in recognition of their contributions as a "Model of Excellence" for the national SBIR Program.

6.0 CONSTRUCTION OF FARM SUPPORT INFRASTRUCTURE: HFC previously proposed to set up aqua farm support infrastructure as necessary to operate a viable and secure commercial aquafarm at the former quarry site that is located in a remote and isolated rural area. Descriptions and justifications of projected infrastructure requirements were provided in HFC's "Environmental Assessment for Proposed Fish Farm at Former Dillingham Quarry Site, Kaena, Waialua, Oahu" which was submitted to DLNR on June 1, 1991 and approved by the Board on January 24, 1992. A conceptual layout of the farm support infrastructure and hatchery tanks was presented in Figures 9 and 17 of the EA (Figures 5. and 6.). A drawing of the existing and proposed layout will be submitted separately as Attachment 1.

6.1 Hatchery Office/Caretakers Building: HFC requests approval at this time to construct the Board-approved hatchery office/caretakers building to be sited on the rocky rise immediately mauka of the fish hatchery area. Draft architectural plans of the proposed structure are hereby submitted for preliminary evaluation (Attachment 2.). Four (4) complete sets of architectural plans will be submitted on February 28, 2001 (Attachment 3), as set forth in HFC's RP. The building site is well positioned to provide hatchery and farm security as it overlooks the hatchery area, the water tower access road, the eastern and northern fencelines, and the quarry and Airfield entrance gates. The site also provides a partial view of the quarry pond.

HFC currently has an opportunity to purchase and relocate a small redwood home from Honolulu to the quarry site, for future use as the hatchery office/caretakers building, if
this can be accomplished within the next week or two before the structure is demolished by the owner for new home construction. To accomplish this, HFC is in urgent need of a letter from DLNR granting approval of the relocation of the structure to the quarry site as a storage building until required utilities are available, as detailed below. HFC also requests approval of a ten-foot setback from the DLNR property line to facilitate placement of the structure in this small but well positioned location.

The structure has been inspected by the County Building Inspector and approved as structurally sound for relocation, but now requires a Building Permit before relocation. The structure will be redesigned, expanded, and brought up to current code by HFC. However, since electrical, water, and waste disposal services remain to be installed at the quarry site, Mr. Ralph Asai of the City and County of Honolulu, Department of Planning and Permitting, Building Division, has informed HFC's architect, Mr. Gregory Quinn, that he cannot approve a Building Permit for the structure as a residence until these utility services are in place, but, that he would approve a Building Permit for the relocation and expansion of the structure as a storage building, if HFC is first provided a letter from DLNR granting the Department’s permission for the structure to be relocated to the quarry site and used for this purpose. Then, when the utilities are available, HFC could submit a new Building Permit application to convert the structure from a storage building to an office/residence.

Note: Hawaiian Electric Company (HECO) has stated that they will provide electrical service to HFC as soon as HFC obtains a long-term lease for the quarry site from DLNR. Staff members of the Commission for Water Resources Management have stated that they do not anticipate any problems with HFC obtaining Well Construction and Water Use Permits for the quarry site, as ample water resources are believed available at the site. Finally, HFC’s earlier inquiries with the State Department of Health, Sanitation Branch determined that there should be no problems for HFC to obtain an Individual Wastewater Disposal Permit for the quarry site as the sole occupant of the site.

6.2 Pond-side aeration shed: HFC also requests approval at this time to construct an 8ft x 12ft pond-side aeration shed on an existing concrete pad along the eastern side of the pond. The shed will house aeration blowers used to aerate the quarry pond and planned pond-side nursery tanks, thereby enabling HFC to increase fish survival and annual production. The shed will be constructed of concrete block so as to safeguard the expensive aeration equipment from theft and vandalism. The shed will be exempt from Building Permit requirements due to its small size of less than 100 square feet. The concrete pad will also provide pond-side erosion control and a small area for HFC’s staff and visitors to sit near the pond.

6.3 Freshwater well: Applications for Well Construction and Water Use Permits will be submitted to the Commission on Water Resources Management later this year, with DLNR’s approval, to construct a freshwater well to provide potable drinking water for the hatchery office/caretakers building and a disease-free water source for HFC’s fish hatchery. A small 8ft x 12ft concrete pump house will be constructed to protect the well and water pump(s) from theft and vandalism.
6.4 Individual wastewater treatment system: Plans for a septic tank and drainfield will be submitted to DLNR, DOH, and the County Building Department for approval later this year. The septic tank will provide sewage disposal for the hatchery office/caretakers building and an employee/visitor restroom in or near the fish hatchery.

6.5 Feed storage building: Plans for a feed storage building will be submitted to DLNR and the County Building Department for approval later this year. The building will be constructed using two of HFC’s existing 8ft x 40ft ocean shipping containers elevated on concrete piers and posts. An elevated wooden floor and end-walls will be constructed between the containers, and a roof will be constructed over the top of the containers, end-walls, and elevated floor, to provide weather, flood, and rodent protection for HFC’s expensive imported fish feeds. The elevated building will also facilitate the off-loading of containerized shipments of fish feed.

6.6 Fish hatchery: Plans for a fish hatchery will be submitted to DLNR for approval later this year. The fish hatchery will be constructed using six of HFC’s existing 8ft x 24ft ocean shipping containers elevated on concrete piers and posts, and, a prefabricated 60ft x 150ft poly-covered greenhouse. Shade cloth covers, fish tanks, an employee/visitor restroom, and a small 8ft x 12ft concrete hatchery aeration shed will also be constructed in the hatchery area. A six- to ten-foot setback from the DLNR property line will be requested due to the narrow width (80ft) and limited space available in the hatchery area.

6.7 Maintenance Building: Plans to relocate a 36ft x 40ft open utility building from the adjacent Dillingham Airfield to the aquafarm will be submitted to DLNR later this year. The building will be used for maintenance and storage of farm vehicles and equipment. The building will also help protect the vehicles and equipment from the ever-present salt mist, and theft and vandalism.

6.8 Farm operation office/caretakers building: Plans for the Board-approved farm operation office/caretakers building will be submitted to DLNR and the County Building Permits Office for approval later this year. The structure will be constructed by expanding and bringing up to code the existing wooden construction office.
Proposed project area

Figure 1. Location map
Figure 4: 1989 aerial photo of quarry site overlain by tax map key 6-9-01, with proposed project area and major features being indicated.

Scale: lin. = 5
Figure 6. 1986 aerial photo of quarry site with the former quarry structures and various physical features being indicated.

Scale: 1 in. = 200 ft.
ENVIRONMENTAL ASSESSMENT
FOR
PROPOSED FISH FARM AT FORMER DILLINGHAM QUARRY SITE
KAENA, WAIALUA, OAHU

Tax Map Key: 6-9-01: 3 and 33

APPLICANTS: Ronald P. Weidenbach and Estralita P. Weidenbach
dba Hawaii Fish and Shellfish Company
53-270 Kamehameha Highway
Hauula, Hawaii 96717

PREPARED FOR: Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

PREPARED BY: Ronald P. Weidenbach
6/1/91
Figure 7: Proposed siting of above-ground hatchery tanks and support infrastructure at Kiama quarry site.

Scale: 1in = 200ft
Figure 1. Conceptual layout of farm support infrastructure.
Mr. Ron Weidenbach  
Hawaii Fish Company  
P.O. Box 1039  
Waialua, HI 96791

Dear Mr. Weidenbach:

We acknowledge receipt, on September 9, 2003, of your applications for water use, exploratory well construction, and pump installation permits for the Hawaii Fish Company Well #1 (Well No. 3412-04). However, matters which must be addressed before we may accept your applications as complete are as follows:

1. We require the signature of an authorized representative for the State of Hawaii as landowner of the proposed well site. (We have forwarded your applications to the Chairperson of the Department of Land and Natural Resources for his signature to complete your applications.)

2. We also require the signature of an authorized representative for the City and County of Honolulu, Department of Planning and Permitting (DPP), on Table 1 of the water use permit application or a concurrence letter from DPP.

We understand DPP will not undertake their review of your water use permit application until the State has signed as landowner. Therefore, we will call you as soon as we receive the signed permit application so that you can then submit it to DPP for their review and signature on Table 1.

If you have any questions, please contact Lenore Y. Nakama at 587-0218.

Sincerely,

[Signature]

ERNEST Y.W. LAU  
Deputy Director

LYN:ss
September 10, 2003

TO: Ms. Dede Mamiya, Land Division Administrator
FROM: Ernest Lau, Deputy Director, Commission on Water Resource Management
SUBJECT: Request for Chairperson's Signature as Landowner

The attached permit applications entail the use of State-owned land and, accordingly, require the signature of the Chairperson as the landowner. Here, we are requesting your help in affirming the State's ownership of the property and, thereafter, routing the applications to the Chairperson for his signature. (We have enclosed the appropriate transmittal memo that contains the affirmation statement.)

Please note that the Chairperson's signature on the permit applications completes the applications and allows them to be accepted for processing by the Commission. The signature neither represents an endorsement of the applicant's proposal nor an approval for the use of State land; both approvals would be sought by the applicant under separate actions later.

Please inform us if the proposed project is in the Conservation District and, if so, whether the requirements of Chapter 343 have been met.

Lastly, please inform us of the contact person at Land Division who is responsible for transmitting the attached original applications to the Chairperson's office.

LYN:ky
Attach.
MEMORANDUM

TO: Mr. Peter T. Young, Chairperson
   Board of Land and Natural Resources

FROM: Dede Mamiya, Land Division Administrator

SUBJECT: Request for Chairperson's Signature as Landowner

As you know, each application for permits issued by the Commission on Water Resource Management requires the signature of the landowner of the property involved. On behalf of the applicant, may we have your signature on the attached permit applications, which entail the use of State-owned land?

I have attested to the State's ownership of the property covered in the applications, as indicated below. Your signature would allow the permit applications to be filed and processed. It would not represent an endorsement of the applicant's proposal or an approval for the use of State land; both approvals would be sought by the applicant under separate actions later.

Please return this memo and the permit applications to the Water Commission when you're through. Thank you.

Affirmation

I hereby affirm that the State of Hawaii is the owner of that certain parcel of land identified as:

TMK ____________ located at ________________ on the island of ____________.

By: __________________
   Land Division Administrator

Dated: __________________
<table>
<thead>
<tr>
<th>S</th>
<th>04</th>
<th>326</th>
<th>C</th>
<th>1026</th>
<th>0752</th>
<th>(1)</th>
<th>$50.00</th>
<th>Ronald P. Weldenbach Ck# 2536</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(7)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(8)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(9)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(10)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** $ 0.00

**REMARKS:**

LINE (1) Hawaii Fish Company Well #1 (TMK: 6-9-01:003)

LINE (2) 
LINE (3) 
LINE (4) 
LINE (5) 
LINE (6) 
LINE (7) 
LINE (8) 
LINE (9) 
LINE (10)
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
APPLICATION FOR WATER USE PERMIT
☐ Groundwater or ☐ Surface Water

Instructions: Please print in ink or type and send 15 copies of completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 587-0225.

PERMIT INFORMATION
1. (a) APPLICANT
   Firm Name: Hawaii Fish Company
   Contact Person: Ron Weilenbach
   Address: P.O. Box 1289, Wailuku, HI 96793
   Phone: 637-0494 Fax: 637-0494 call first
   E-mail: hawaiifish@msn.com

   (b) LANDOWNER OF SOURCE
   Firm Name: State of Hawaii-DLR
   Contact Person: Div. of Land Mgt.
   Address: P.O. Box 521, Honolulu, HI 96809
   Phone: 587-0433 Fax: 587-0455

SOURCE INFORMATION
2. WATER MANAGEMENT AREA: Molokai
   ISLAND: 4

3. (a) EXISTING WELL/STREAM DIVERSION NAME AND STATE NUMBER:
   (If source doesn't presently exist, please attach well construction/stream diversion permit or application.)
   (b) PROPOSED (NEW) WELL/STREAM DIVERSION NAME: Hawaii Fish Company Well #1
   (c) LOCATION: Address: 69-190 Farrington Hwy, Waianae, Tax Map Key: 6.9.001.003

USE INFORMATION
4. SOURCE TYPE (check one): ☐ Stream ☐ Deep Wells
   ☐ Dike-confined ☐ Perched ☐ Caprock

5. METHOD OF TAKING WATER (check one): ☐ Artesian ☐ Well & Pump
   ☐ Diverted Surface ☐ Other (explain)

6. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) PUC-Regulated Private System ☐ Intended Dedication to Dept. of Water Supply ☐ Non-PUC-Regulated Private System
   (b) Tax Map Key: Please complete Table 1 on back of application and shade applicable portion of property tax map.

7. QUANTITY OF WATER REQUESTED: 7,25,000 GPD
   gallons per day (averaged over 1 year)

8. METHOD OF MEASUREMENT: ☐ Flowmeter ☐ Open-pipe ☐ Weir ☐ Orifice ☐ Other (explain)

9. QUALITY OF WATER REQUESTED: ☐ Fresh ☐ Brackish ☐ Salt ☐ Potable ☐ Non-Potable

10. PROPOSED USE: ☐ Municipal (including hotels, stores, etc.) ☐ Individual Domestic ☐ Irrigation
    ☐ Industrial ☐ Military
    ☐ Other (explain) Aquaculture

11. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 24 HRS / DAY
    (daytime hours of operation; example, 7 a.m. to 2 p.m.)

12. APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:
    (a) Can be accommodated with the available water source
    (b) Is a reasonable-beneficial use.
    (c) Will not interfere with any existing legal use.
    (d) Is consistent with the public interest.
    (e) Is consistent with state and county general plans and land use designations.
    (f) Is consistent with county land use plans and general policies.
    (g) Will not interfere with the rights of the Department of Hawaiian Home Lands.

   * Section 13-171-2, Hawaii Revised Statutes –
   "Reasonable-beneficial use' means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is not wasteful and is both reasonable and consistent with the state and county land use plans and the public interest.

13. REMARKS, EXPLANATIONS: Water use will be for operation of a fish hatchery, fish farm, and caretaker residence, quarters.

   Please Attachments 1-3.

NOTE: Signing below indicates that the signatories understand and swear that: 1) the information provided on this application is accurate and true to the best of their knowledge; 2) Item 14 is the responsibility of the applicant prior to Commission approval; 3) If necessary, further information may be required before the application is considered complete; 4) If a water use permit is granted by the Commission, this permit is subject to prior existing permitted uses, changes in sustainable yields in the stream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands future uses; and 5) Upon permit implementation, a water shortage plan must be submitted by the applicant to the Commission.

Applicant (print) Ron Weilenbach
Signature ________________________________
Date 9/2/2003

Landowner (print) ________________________________
Signature ________________________________
Date ________________________________

WUPAFORM (4/29/03)
### TABLE 1. TMKs TO USE REQUESTED WATER

<table>
<thead>
<tr>
<th>PROJECT NAME &amp; PHASES (Include address if applicable)</th>
<th>EXISTING or NEW USE (if existing, fill in date of first use)</th>
<th>POTABLE or NONPOTABLE</th>
<th>TMK</th>
<th>STATE</th>
<th>CURRENT</th>
<th>UNITS</th>
<th>4-YEAR CUMULATIVE PROJECTED DEMAND</th>
<th>ULTIMATE DEMAND</th>
<th>GPD (TO BUILD OUT)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CITY</td>
<td>COUNTY</td>
<td>ZONING</td>
<td>CODE</td>
<td>YEAR 1</td>
<td>YEAR 2</td>
</tr>
<tr>
<td>Hawaii Fish Company Well</td>
<td>New Potable 6-9-01'003 C</td>
<td>P-1</td>
<td>16.25</td>
<td>35.44</td>
<td>200K</td>
<td>300K</td>
<td>400K</td>
<td>576K</td>
<td>576K</td>
</tr>
</tbody>
</table>

Instructions for completing Table 1: Individual projects and phases must be listed separately and numbered sequentially on Table 1. Copy Table 1 and attach additional sheets if necessary. Please indicate individual projects and phases on TMK maps by clearly delineating project areas and indicating sequential number within delineated areas to coincide with Table 1. Please attach a separate sheet giving the address and a brief description of each project and phase listed above. In addition, if the proposed use is existing, please provide the WUP No. or indicate when the existing use was initiated. Also, the Department of Planning and Permitting (DPP) must sign before application is acceptably complete. Please consult with DPP at 650 South King Street, 7th Floor, Honolulu, HI 96813 Attn: Arthur D. Challacombe
DEVELOPMENT PLAN

AQUACULTURE FARM AT FORMER DILLINGHAM QUARRY SITE, MOKULEIA, OAHU, HAWAII

Portion of TMK 6-9-01: 3
Revocable Permit No. S-6814

Applicant: Ronald P. Weidenbach
dba Hawaii Fish Company
69-190 Farrington Highway
P.O. Box 1039
Waialua, HI 96791-1039
Tel/Fax: (808) 637-0494
hawaiifish@msn.com

Submitted To: State of Hawaii
Department of Land and Natural Resources
Division of Land Management
P.O. Box 621
Honolulu, Hawaii 96809

Date: February 25, 2001

1.0 INTRODUCTION: Hawaii Fish Company (HFC) is a small multi-species aquaculture farm owned and operated by Ronald P. Weidenbach and Estralita P. Weidenbach. HFC was formed in 1980 and operates as a sole proprietorship. The company currently rents approximately 18 acres of land at the former Dillingham quarry site from the State of Hawaii, Department of Land and Natural Resources (DLNR) under Revocable Permit (RP) No. S-6814 (portion of TMK 6-9-1: 3). HFC's current aquaculture operations are conducted in the quarry site's existing water-filled borrow pit or pond, with temporary office, feed storage, and fish hatchery operations at the adjacent Dillingham Airfield, under RP No. 5158. The lands around the quarry pond are presently used as a security buffer and for the storage of HFC's ocean shipping containers and construction office previously relocated to the site from HFC's former Punaluu Valley fish farm and the adjacent Dillingham Airfield. These are intended for use in the construction of HFC's feed storage, fish hatchery, and farm operation office/caretaker building described below. Of immediate urgency is HFC's pending request to relocate a small redwood home from Honolulu to the quarry site as soon as possible for construction of the Board-approved hatchery office/caretaker building before the structure is demolished by the owner for planned new home construction.
HFC’s long-term goal is to obtain a long-term direct aquaculture lease for a larger portion of the quarry site, using the knowledge gained in the current pilot-scale operations to construct and operate a larger and more economical commercial aquaculture operation. HFC’s quarry site aquafarm development effort is strongly supported by the Mokuleia and Waialua communities, is included in the North Shore Sustainable Communities Plan, May 1999, and is being supported by Empower North Shore Oahu and the City and County of Honolulu by way of a Community Investment Fund grant and a current Community Block Development Grant, respectively. HFC has been developing a Business Plan for the quarry site aquafarm project for the past several years. This Business Plan will be completed and submitted to DLNR later this year for Board approval. In the meantime, HFC submits this Development Plan for approval of currently planned construction under RP No. S-6814, including the current urgent redwood home relocation request detailed below.

2.0 MISSION: HFC’s mission is to research, commercialize, and produce premium quality food fish, ornamental fish, and associated products for sales to Asian live seafood markets and restaurants, mainstream seafood outlets, and ornamental fish distributors in Hawaii and major metropolitan areas in North America and around the Pacific Rim.

3.0 LOCATION: HFC is located on State lands on the North Shore of Oahu at the former Dillingham Quarry site in Mokuleia (Figure 1.). The former quarry site is approximately 35 miles northwest of Honolulu and approximately seven miles west of Waialua town. The quarry site borders the west side of Dillingham Airfield and extends westward along the mauka side of Farrington Highway to Camp Harold R. Erdman of the YMCA (Figures 2., 3., 4.).

4.0 HISTORY: The former quarry site lands have been included in the State Conservation District but are highly disturbed lands that have been in agricultural and industrial use for more than a century. The first recorded commercial uses of the former quarry site and adjacent lands were by: the Lok Hop Sing Co. in circa 1894, for rice farming; the Dillingham Ranch in circa 1908, for livestock grazing; and Waialua Agricultural Co. in circa 1928, for sugar production. The U.S. Army initiated quarry operations at the site in 1941, with the operations being transferred to the Mokuleia Ranch and Land Co., Ltd. in 1944, the Hawaiian Rock and Supply Co., Ltd. in 1953, and the Hawaiian Bitumuls and Paving Co., Ltd. in 1961/62, under which quarry and bitumuls operations continued through 1976/77.

HFC submitted an Environmental Assessment (EA) to DLNR in 1991 for its proposed fish farm at the former quarry site, and received a Conservation District Use Permit (CDUP) and RP for the proposed aquaculture operations in 1992. However, due to the numerous physical and environmental hazards remaining on portions of the site from the years of quarry and bitumuls operations, and based on the advice of professionals from the State Department of Health (DOH), Hazard Evaluation and Emergency Response Office, HFC limited its RP request to only 18 acres of land around and including the quarry pond, which were determined to be largely free of potential environmental
problems, until the various clean-up liability/responsibility issues of the larger site could be evaluated and resolved. This process is ongoing.

5.0 EXPERIENCE: Mr. and Mrs. Weidenbach both hold Masters Degrees and have more than 50 years of combined aquaculture experience. HFC is considered to be an aquaculture industry leader and has a long history of being innovative, resourceful, and resilient. The company pioneered the commercial culture of Chinese catfish and floating cage culture in Hawaii, and was among the first aquafarms in the State to grow grass, silver, and bighead carps, hybrid orange tilapia, and apple snails. HFC is also currently conducting proprietary research on several additional foodfish species. The company has been awarded four U.S. Department of Agriculture (USDA), Small Business Innovative Research (SBIR) grants and three State of Hawaii SBIR grants since 1993 for its innovative research and commercialization efforts in aquaculture.

On September 29, 2000, Mr. Weidenbach was honored as Hawaii's aquaculture industry person of the year at the Second Annual Targeted Industries Growth Report (TIGR) awards luncheon at Hilton Hawaiian Village, for his contributions to the local aquaculture industry. On October 3, 2000, Mr. and Mrs. Weidenbach were both honored as winners of the Fifth Annual U.S. Small Business Administration Tibbetts Awards at a White House breakfast, awards luncheon, and Capital Hill reception in Washington, D.C., in recognition of their contributions as a “Model of Excellence” for the national SBIR Program.

6.0 CONSTRUCTION OF FARM SUPPORT INFRASTRUCTURE: HFC previously proposed to set up aquafarm support infrastructure as necessary to operate a viable and secure commercial aquafarm at the former quarry site that is located in a remote and isolated rural area. Descriptions and justifications of projected infrastructure requirements were provided in HFC’s “Environmental Assessment for Proposed Fish Farm at Former Dillingham Quarry Site, Kaena, Waialua, Oahu” which was submitted to DLNR on June 1, 1991 and approved by the Board on January 24, 1992. A conceptual layout of the farm support infrastructure and hatchery tanks was presented in Figures 9 and 17. of the EA (Figures 5. and 6.). A drawing of the existing and proposed layout will be submitted separately as Attachment 1.

6.1 Hatchery Office/Caretakers Building: HFC requests approval at this time to construct the Board-approved hatchery office/caretakers building to be sited on the rocky rise immediately mauka of the fish hatchery area. Draft architectural plans of the proposed structure are hereby submitted for preliminary evaluation (Attachment 2.). Four (4) complete sets of architectural plans will be submitted on February 28, 2001 (Attachment 3), as set forth in HFC’s RP. The building site is well positioned to provide hatchery and farm security as it overlooks the hatchery area, the water tower access road, the eastern and northern fencelines, and the quarry and Airfield entrance gates. The site also provides a partial view of the quarry pond.

HFC currently has an opportunity to purchase and relocate a small redwood home from Honolulu to the quarry site, for future use as the hatchery office/caretakers building, if
this can be accomplished within the next week or two before the structure is demolished by the owner for new home construction. To accomplish this, HFC is in urgent need of a letter from DLNR granting approval of the relocation of the structure to the quarry site as a storage building until required utilities are available, as detailed below. HFC also requests approval of a ten-foot setback from the DLNR property line to facilitate placement of the structure in this small but well positioned location.

The structure has been inspected by the County Building Inspector and approved as structurally sound for relocation, but now requires a Building Permit before relocation. The structure will be redesigned, expanded, and brought up to current code by HFC. However, since electrical, water, and waste disposal services remain to be installed at the quarry site, Mr. Ralph Asai of the City and County of Honolulu, Department of Planning and Permitting, Building Division, has informed HFC’s architect, Mr. Gregory Quinn, that he cannot approve a Building Permit for the structure as a residence until these utility services are in place, but, that he would approve a Building Permit for the relocation and expansion of the structure as a storage building, if HFC is first provided a letter from DLNR granting the Department’s permission for the structure to be relocated to the quarry site and used for this purpose. Then, when the utilities are available, HFC could submit a new Building Permit application to convert the structure from a storage building to an office/residence.

Note: Hawaiian Electric Company (HECO) has stated that they will provide electrical service to HFC as soon as HFC obtains a long-term lease for the quarry site from DLNR. Staff members of the Commission for Water Resources Management have stated that they do not anticipate any problems with HFC obtaining Well Construction and Water Use Permits for the quarry site, as ample water resources are believed available at the site. Finally, HFC’s earlier inquiries with the State Department of Health, Sanitation Branch determined that there should be no problems for HFC to obtain an Individual Wastewater Disposal Permit for the quarry site as the sole occupant of the site.

6.2 Pond-side aeration shed: HFC also requests approval at this time to construct an 8ft x 12ft pond-side aeration shed on an existing concrete pad along the eastern side of the pond. The shed will house aeration blowers used to aerate the quarry pond and planned pond-side nursery tanks, thereby enabling HFC to increase fish survival and annual production. The shed will be constructed of concrete block so as to safeguard the expensive aeration equipment from theft and vandalism. The shed will be exempt from Building Permit requirements due to its small size of less than 100 square feet. The concrete pad will also provide pond-side erosion control and a small area for HFC’s staff and visitors to sit near the pond.

6.3 Freshwater well: Applications for Well Construction and Water Use Permits will be submitted to the Commission on Water Resources Management later this year, with DLNR’s approval, to construct a freshwater well to provide potable drinking water for the hatchery office/caretakers building and a disease-free water source for HFC’s fish hatchery. A small 8ft x 12ft concrete pump house will be constructed to protect the well and water pump(s) from theft and vandalism.
6.4 Individual wastewater treatment system: Plans for a septic tank and drainfield will be submitted to DLNR, DOH, and the County Building Department for approval later this year. The septic tank will provide sewage disposal for the hatchery office/caretakers building and an employee/visitor restroom in or near the fish hatchery.

6.5 Feed storage building: Plans for a feed storage building will be submitted to DLNR and the County Building Department for approval later this year. The building will be constructed using two of HFC's existing 8ft x 40ft ocean shipping containers elevated on concrete piers and posts. An elevated wooden floor and end-walls will be constructed between the containers, and a roof will be constructed over the top of the containers, end-walls, and elevated floor, to provide weather, flood, and rodent protection for HFC's expensive imported fish feeds. The elevated building will also facilitate the off-loading of containerized shipments of fish feed.

6.6 Fish hatchery: Plans for a fish hatchery will be submitted to DLNR for approval later this year. The fish hatchery will be constructed using six of HFC's existing 8ft x 24ft ocean shipping containers elevated on concrete piers and posts, and, a prefabricated 60ft x 150ft poly-covered greenhouse. Shade cloth covers, fish tanks, an employee/visitor restroom, and a small 8ft x 12ft concrete hatchery aeration shed will also be constructed in the hatchery area. A six- to ten-foot setback from the DLNR property line will be requested due to the narrow width (80ft) and limited space available in the hatchery area.

6.7 Maintenance Building: Plans to relocate a 36ft x 40ft open utility building from the adjacent Dillingham Airfield to the aquafarm will be submitted to DLNR later this year. The building will be used for maintenance and storage of farm vehicles and equipment. The building will also help protect the vehicles and equipment from the ever-present salt mist, and theft and vandalism.

6.8 Farm operation office/caretakers building: Plans for the Board-approved farm operation office/caretakers building will be submitted to DLNR and the County Building Permits Office for approval later this year. The structure will be constructed by expanding and bringing up to code the existing wooden construction office.
Figure 1. Location map
Figure 8. USGS map overlain by tax map key 6-9-1
Figure 4. 1989 aerial photo of quarry site overlain by tax map key 6-9-01, with proposed project area and major features being indicated.

Scale: lin. = 5
Figure 8. 1986 aerial photo of quarry site with the former quarry structures and various physical features being indicated.

Scale: 1 in. = 200 ft.
ENVIRONMENTAL ASSESSMENT
FOR
PROPOSED FISH FARM AT FORMER DILLINGHAM QUARRY SITE
KAENA, WAIALUA, OAHU

Tax Map Key: 6-9-01: 3 and 33

APPLICANTS: Ronald P. Weidenbach and Estralita P. Weidenbach
dba Hawaii Fish and Shellfish Company
53-270 Kamehameha Highway
Hauula, Hawaii 96717

PREPARED FOR: Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

PREPARED BY: Ronald P. Weidenbach

Date 6/1/91
Figure 11. Conceptual layout of farm support infrastructure and hatchery tanks.
WATER USE PERMIT NO. 669

This report has been prepared in accordance with 13-171-22(b) of the Hawaii Revised Statutes requiring a 20-year review of issued water use permits to determine permit compliance. Following is a summary of permit information, site characteristics, methodology, findings, and recommendations for this State permit file.

Permit Information

Water User: Hawaii Fish Company
P.O. Box 1039
Waialua, HI 96791

Landowner of Source: Department of Land and Natural Resources
P.O. Box 1039
Waialua, HI 96791

PermittedWithdrawal Rate: 0.576 mgd (Based upon a 12-month moving average)

Water Management Area: Mokuleia

Island: Oahu

Aquifer Sector/System: North/Mokuleia

System Sustainable Yield: 12 mgd

Water Type: Fresh, Potable

Original CWRM Date: February 18th, 2003

Standard Conditions: 1-19

Special Conditions: 2, 76

Water Source

State Well Number(s): 3412-04

Well Name: Hawaii Fish Co. 1

Water Source TMK Number(s): 1st Division, 6-9-001:033

State Land Use Classification(s): Conservation

County Zoning Classification(s): P-1

Geographical Coordinates: Latitude 21° 34' 37.2" North
Longitude 158° 12' 40.1" West

End Use

End Use TMK Number(s): 1st Division, 6-9-001:003, 6-9-001:033

State Land Use Classification(s): Conservation

County Zoning Classification(s): P-1
Beneficial Use Explanation: Future use for approximately 30 acres of aquaculture, fish hatchery, and two or more residences

**Background Information**

Hawaii Fish Company is currently awaiting a long term lease from the State of Hawaii, Department of Land and Natural Resources (DLNR). Once the long term lease is obtained, electrical easements need to be acquired in order to run power to the well site for well pump operation. The permittee has advised that once both of the aforementioned requirements are fulfilled, construction of the aquaculture farm will commence. There are no water use reports on file for State Well No. 3412-04 because the well is not yet in use.

Water Use Permit 669 was approved during the February 18th, 2003 Commission on Water Resource Management meeting. Standard conditions 1-19 and special conditions 2 & 76 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the final summary report to the Legislature for this 20-year Water Use Permit Review.

**Field Investigation Information**

Contact: Ronald Weidenbach  
Site Address: 69-190 Farrington Hwy.  
Waialua, HI 96791

Brown and Caldwell conducted a field investigation on March 3rd, 2008 from 9:00 a.m. until 9:45 a.m. with Mr. Ronald Weidenbach. During this time, type of water usage was verified, GPS coordinates of well head(s) were recorded, flow meter installation and functionality were documented, and property TMK information was verified. The physical location of the site is at the West gate of Dillingham Airfield. Reference the TMK and GIS maps in the permit file for a visual representation of the site.

**Summary of Findings for Water Use Permit No. 669**

State Well No. 3412-04 is located on TMK parcel 6-9-001:033 at 21° 34' 37.2" N, 158° 12' 40.1" W, with a real time accuracy of ±19 feet. The well is currently sealed with a PVC cap and is not being utilized for water. The permittee has advised that he is hopeful for operation to begin in the next couple of years, but can’t put a definite time frame on when the necessary lease and easements will be acquired. Reference the Appendix for photographs of the wellhead and future use area.
Recommendations

- No disciplinary action required for this WUP since the permittee is in compliance with all standard and special conditions.
20-Year Water Use Permit Review
Water Use Permit No. 669

APPENDIX

Field Investigation Photographs
Figure 1 – State Well No. 3412-04 (TMK 6-9-001:033)

Figure 2 – Typical future use area
Standard Conditions List

1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization, which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground-water use here must not interfere with surface or other ground-water rights or reservations.

5. The ground-water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its <Insert Date> meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.

Variations of Standard Condition (8) are as follows:
   1. Modification of any permit condition shall be approved by the Commission. Modification of any permit condition without notification may result in the revocation of the water use permit.
9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect the water sources (quantity or quality);
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. Carry out such other necessary and proper exercise of the State’s and the Commission’s police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard

10. An approved flowmeter(s) **must be** installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times **must be** kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a **monthly** basis (attached).

**Variations of Standard Condition (10) are as follows:**

i. The applicant shall keep monthly pumpage estimates to be submitted annually to the Commission.

ii. An approved flowmeter(s) **need not** be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times **must be** kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a **yearly** basis (attached).

iii. An approved flowmeter(s) **must be** installed to measure withdrawals and a monthly record of withdrawals, water-levels, salinity, and temperature **must be** kept and reported to the Commission on a **monthly** basis in accordance with the Commission’s September 16, 1992 action on reporting requirements.

iv. Approved flowmeters **must be** installed to measure monthly withdrawals and a monthly record of withdrawals **must be** kept and reported to the Commission on Water Resource Management on a **monthly** basis.

v. An approved flowmeter(s) **must be** installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times **must be** kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a **quarterly/yearly** basis (attached).

vi. An approved flowmeter shall be installed to measure water withdrawals

vii. An approved flowmeter(s) **must be** installed to measure withdrawals; and a record of the withdrawals **must be** kept and reported to the Department of
Land and Natural Resources, Division of Water and Land Development, P.O. Box 373, Honolulu, HI 96809, on a **monthly** basis.

viii. Although not stated as a condition of the permit §13-168-7 HAR requires you to keep a record of your **monthly** total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form.

ix. An approved flowmeter shall be installed and the withdrawal from Well 1851-73 shall be recorded and reported to DLNR on a **monthly** basis by the owner and/or operator of the well.

x. The withdrawals from these wells shall be recorded and reported to the DLNR on a **monthly** basis by the BWS.

xi. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting water usage on a **monthly** basis.

xii. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage. Water usage shall be measured on a **monthly** basis and reported to the Commission.

xiii. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage. Water usage shall be measured on a **monthly** basis and reported to the Commission along with water level and salinity measurements.

11. This permit shall be subject to the Commission's periodic review of the <Aquifer> Aquifer System's sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the <Aquifer> Aquifer System, or relevant modified aquifer(s), is reduced.

12. A permit may be transferred, in whole or in part, from the permittee to another, if:
   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer, which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.

13. The uses(s) authorized by law and by this permit do not constitute ownership rights.

14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances that will affect the permittee's water use.

15. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservations, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter
into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period or forfeiture.

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee’s water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the <Aquifer>Ground-Water Management Area.

17. The water use permit shall be subject to the Commission’s establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

18. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.

19. Special conditions in the attached cover transmittal letter or attached exhibits are incorporated herein by reference.

20. If the ground-water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

Variations of Standard Condition (20) are as follows:

i. The permit may be revoked if work is not started within six months of the date of issuance or if work is suspended or abandoned for six months. The work proposed in the permit application shall be completed within two years from the date of permit issuance.

21. This permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HRS § 174C-59 and the requirements of Chapter 174C, the Commission on Water Resource Management has the authority to allow the transfer of the permit and the use rights granted by this permit in a manner consistent with HRS § 174C-59. Any such transfer shall only occur with the Commission’s prior express written approval. Any sale, assignment, lease, alienation, or other transfer of any interest in this permit shall be void.

22. The water use permit granted shall be an interim water use permit, pursuant to HRS § 174C-50. The final determination of the water use quantity shall be made within five (5) years of the filing of the application to continue the existing use.

23. The water use permit shall be issued only after agricultural review.

24. That scheduled adjustments to Oahu Sugar Co. permitted use shall be initiated upon discontinuance of agricultural uses.
25. The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on <Insert Date>.

26. The permit shall be subject to the review by the Attorney General.

27. The permit holder may be required to relinquish this permit at any time or specified time after issuance to the Board of Land and Natural Resources in accordance with Chapter 166 of Title 13.

28. The applicant shall obtain the necessary land acquisition documents from the Hawaii Housing Authority.
Special Conditions List

1. Should an alternate permanent source of water be found for this use, then the Commission reserves the right to revoke this permit, after a hearing.

2. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.

3. The applicant shall contact the Environmental Management Division, State Department of Health, at 586-4304, concerning "GUIDELINES APPLICABLE TO GOLF COURSES IN HAWAI" date <Insert Date & Version #>.

4. Standard Condition 10 is emphasized, to report consumption on a regular basis.

5. The applicant may continue this existing use of ground water within the limits approved by the Commission, and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

6. This interim water use permit shall cease to become interim and shall be subject to HRS § 174C-55 upon administrative review of the quantity within five (5) years, provided that all conditions of the use (including the review of the quantity which shall not be greater than the amount initially granted) remain the same. Enforcement of the allocation limit shall be stayed pending staff’s review and issuance of a permanent water use permit.

7. As-built drawings of the well and pump, and a complete pumping test record shall be submitted within sixty (60) days.

8. In the event the pump tests show that aquifer boundary conditions do not support the requested withdrawals, the Commission reserves the right to amend this permit, after a hearing, to a level that is supported by the pump tests.

9. The existing use may be continued within the levels approved by the Commission, and the actual issuance of the permit document shall not be a reason to interrupt the approved level of use.

10. The filing of an application by Kukui, Inc. for a new or modified water use permit for the Kualapuu Aquifer in excess of 2.0 mgd (total system withdrawal) shall be just cause for re-consideration of this interim permit by the Commission.

11. Upon completion of a new transmission line for the transport of water use by Well #17, the permit shall be modified to reduce the allocation amount by the additional 79,220 gallons per day allocated for use of the Molokai Irrigation System.

12. Within six (6) months from the date of approval of a water use permit for the well, the applicant shall conduct a feasibility study and submit a report describing
alternative sources of nonpotable water for irrigation uses at the resort area. It is suggested that the developer consider use of dual lines in the subdivisions so that effluent may be used in the existing reuse system. Another consideration is the development of brackish water wells in the Kaluakoi Aquifer system for mixing with the effluent generated at the resort.

13. Within six (6) months from the date of approval of a water use permit for the well, the application shall evaluate the filter back discharges into Kakaako Gulch to determine if excessive preventable waste is occurring and identify possible measures to eliminate or reduce such waste. The evaluation shall be conducted in cooperation with the Commission staff and staff of the Department of Health’s Safe Drinking Water Branch, which regulates the drinking water system.

14. Within six (6) months from the date of approval of a water use permit for the well, the applicant shall 1) implement a leakage control and detection system and compete repairs to prevent such leakage and 2) implement use of xeriscaping and low-flow fixtures.

15. Action on the future use portion of the water use permit application for Well #17 (Well No. 0901-01) is deferred pending the establishment of existing uses in the aquifer. Kukui Inc.’s application for uses in excess of those uses existing on July 15, 1992 will be considered “new” uses and will be taken up by the Commission as soon as other existing use applications have been decided. In the interim,
   a. The Commission shall recognize that there is disagreement between the applicant’s staff calculations of reasonable-beneficial existing use
   b. The Applicant will have the burden of proof to show within six (6) months reasonable-beneficial existing use calculations that support the applicant’s request as opposed to staff’s calculations.
   c. The Commission’s enforcement of the approved existing use allocation will be suspended for six (6) months.

16. The permittee shall submit a notice of intent and written request to continue the use at least ninety (90) days prior to the expiration of the interim five-year permit.

17. The Commission shall delegate to Maui Department of Water Supply the authority to allocate the use of water for municipal purposes, as provided in §174C-48(b).

18. Maui Department of Water Supply shall be exempt from the requirements for permit modifications, as provided in §174C-57(c).

19. The permittee must meter water use and monitor chloride concentrations on a monthly basis and submit monthly reports of water use and chloride concentrations to the Commission.

20. Standard Condition 16 is waived for saltwater wells.

21. The permit will be revoked if (1) stream monitoring shows that pumping the well reduces stream flow, or (2) the electromagnetic resistivity survey indicates that the
well was drilled into a dike compartment, unless the applicant submits a petition for an amendment to the interim instream flow standard with the well completion report. However, no use of the water may be made without a Pump Installation Permit, which cannot be issued during consideration of the amendment of the interim instream flow standard.

22. The applicant shall present the results of the electromagnetic resistivity survey, pump tests, and stream monitoring to a community meeting as well as to the Commission.

23. A final determination of water use quantity shall be made within five (5) years of the filing date of the application (<Insert Date>) to continue existing use.

24. The applicant shall implement, by December 31, 1995, a biological and hydraulic monitoring program for a minimum 2-year period that: 1) documents the existing operating procedure, 2) seeks to identify the impacts of all operating alternatives on Waikolu Stream, and 3) seeks to identify the effectiveness of weir modifications (Dam No. 1). This program shall incorporate the three new wells, Wells #4-6 (Well Nos. 0855-06, -05, & -04, respectively), which may be pumped within the approved limits, for monitoring and testing purposes only. Further, semi-annual reports summarizing data and preliminary findings shall be submitted to the Commission. It is suggested that the Department of Agriculture work with the State Division of Aquatic Resources and other affected agencies to prepare the monitoring program in light of the difficult technical questions raised by this application. A particular concern is the coordination of this monitoring program with the ongoing National Park Service study by Anne Brasher. A draft of this plan shall be submitted to the Commission staff within ninety (90) days for technical review and comment. Results of the monitoring program shall be used to make recommendations to the Commission on any additional use of the wells, and shall be made readily available to all interested parties.

25. That the Commission approves the well construction permit for the Kamilolola-Waiola Well (Well No. 0759-01), subject to the standard well construction conditions and the special conditions for the pumping well for the aquifer tests.

26. That the Commission authorizes the Chairperson to approve and issue a pump installation permit upon acceptance of adequate pump test result, subject to the standard pump installation conditions.

27. Should the well be used for back-up domestic supply, applicant is advised to contact DOH or otherwise ensure safe drinking water quality is maintained.

28. The applicant shall follow the agreed monitoring plan.

29. If pesticides used by the applicant are found in ground or surface water and can be traced to the applicant's use, the CWRM may revoke the permit immediately upon such finding.
30. Issuance of the interim permit shall be withheld until the reservation of water for DHHL is set by rule. Applicant may continue this existing use within the approved limits.

31. The applicant shall submit well modification and pump installation permit applications for administrative approval by chairperson prior to beginning any work required to complete well.

32. Should any stream flow impacts result from use, petition to amend interim instream flow standards shall be submitted.

33. Should any dewatering result from use, pumping shall cease immediately.

34. Shall submit accurate schematic diagram of distribution system for the battery of 5 wells.

35. Shall be subject to a 6-month independent audit & monitoring.

36. Final pump capacity shall be determined from pump test results & approved administratively by signature of chair.

37. The permittee shall seek and submit to the Commission within ninety (90) days written confirmation from the Department of Land Utilization of the non-conforming use.

38. Pumping shall cease immediately if the chloride reports show that the brackish water developed in the well exceeds 1,000 mg/l of chloride, unless a variance from the chloride limit has been granted. The authority to approve future variance requests is delegated to the chairperson.

39. The duration of the interim permit shall be:
   a. To July 1, 2006, or
   b. Until treated wastewater is available and acceptable for use, or
   c. Until such time that a significant change in permitted, actual, or projected uses or water supply occurs.

40. Action on any interim permit may be initiated by the Commission or any permittee upon letter request or pursuant to §174C-57 Haw. Rev. Stat. (Modification of permit terms).

41. This permit is approved under the assumption that wastewater will become available for reuse as an alternative supply source.

42. Require adherence to the chloride sampling protocol and the submittal of weekly chloride data. The authority to approve variances from the weekly reporting requirement is delegated to the Chairperson.

43. Require adherence to the Conservation Conditions.
44. In the event a water shortage is declared by the Commission, permittees in the <Insert Aquifer System> shall comply with the <Insert Aquifer System> water shortage plan adopted by the Commission.

45. The permittee shall contact the Department of Health, Clean Water Branch and obtain the necessary discharge permit(s).

46. Permit shall be interim and replaces existing WUP for 2051-07 & 11.

47. Applicant shall submit an acceptable archaeological inventory survey report to DHP. If historic sites affected, a plan to mitigate these affects must be accepted by DHP and completed by applicant.

48. Should the well be used for back-up domestic supply, applicant is advised to contact DOH or otherwise ensure safe drinking water quality is maintained.

49. (The permittee) may report monthly pumpage on yearly basis.

50. Prior to issuance of any permits, must submit filing fee for after-the-fact pump installation permit.

51. The term of this permit shall be twenty years from the date of issuance of the permit with a five-year Board review to determine compliance with the provisions of the permit.

52. The amount of water to be withdrawn under this permit shall be 0.19 mgd, averaged annually, for irrigation use. This permitted use of 0.19 mgd when added to a preserved use of 0.27 mgd amounts to a total of 0.46 mgd, averaged annually, which may be withdrawn from well 1646-01.

53. The use authorized by the permit must not interfered substantially and materially with existing individual household uses and existing uses.

54. The use of this well shall be subject to the shortage and emergency powers of the Board of Land and Natural Resources (BLNR).

55. This permit may be suspended or revoked, in accordance with Chapter 166.

56. The permit holder may be required to relinquish this permit to BLNR, in accordance with Chapter 166.

57. The withdrawal from Well 1646-10 shall be recorded and reported to DLNR on a monthly basis by the permittee.

58. In the event that emergency water use occurs, the permittee shall notify the Commission in writing within one (1) day of pumping, to inform the Commission as to the nature of the emergency and the expected duration of the emergency. A water
59. Note DOH’s requirements related to non-potable water systems (attached to original permit).

60. Standard Condition 16 requiring the submittal of a water shortage plan is waived.

61. All non-potable spigots and piping shall be clearly labeled as “DO NOT DRINK, NON-POTABLE” to prevent direct human consumption.

62. Standard Condition 10 is modified. Due to the inability to take water level measurements, the requirement to measure monthly water levels is waived. In addition, as long as the U.S. Geological Survey is collecting and analyzing the chloride content of the well water, the requirement for the permittee to measure and report chlorides is also waived.

63. Well elevation components must be surveyed by a licensed surveyor and this information must be submitted to commission prior to issuance of permanent permit.

64. The permittee shall obtain approvals from the Department of Health and the U.S. Environmental Protection Agency prior to use of the water.

65. This water use permit, WUP No. <Insert #>, shall supersede WUP No. <Insert #>.

66. WUP No. <Insert #> is revoked.

67. Standard Condition 17 is waived.

68. Standard Condition 22 for interim water use permits shall not apply.

69. To supplement our records, we request that you provide a map of the Galbraith Est. lands west of Wahiawa (2100 ac+) and the associated TMK’s for use area.

70. Deferred action on portion requested for golf course irrigation pending further refinement of irrigation requirement and a feasibility study for utilization of surface water sources, including Wahiawa Reservoir.

71. Written justification be provided for any 'cushion' of 0.5 mgd.

72. The water use permit shall be an interim permit. The duration of the interim permit shall be until treated wastewater is available and acceptable for use. The permittee shall continue discussions with Honolulu Board of Water Supply regarding the use of reclaimed water.

73. The permittee is put on notice that this is a qualified approval in that this permit may be modified or revoked prior to the expiration of the interim permit if the
Commission decides that the use of additional basal ground water for dust control and landscape irrigation is not reasonable-beneficial use.

74. The permittee encouraged to use drought-tolerant landscaping to conserve water.

75. Should the applicant provide written evidence that the county DHCD approves a 201E exemption for the elderly affordable housing project then the applicant may modify a corresponding portion of their existing aquacultural use to be used by the exemption approved project within the Commission approved water use permit limits under recommendation 5.

76. The applicant shall obtain a water lease/permit from Land Division prior to actual use of the well water.

77. Require the permittee to sign a contract by May 14, 1998 with the City Department of Wastewater Management to buy and use 0.400 mgd of R-1 water for a corresponding reduction in allocation for Well Nos. 1900-02, 17 to 20, and 1901-03.

78. Standard Condition 9 is waived.

79. Standard Condition 10 is modified to exempt the permittee from monthly measurements of salinity and temperature.

80. Standard Condition 10 is waived.

81. Applicant must seek a determination from BLNR and Land Mgt Div as to whether water license required. If required, license must be obtained prior to issuance of permit. If not, permit will be issued w/out further action.

82. Commission defers action on use in excess of 452,000 gpd pending additional info from BWS and further staff analysis.

83. The permit shall be subject to the Commission’s sustainable yield review by December 1990.

84. The Commission shall delegate to the Honolulu Board of Water Supply the authority to allocate the use of water for municipal purposes, in accordance with §174C-48(b) HRS.

85. Honolulu Board of Water Supply shall be exempt from the requirements of permit modifications as provided in §174C-57.

86. BWS must participate in discussions, to be coordinated by Commission Staff, regarding a monitoring program to address impacts to Kaneohe Bay water quality, prior to any action on applications for future municipal uses.

87. A pump installation permit application must be made and approved prior to the installation of a permanent pump.
88. The water withdrawn shall be 0.7 mgd for municipal use.

89. The installed pump capacity of the well shall not be more than 700 gpm or 1.01 mgd.

90. The term of permit shall automatically expire twelve months from the date of issuance.

91. The Honolulu Board of Water Supply may continue to submit monthly water data on their own form, provided that the data are submitted in a format that is acceptable to the Commission staff.

92. Standard Condition 7 shall not apply.

93. Standard Condition 22 shall not apply.

94. Standard Condition 10 is modified to exempt the permittee from monthly measurements of salinity and temperature.

95. This permit shall be subject to conditions providing for stream restoration if the Commission determines that additional water should be returned to the streams.

96. HECO 1 mgd for industrial use

97. Campbell Estate 1 mgd for municipal use through BWS, by separate agreement with HECO

98. BWS 1 mgd for municipal use.

99. The permit shall be subject to the Commission's sustainable yield review by <Insert Date>.

100. The applicant shall obtain the current version of the Department of Health's Guidelines Applicable to Golf Courses in Hawaii. Where relevant and viable, items of the guidelines should be implemented and sustained appropriately. To obtain the current version, contact the Safe Drinking Water Branch, Environmental Management Division at 808-586-4258 (Honolulu).

101. The future use portion of the application shall be deferred until existing uses in the Koolauloa area are established.

102. The water to be withdrawn under this permit shall be a total of 0.03 mgd (0.02 mgd preserved plus an additional 0.01 mgd permitted use), averaged annually, for domestic and irrigation use.

103. Existing well 1851-09 shall be properly sealed by a licensed drilling contractor. A well modification permit application, enclosed, shall be submitted to the Department for approval of the well sealing. A filing fee for sealing the well will not be required.
104. The permittee is required to test the source using a certified private laboratory and submit the test results to the Commission within three (3) months. The Commission will then forward the results to the Department of Health for their review. The Department of Health recommends that the well be routinely tested for microbiological and chemical parameters thereafter.

105. The permittee is required to submit a completed Registration of Well and Declaration of Water use by <Insert Date>.

106. The permittee shall contact the Department of Health for a written determination on the status of their water system and comply with any Department of Health requirements for monitoring and testing.

107. In the event that the original spring source decontaminates, the new well authorized will be shut down.

108. That within each aquifer the total permitted use shall not exceed the sustainable yield.

109. That any water available for allocation shall be for in-district use.

110. That scheduled reductions to Oahu Sugar Co. permitted use shall be initiated upon final termination of an Osco lease or sub-lease, whichever occurs later.

111. That permits for water use issued in accordance with the proposed schedule shall be interim permits subject to review and adjustment by 1995.

112. That the permit shall be an interim permit for a new use which is afforded to existing users as specified in §13-171-20.

113. That the original allocation of 0.200 mgd shall be taken to hearing for possible revocation at a later date to complete the transfer of the water use permit entirely to Well No. 3407-02. This revocation would reduce the current allocation afforded to the Kunihiro Well (Well No. 3406-06) to zero.

114. This allocation incorporates the unspecified domestic needs of the applicant and therefore necessitates a single meter be installed at the well.

115. Should any impacts to nearby wells or streams be established by the use of this well, the applicant shall address these issues to the satisfaction of the Commission.

116. If an economically feasible nonpotable source is identified, the applicant shall convert to the alternative nonpotable source.

117. The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination and establish courses of action to follow should the aquifer become to saline to use.
118. Permittee shall provide the necessary end-use information on the 10th residence to allow regulation of the use under Chapter 174C.

119. Standard Conditions 10 & 18 shall not apply.

120. Standard Condition 10 is modified to exempt the permittee from the requirement to install a flowmeter. Salt water withdrawals may instead be estimated based on pumping capacity and run time.

121. The applicant shall review the existing year long period of pumpage and streamflow data and provide analysis on ground and surface water interaction. Deadline is January 25, 1994.

122. The water use permit for Well Nos. 2301-27 to -32 for 0.75 mgd (WUP No. 419) shall be revoked upon issuance of a pump installation permit for the well.

123. The permittee shall use mulching to decrease evaporative losses and manage irrigation scheduling to minimize water demand.

124. The permittee shall submit a detailed agricultural plan to support any future water use permit application for increased agricultural use at this parcel.

125. If not already obtained, the permittee shall seek and obtain any necessary permits from the Department of Health for the proposed discharge to Malaekahana Stream.

126. Standard Condition 10 is modified to waive the requirement for installing a water meter on Well Nos. 2358-21, 22, and 29. The permittee shall install a water meter on Well No. 2358-26 to measure total monthly flow through the discharge line. This quantity should then be assumed to be the rate of natural flow from the other three wells for monthly reporting purposes.

127. The permit shall be effective upon submittal of documentation by Navy that it has met the DOH requirements for a public system.

128. This WUP shall be subject to Army's application for a WUP to reduce the permitted use of the Army's Schofield Shaft (2901-02 to 04, 10) by 0.208 mgd to a new total of 5.648 mgd. The Army's application shall be submitted within 60 days after the approval of this WUP or this WUP shall be void. Approval of the modification request shall be obtained from the CWRM prior to use of Well No. 3100-02 and issuance of this WUP.

129. Navy shall submit an after-the-fact PIPA, and approval of the permit shall be obtained prior to use of the well.

130. The well shall not be used for drinking water purposes unless it is properly tested and treated.
This permit is approved subject to reclaimed water becoming a practical alternative and provided that the Department of Health approves the reuse application.

Should any opae ula be recovered in the well water, the permittee shall notify the Division of Aquatic Resources and provide specimens to the Division of Aquatic Resources for analysis.

If a single meter at the well is used, the Commission shall allow an additional 1,000 gallons per day to the water use permit amount for the domestic needs of two residences, although a permit for individual domestic consumption is not required. Otherwise, the applicant must provide a meter to separately measure the irrigation consumption.

This permit is approved under the requirement that conversion to either: 1) treated wastewater becoming available for reuse as an alternative supply source, provided that Department of Health concerns over the use of treated effluent over the potable water aquifer have been addressed; and/or 2) other nonpotable source becoming available will occur in a timely manner.

These permits shall be subject to a review of actual use within four years for possible modification of the permitted amount.

The permit shall be reviewed in two (2) years for possible additional revocation due to nonuse.

The allocation is based on the projects listed in Exhibit 5 (of Item 10 of the May 20, 1998 Staff Submittal), except for the Queen’s Beach GC (TMK 139-11-2,3), Lot 9 (TMK 139-17-51), and Varsity Place (TMK 128-24-35).

Kamehameha Schools Bishop Estate/Honolulu Board of Water Supply shall transfer the water use permit within ninety (90) days of the effective date of the transfer of the pump station to the Honolulu Board of Water Supply, pursuant to §174C-59 Hawaii Revised Statutes.

The permittee shall ensure that the water is recycled by either directing it into the Waiahole Ditch for use by downstream farmers (subject to the approval of the Agribusiness Development Corporation’s Board) or into Waikiki Farm’s existing irrigation system.

The permittee shall file a completed application to modify WUP No. 758 to reduce the allocation by 0.100 mgd within 60 days. If a completed water use permit modification application is not received within 60 days from this submittal’s date, then the subject water use permit application (WUPA No. 767) shall be deemed denied without prejudice without the need for another hearing.

The water withdrawn shall be for municipal use. No improvements to the existing sources are required as the existing source capacities are greater than the increase.
142. Water license must be determined through LM.

143. Proposed other uses will be considered at a later date.
Water Use Permit Survey

(Water Use Permit Survey) (Please complete one survey form for each WUP)

WUP Number: 669

WUP Number(s): 3412-04

Contact Information (of the person who will be present at site visit):
Name: Ronald P. Weidenbach
Phone (for phone interview): (808) 429-3147 Fax: (808) 637-0494
Email: hawaii.fish@gmail.com
Best time to reach for phone interview: after 10 am

Property Information (of the water use/well location):
Address: 59-190 Farrington Hwy
City: Waialua
Zip: 96791
Well Location TMK (list all if multiple wells present): 6-9-1-03 33
Water Use TMK (list all if used on multiple lots): N/A at present but will be same as above

Property Information:

Water Use/Well Information:
Is the water source currently in use? [ ] Yes [ ] No
If no, please explain: Still awaiting long-term lease from DLNR and easements for HDO so electrical service can be provided to the well.

What are you currently using the water for? (example: Use for 45 acres of diversified agriculture and 3 residences): Will be for approx. 20 acres of aquaculture, fish hatchery, and 2 or more residences

Is a flow meter installed and working properly? [ ] Yes [ ] No
If no, please explain: Pump installation awaiting electrical service

Do you submit monthly water use reports to the State? [ ] Yes [ ] No
If no, please explain: Have not yet begun water use

Field Investigations:
A representative from Brown and Caldwell will be visiting wells in your area over the next several months between the times of 9:00 am and 5:00 pm. Each site investigation will take approximately 1-2 hours. Please indicate up to three potential days of the week and availability times for an on-site inspection of the well location and verification of water use compliance. The permit holder must provide Brown and Caldwell with at least five (5) working days notice of the need to reschedule.

Option #1 Date (M-F): [ ] Available Time: 9:00 am [ ] 12:00 pm [ ] 3:00 pm
Option #2 Date (M-F): [ ] Most Days Time: 9:00 am [ ] 12:00 pm [ ] 3:00 pm
Option #3 Date (M-F): [ ] [ ] Time: 9:00 am [ ] 12:00 pm [ ] 3:00 pm

Once this survey is returned, a Brown and Caldwell representative will be contacting you to conduct a phone interview and finalize the exact date and time of your field investigation. Please fax/mail completed surveys by December 12th, 2007 and direct any questions related to this survey to Mr. Milo Smith of Brown and Caldwell at:
1099 Alakea Street, Suite #2400
Honolulu, HI 96813
Tel: (808) 203-2661
Fax: (808) 533-0226
msmith@brwncald.com

For Official Use Only

Received: 12/14/07 Information Updated: 12/26/07 Phone Interview Complete: 2/27/08

Notes/Comments: ____________________________________________________________
**Phone Interview**

<table>
<thead>
<tr>
<th>WUP Number:</th>
<th>669</th>
<th>Well Number(s):</th>
<th>3412-04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Name:</td>
<td>Ron Weidenbach</td>
<td>Phone Number:</td>
<td>429-3147</td>
</tr>
<tr>
<td>Attempt #1: Date/Time:</td>
<td>12/27/23 (1:30 PM)</td>
<td>Result:</td>
<td>Received</td>
</tr>
<tr>
<td>Attempt #2: Date/Time:</td>
<td>N/A</td>
<td>Result:</td>
<td>N/A</td>
</tr>
<tr>
<td>Well Location TMK(s):</td>
<td>6-9-001:003</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Use TMK(s):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Source Address:</td>
<td>6a-190 Farrington Hwy.</td>
<td>City:</td>
<td>Wailuku</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>96791</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Currently using water source?</td>
<td>Yes [ ] No [x]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notes/Comments:</td>
<td>Awaiting long term lease &amp; electrical services for the well</td>
<td></td>
<td></td>
</tr>
<tr>
<td>How often is the water source being used?</td>
<td>Daily [ ] Weekly [ ] Monthly [ ]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notes/Comments:</td>
<td>N/A - Not in use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>How long have you been using this water source?:</td>
<td>Not in use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has there been any rezoning of the water source/water use properties?</td>
<td>Yes [ ] No [x]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have you reported the rezoning to the State?</td>
<td>Yes [ ] No [ ] N/A [x]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If no, explain:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scheduled field investigation day/time:</td>
<td>3/3/23 @ 9:00 a.m.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notes (Special directions, site conditions, potential hazards, general notes, etc.):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• west gate of Dillingham - ¼ past glider port</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• follow service road approx 100 yards</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Take smaller paved road in to the © → 200 ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comments To Make:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Although we prefer that you do not change your scheduled field investigation time, if you require a reschedule, you must provide Brown and Caldwell with at least five (5) working days notice of the need to reschedule.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• A representative from Brown &amp; Caldwell will be making a reminder phone call to you sometime during the week prior to your scheduled field investigation.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• It is very important that you provide access to the site at the day and time agreed upon. Due to a very tight schedule, if you fail to provide access at the agreed upon time and/or do not reschedule with at least a five (5) working day notice, a makeup date will not be allowed.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• If for some reason you don’t know where your well head is located, it would be a good idea to locate it prior to your field investigation to help make the visit go quickly and smoothly.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Interviewed By: M.S. Date: 2/27/23 Time: 1:30 PM
Field Investigation Checklist

WUP Number: 600
Well Number(s): 3412-04

Water Source
Well Location TMK(s): 6-9-001:033
Well Head GPS Coordinates: Latitude: 21°34'37.2" N  Longitude: 136°12'40.1" W
Well Type: Drilled, No Pump
Currently using water source? Yes [ ] No [X]
Notes/Comments: ________________________________

Is there a flow meter installed? Yes [ ] No [X]
Is the flow meter operational? Yes [ ] No [X]
Notes/Comments: N/A

Water Use
Water Use TMK(s): 6-9-001:003, 6-9-001:033
What is the water being used for? Not in use
Is the water being used within the permitted boundaries? Yes [ ] No [ ]
If no, explain: N/A

Is there any observed wasting of water or water loss? Yes [ ] No [X]
If no, explain: ________________________________

Are the permit conditions being complied with? Yes [X] No [ ]
If no, explain: __________________________________

Other
Photographs of: Water Source [X] Water Meter [ ] Usage Area [X] Pump/Motor [ ]

General Notes/Comments: Currently no pump is installed; Permit is awaiting long term lease from DLNR, Land Division and the required electrical agreements from HECO.

Investigated By: M.S. Date: 3/3/08 Time: 9:00
February 24, 2004

Mr. Ron Weidenbach
Hawaii Fish Company
P.O. Box 1039
Waialua, HI 96791

Dear Mr. Weidenbach:

Approval of Water Use Permit for Well No. 3412-04
Mokuleia Ground-Water Management Area, Oahu

This letter transmits your water use permit for Hawaii Fish Company Well #1 (Well No.3412-04) for use of 0.576 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on February 18, 2004. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 19:

**Special Conditions**

1. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.

2. The applicant shall obtain a water lease/permit from Land Division prior to actual use of the well water.

Enclosed with this letter of approval are the following:

1. Your water use permit
2. Your official monthly water use report form

Please be sure to read the conditions of your approved permit.

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.
Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Mokuleia Ground-Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call Lenore Y. Nakama of the Commission staff at 587-0218.

Sincerely,

[Signature]
Peter T. Young
Chairperson

Attachments

c: State of Hawaii, DLNR
Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the permittee is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground-water use here must not interfere with surface or other ground-water rights or reservations.

5. The ground-water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its February 16, 2004 meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.

9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect the water sources (quantity or quality);
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. Carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).

11. This permit shall be subject to the Commission's periodic review of the Mokuleia Aquifer System's sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the Mokuleia Aquifer System, or relevant modified aquifer(s), is reduced.

12. A permit may transferred, in whole or in part, from the permittee to another, if:
   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer, which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-S7, is also invalid and constitutes a ground for revocation.

13. The use(s) authorized by law and by this permit do not constitute ownership rights.
14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances that will affect the permittee's water use.

15. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the Mokuleia Ground-Water Management Area.

17. The water use permit shall be subject to the Commission's establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

18. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.

19. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

Attachment

cc: State of Hawaii
MEMO and ROUTE SLIP (ver. 09/09/08) 11/10/08

WCR 1 Check for Well No. 3412-04 (regulation/survey route)

1. From Charley/Denise/Ryan _____ (initial)

2. Pump Tests Check  Diane England DZ (initial)
   Step–Drawdown Test: followed WCPI Stds analysis attached □ □
   Constant Rate Test: followed WCPI Stds analysis attached □ □

   Exploratory borehole/cased.
   Not done – will be reqd if before well converted
   for use as water supply
   <70 gpm no test required
   <50 gpm no test required

   Pumping test will be required as condition of PIP, if sought in future.

3. Well Log Check  Geology Code for Well Index: JPEG Fm Name: Waianae D. England DFZ (initial)

4. Construction Check  Mitch Ohye _____ (initial)  R. Torres ____ (initial)
   data complete □ □
   followed Special Cond & elevations □ □
   well database updated □ □

   Survey will be required for PIP.
   not necessary – only WCP or BOTH.

   Latitude  Longitude
   NAD27 21 34 49 152 12 50
   NAD83 21 34 37 152 12 48

5. Charley/Denise/Ryan _____ (initial) take action based on above analysis

   ATTACHMENTS FOR PUMP INSTALLATION PERMIT (2x):
   1 COVER LETTER
   2 COUNTY COMMENTS (DWS/SMA)
   3 DOH COMMENTS
   4 DLNR COMMENTS (LD/OCC/LHP)
   5 WCR 1 Accept
   6 WELL CONST. COMPLETION CERTIFICATE

   To be sent to driller/pump installer
   To Landowner

   Staff internal checks

6. Roy _____ (initial) check (Entered WCR 1/WCCC accept date into

7. Susan Hoagbin _____ (initial) finalize

8. Ken _____ (initial) signature

9. Mitch _____ (initial) Entered PIP issue date if attached/required

10. Charley/Denise/Ryan File

   Staff internal checks

   This is really housekeeping. I have asked Valley Well to look into
   a couple of deliquescent
   WCPs –
December 1, 2008

Mr. Ron Weidenbach
Hawaii Fish Company
P.O. Box 1039
Waialua, HI 96791

Dear Mr. Weidenbach:

Certificate of Well Construction Completion
Well No. 3412-04, TMK (1) 6-9-001:003

We issued your well construction permit for the Hawaii Fish Co. #1 Well (Well No. 3412-04) on October 13, 2003, and the well construction work was completed in January 2005. We received the required well completion report (Part I) on November 5, 2008. By this letter, we acknowledge that your well construction work is complete and acceptable, and we are pleased to formally welcome you to the community of well owners in Hawaii.

To protect Hawaii’s natural ground water resources for the benefit of all, the following requirements apply to the use and proper maintenance of your well.

1. Before this well can be pumped on a regular basis, a certificate of pump installation completion must be obtained.

2. If the well is not in use it must be properly capped.

3. If the well is to be abandoned, the landowner must cause a licensed contractor to apply for and obtain a well abandonment permit in accordance with §13-168-12(f), HAR prior to any well sealing or plugging work.

4. In the event that the well operator and/or landowner changes, the Commission shall be notified prior to the change.

5. In the event the benchmark in the concrete base of the well is altered in any way, an updated version of the Well Elevation page of the Well Completion Report Part I shall be submitted to the Commission. If a licensed surveyor had estimated the original benchmark elevation then a licensed surveyor must establish the new benchmark elevation. The Well Elevation portion of the Well Completion Report Part I can be obtained by contacting Commission staff or at www.hawaii.gov/dlnr/cwrmlresources_permits.htm.
6. Your well is located in a groundwater management area, which requires a water use permit from the Commission, in accordance with Hawaii Revised Statute §174C-48. Your water use permit is WUP No. 669, which was approved by the Commission on February 18, 2004. You must also obtain a certificate of pump installation completion (see Condition 1, above) before pumping this well for any purpose other than well and aquifer testing.

Because groundwater in Hawaii is a public trust, and adverse effects at one well may affect other water resources, any violation of the above conditions, or any other provision of the State Water Code (HRS §174C) and associated rules (HAR §13-168), may be subject to fines of up to $5,000 per day. We ask for you to do your part in utilizing this shared resource. We prefer to work with you and other water users in Hawaii in meeting the goal of protecting our groundwater resources.

If you have any questions, please contact Denise Mills of the Commission staff at (808) 587-0251.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

c: Valley Well Drilling, LLC
Honolulu Board of Water Supply
Ms. Tracie Sober  
91-458 Komohana Street  
Kapolei, HI 96707

Dear Ms. Sober:

Well Completion Report Part I for Well No. 3412-04

We received your Well Completion Report Part I for Hawaii Fish Co. Well #1 (Well No. 3412-04) on November 5, 2008. We acknowledge that this report is complete and acceptable at the present time. We understand that this is an exploratory well, and it could be converted for use as a production well at any time in the future. If the well owner/operator wishes to convert the well for production and install a pump, a pump installation permit will be required.

The pumping rate originally proposed for this well is 400 gallons per minute (gpm), as noted on the well construction/pump installation permit application. A pumping test is required before we will approve installation of a permanent pump with a capacity of 50 gpm or greater. The test duration will depend on the final proposed pump capacity; for a 400-gpm pump, the minimum test duration is 48 hours (see the Hawaii Well Construction & Pump Installation Standards - 2004, HWCPIS). Also, for any pump installed with a capacity of 70 gpm or greater, the survey documentation must be completed, which includes obtaining and submitting the licensed surveyor’s signature, as required by the HWCPIS.

This completes your obligation under the well construction permit. We will issue a certificate of well construction completion to the well operator/landowner and you will receive a copy for your records. This certificate transfers responsibility of specific aspects of well usage and maintenance from Valley Well Drilling, LLC to the landowner and/or well operator.

If you have any questions, please contact Denise Mills of the Commission staff at 587-0251.

Sincerely,

KEN C. KAWAHARA, P.E.  
Deputy Director

DEM:ss

c: Ron Weidenbach
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
WELL COMPLETION REPORT - PART I
Well Construction

Instructions: Please print in ink or type and send completed report (with attachments, if applicable) to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete reports. This form shall be submitted within 60 days of the completion of work. For assistance, please consult the Hawaii Well Construction and Pump Installation Standards or call the Regulations Branch at 587-0225. For updates to this form or additional information, please visit our website at http://www.state.hi.us/dlnr/cwrm/

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. State Well No.:</td>
<td>2412</td>
</tr>
<tr>
<td>2. Address:</td>
<td>64-19 0 Farrington Hw</td>
</tr>
<tr>
<td>3. Drilling Company:</td>
<td>Valley Well Drilling</td>
</tr>
<tr>
<td>4. Drilling method used during construction:</td>
<td>Rotary</td>
</tr>
<tr>
<td>5. Date Well Construction completed:</td>
<td>1-19-05</td>
</tr>
<tr>
<td>6. Was the subject well cored?</td>
<td>No</td>
</tr>
<tr>
<td>7. Step-Drawdown Test completed?</td>
<td>No</td>
</tr>
<tr>
<td>8. Constant Rate Aquifer Test completed?</td>
<td>No</td>
</tr>
<tr>
<td>9. Initial encountered during drilling</td>
<td>Ground = 273ft. msl</td>
</tr>
<tr>
<td>10. Just prior to casing installation</td>
<td>Ground = 273ft. msl</td>
</tr>
<tr>
<td>11. After casing installation</td>
<td>If this reference point is not the benchmark, the difference between the benchmark and this point is: 2.33 ft.</td>
</tr>
<tr>
<td>12. As-built section filled in completely</td>
<td>Yes</td>
</tr>
<tr>
<td>13. Photograph of well and concrete pad showing benchmark on concrete pad attached</td>
<td>Yes</td>
</tr>
<tr>
<td>14. GPS coordinates provided in degrees, minutes, seconds</td>
<td>Yes</td>
</tr>
<tr>
<td>15. If a pump is not planned to be installed, please describe (below in the remarks section) how well is secured to prevent unauthorized access (example: lockable cover, threaded coupling, etc.)</td>
<td>lockable cover</td>
</tr>
<tr>
<td>16. Remarks:</td>
<td></td>
</tr>
</tbody>
</table>

Water Level Data:

<table>
<thead>
<tr>
<th>Reference point elevation</th>
<th>Depth to water (feet)</th>
<th>Water Level ft. above mean sea level</th>
<th>Date/time of measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground = 273ft. msl</td>
<td>22</td>
<td>5.31</td>
<td>10-07-04 1000</td>
</tr>
<tr>
<td>Ground = 273ft. msl</td>
<td>22</td>
<td>5.31</td>
<td>1-19-05 09:30</td>
</tr>
<tr>
<td></td>
<td>24</td>
<td>6.14</td>
<td>10-10-08 10:30</td>
</tr>
</tbody>
</table>

Chloride: 58.4 ppm, Temperature: 69.4°F

Note: For all elevations referenced to mean sea level, take the ground elevation (surveyed or estimated if survey not required at this time) and subtract the depth to the water level.

Licensed Driller (print): Valley Well Drilling
C-57 Lic. No. Previous # 21358
Signature: Tracie Sobcz Date: 10-28-08
12. AS-BUILT WELL SECTION (Please attach as-built if different from diagram provided below)

**Solid Casing Material:**
- Carbon Steel: compliant (check one or more): □ ANSI/WWA C200 □ API Spec. 5L □ ASTM A53 □ ASTM A139
  And compliant with (check one or more): □ ASTM A242 or A606 □ Type E □ Type S □ Grade B □ Other
- Stainless Steel: (check one):
  □ ASTM A409 (production wells) □ ASTM A312 (monitor wells)
- ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one): □ Schedule 40 □ Schedule 80
- PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one): □ Schedule 40 □ Schedule 80 □ Schedule 120
- Thermoset Plastic: (check one)
  □ Filament Wound Resin Pipe conforming to ASTM D2996
  □ Centrifugally Cast Resin Pipe conforming to ASTM D2997
  □ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
  □ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
  □ PTFE Fluorocarbon Tubing conforming to ASTM D3296
  □ FEP Fluorocarbon Tubing conforming to ASTM D3296

**Open Casing Material:**
- Carbon Steel: compliant (check one or more): □ ANSI/WWA C200 □ API Spec. 5L □ ASTM A53 □ ASTM A139
  And compliant with (check one or more): □ ASTM A242 or A606 □ Type E □ Type S □ Grade B □ Other
- Stainless Steel: (check one):
  □ ASTM A409 (production wells) □ ASTM A312 (monitor wells)
- ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one): □ Schedule 40 □ Schedule 80
- PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one): □ Schedule 40 □ Schedule 80 □ Schedule 120
- Thermoset Plastic: (check one)
  □ Filament Wound Resin Pipe conforming to ASTM D2996
  □ Centrifugally Cast Resin Pipe conforming to ASTM D2997
  □ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
  □ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
  □ PTFE Fluorocarbon Tubing conforming to ASTM D3296
  □ FEP Fluorocarbon Tubing conforming to ASTM D3296
**State of Hawaii**
**COMMISSION ON WATER RESOURCE MANAGEMENT**
**Department of Land and Natural Resources**
**DRILLER’S LOG**

Well Number: 3412-04

<table>
<thead>
<tr>
<th>Depths (ft.)</th>
<th>Rock description, Water level, etc.</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 4</td>
<td>fill, silty gravel</td>
<td>10/7/04</td>
</tr>
<tr>
<td>4 to 40</td>
<td>basalt boulders with dark brown silty sand</td>
<td>10/7/04</td>
</tr>
<tr>
<td>40 to 60</td>
<td>blind</td>
<td>10/8/04</td>
</tr>
<tr>
<td>60 to 80</td>
<td>basal blue rock grades to brown</td>
<td>10/8/04</td>
</tr>
<tr>
<td>80 to 90</td>
<td>dense basalt hard</td>
<td>10/8/04</td>
</tr>
<tr>
<td>90 to 100</td>
<td>weathered basalt soft, return brown</td>
<td>10/8/04</td>
</tr>
<tr>
<td>100 to 110</td>
<td>weathered basalt mixed with clay</td>
<td>10/8/04</td>
</tr>
<tr>
<td>110 to 120</td>
<td>reddish brown basalt</td>
<td>10/8/04</td>
</tr>
<tr>
<td>120 to 130</td>
<td>dense basalt, very hard</td>
<td>10/8/04</td>
</tr>
<tr>
<td>130 to 140</td>
<td>cinders</td>
<td>10/8/04</td>
</tr>
<tr>
<td>140 to 160</td>
<td>dense basalt, very hard, return clear</td>
<td>10/8/04</td>
</tr>
<tr>
<td>160 to 180</td>
<td>basalt medium hard, return light brown</td>
<td>10/8/04</td>
</tr>
</tbody>
</table>

**Remarks:**
The above observations were taken from the pilot hole. The well was later reamed to the final well diameter of 14" on 1/17/05.

*water at 22' dgs 10-07-04 1000 gpm*

DL Form 06/24/2004
Attach photos of completed well and concrete pad

EXAMPLE

SKETCH OF WELL LOCATION
(Referenced to permanent landmark, i.e. building, road, fence, etc.)
Provide Latitude and Longitude of well referenced to NAD83 to nearest second
Well Elevation

Benchmark Elevation __

Attach photos of completed well and concrete pad showing benchmark location.

I certify that the elevation shown above:

1) Was done in accordance with acceptable surveying practices
2) Is accurate to the nearest 0.01 ft.
3) Is referenced to mean sea level

See Attached

Surveyor ___________________________ License No. _______________ Date _______________

WCR1 Form 6/12/07 Page 5 of 5
Two more with questions:

Well No. 3412-04 (Hawaii Fish Company #1) - This well was permitted as an exploratory well construction permit in Oct. 2003. The permittee was Hawaii Fish Company, and the driller Mike Sober. The well construction permit expired on 10/17/2005, and again we have no record the well was drilled and constructed. We never issued a pump installation permit.

Well No. 2308-04 (PVT Land Company, Ltd.) - The pump installation permit expired on 4/19/2006. The pump installation permit was signed on December 15, 2005, but we have no record that a pump was ever installed.

Do you have any information on these wells?

Thanks,
Denise
EXPLORATORY WELL CONSTRUCTION PERMIT

Hawaii Fish Company Well #1, Well No. 3412-04

Note: This permit shall be prominently displayed at the site until the work is completed

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the construction and testing of Hawaii Fish Company Well #1 (Well No. 3412-04) at 69-190 Farrington Hwy., Waialua, TMK 6-9-001:003, subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97) which include but are not limited to the following conditions:

1. The Chairperson of the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work authorized by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules.

2. The well construction permit shall be for construction and testing of the well only. A minimum 1¼-inch diameter monitor tube shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels. The permittee, well operator, and/or well owner shall coordinate with the Chairperson and conduct a pumping test in accordance with the Standards (a pumping test worksheet is attached). The permittee, well operator, and/or well owner shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump and withdraw water for use. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson.

3. In basal ground water, the depth of the well may not exceed one-fourth (1/4) of the theoretical thickness (41 times initial head) of the basal ground water unless otherwise authorized by the Chairperson.

4. The permittee, well operator, and/or well owner shall incorporate mitigation measures to prevent construction debris from entering the aquatic environment, to schedule work to avoid periods of high rainfall, and to revegetate any cleared areas as soon as possible.

5. In the event that subsurface cultural remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee, well operator, and/or well owner shall stop work and contact the Department's Historic Preservation immediately.

6. The proposed well construction shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to construct the well shall not constitute a determination of correlative water rights.

7. The following shall be submitted to the Chairperson within sixty (60) days after completion of work:
   b. Elevation (referenced to mean sea level, msl) survey by a Hawaii-licensed surveyor.
   c. As-built sectional drawing of the well.
   d. Plot plan and map showing the exact location of the well.
   e. Complete pumping test records, including time, pumping rate, drawdown, chloride content, and other data.

8. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.

9. The well construction permit application is incorporated into this permit by reference and is subject to the Hawaii Well Construction & Pump Installation Standards January 23, 1997; HWCPIS). If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.

10. The permit may be revoked by the Commission if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The work proposed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee, well operator, and/or well owner notice of the proposed action and an opportunity to be heard.

11. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee, well operator, and/or well owner must apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well sealing or plugging work.

12. The permittee, its successors, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.

13. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

Date of Approval: October 17, 2003
Expiration Date: October 17, 2005

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the driller have signed, dated, and returned the permit to the Commission. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $1000 per day starting from the permit date of approval.

Permittee's Signature: ____________________________
Printed Name: ____________________________
Driller's Signature: ____________________________
Printed Name: ____________________________

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.

Attachment

USGS
Department of Health/ Safe Drinking Water, Wastewater, and Clean Water Branches
Honolulu Board of Water Supply
State of Hawaii, DUR
MEMORANDUM FOR THE RECORD

FROM: Lenore Nakama
SUBJECT: Background Info for the Permitting of Hawaii Fish Co. Well & Water Use

An exploratory well construction permit was issued based on Land Division’s review comments on the WCP that a CDUP was not required. Subsequently, when LD reviewed the water use permit, LD reversed their position and stated that a CDUP was required. LD’s latest opinion is that a site plan approval will suffice in place of a modified CDUP (there is an active CDUP, but it does not cover the well).

The exploratory well construction permit was not conditioned on use of an observation well because the well database indicated all downgradient wells were unused or for observation only, and because the proposed well was so near to the shoreline. When I asked Dave Higa to look at the project site for potential stream impacts, Dave informed me that one of the downgradient wells was a public water system. I confirmed with Stuart Yamada at DOH that Well No. 3412-02 is a public water system. Because the exploratory well construction permit had already been issued, use of an observation well during the pumping test was added as a special condition of the water use permit.
Dear Lenore: Thanks for the unfortunate update. I can't begin to tell you how frustrating this COUP issue is to me. My Development Plan for the COUP extension specifically listed and described our intent to install a freshwater well and submit a Water Use Permit application and a Well Construction application to the Water Commission. Our Development Plan was discussed at length at the BLNR hearing and unanimously approved. My Development Plan is part of the official record. I can't understand how and why I should be penalized because a staff summary of my plan did not specifically mention the well. Sam Lemmo could probably straighten this out but unfortunately for me is away on a long vacation. I will submit an amended COUP application but by the time this can be clarified, Valley Well Drilling will have moved their rig to the outer islands. I will continue to look for alternative ways to clarify this matter. Best wishes, Ron

----- Original Message ----- From: <Lenore.Y.Nakama@hawaii.gov> To: <hawaiifish@msn.com> Sent: Wednesday, November 12, 2003 7:56 AM Subject: CDUP Issues and Suspension of Exploratory Well Construction Permit

> Hi Ron,
> I understand that you've been in discussions with OCCL staff and that they have explained to you that your active COUP does not cover the proposed well. We are not able to recommend approval of your water use permit application until the COUP issue is resolved.
> Please also do not proceed with any well construction work, under the Exploratory Well Construction Permit that was issued to you on November 5, 2003, until the COUP has been modified to cover the well.
> Sorry for the delay, but we will schedule your application for the next meeting after the BLNR does their action.
> Please call me if any questions. lenore
November 5, 2003

Ref: 3412-04.wcp2

Mr. Ron Weidenbach
Hawaii Fish Company
P.O. Box 1039
Waialua, HI 96791

Dear Mr. Weidenbach:

Exploratory Well Construction Permit
Hawaii Fish Company Well #1 (Well No. 3412-04)

We mistakenly issued the subject permit for an exploratory salt-water well instead of the fresh water-well that you are proposing to drill. Please disregard the permit that was issued to you on October 23, 2003.

Enclosed are two (2) copies of your approved Well Construction Permit for your proposed fresh-water well that authorize well construction activities but excludes installation work for your permanent pump. As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 13:

**Special Conditions**

1. Attached for your information is a copy of the Department of Health's (DOH) review comments. Please note DOH's requirements related to discharge of effluent from well drilling and testing activities.

2. Any well constructed in basal aquifers for the purpose of nonpotable or potable water withdrawal shall be initially designed and pump tested at a depth below sea level not exceeding one-fourth of the theoretical thickness (41 times the head) of the basal ground-water body, unless authorized by the chairperson.

3. The permittee is hereby informed, and agrees as a condition of this permit, that the issuance of this exploratory well construction permit shall in no way prejudice any future consideration by the Commission on the issuance of non-issuance of a water use permit.

This permit does not authorize work for your permanent pump installation. Approval and issuance of your pump installation permit is contingent upon completed application and information provided to and accepted by Commission staff as required in the Well Construction & Pump Installation Standards (1/23/97) and any special conditions performed under this permit.

Please sign and have the contractor sign both permit originals and return one for our files. Also, copies of the aquifer pump test worksheet and the well completion report form are enclosed for your use.
IMPORTANT - Drilling work shall not commence until a fully signed permit is returned to the Commission. Please provide all the information in this packet to your well drilling contractor. The permittee, well operator, and/or well owner are responsible for all conditions of the permit. This includes ensuring that the well construction contractor, or other party who constructs the well(s), submits a completed Part I of the Well Completion Report form (enclosed) within sixty (60) days after the well construction work is completed. Be advised that you may be subject to fines of up to $1000 per day for any violations of your permit conditions starting from the permit approval date.

If you have any questions, please call Lenore Y. Nakama of the Commission staff at 587-0218.

Sincerely,

Peter T. Young
Chairperson

Enclosures

c: State of Hawaii, DLNR
EXPLORATORY WELL CONSTRUCTION PERMIT

Hawaii Fish Company Well #1, Well No. 3412-04

Note: This permit shall be prominently displayed at the site until the work is completed.

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the construction and testing of Hawaii Fish Company Well #1 (Well No. 3412-04) at 69-190 Farrington Hwy., Waialua, TMK 6-9-001:003, subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97) which include but are not limited to the following conditions:

1. The Chairperson of the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work authorized by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules.

2. The well construction permit shall be for construction and testing of the well only. A minimum 1 1/4-inch diameter monitor tube shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels. The permittee, well operator, and/or well owner shall coordinate with the Chairperson and conduct a pumping test in accordance with the Standards (a pump testing worksheet is attached). The permittee, well operator, and/or well owner shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump and withdraw water for use. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson.

3. In basal ground water, the depth of the well may not exceed one-fourth (1/4) of the theoretical thickness (41 times initial head) of the basal ground water unless otherwise authorized by the Chairperson.

4. The permittee, well operator, and/or well owner shall incorporate mitigation measures to prevent construction debris from entering the aquatic environment, to schedule work to avoid periods of high rainfall, and to revegetate any cleared areas as soon as possible.

5. In the event that subsurface cultural remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee, well operator, and/or well owner shall stop work and contact the Department's Historic Preservation immediately.

6. The proposed well construction shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to construct the well shall not constitute a determination of correlative water rights.

7. The following shall be submitted to the Chairperson within sixty (60) days after completion of work:
   b. Elevation (referenced to mean sea level, msl) survey by a Hawaii-licensed surveyor.
   c. As-built sectional drawing of the well.
   d. Plot plan and map showing the exact location of the well.
   e. Complete pumping test records, including time, pumping rate, drawdown, chloride content, and other data.

8. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.

9. The well construction permit application is incorporated into this permit by reference and is subject to the Hawaii Well Construction & Pump Installation Standards (January 23, 1997; HWCPIS). If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.

10. The permit may be revoked by the Commission if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The work proposed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee, well operator, and/or well owner notice of the proposed action and an opportunity to be heard.

11. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee, well operator, and/or well owner must apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well sealing or plugging work.

12. The permittee, its successors, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.

13. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

Date of Approval: October 17, 2003
Expiration Date: October 17, 2005

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the driller have signed, dated, and returned the permit to the Commission. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $1000 per day starting from the permit date of approval.

Permittee's Signature: _____________________________ Date: __________

Printed Name: _________________________________ Firm or Title: ________________________________

Driller's Signature: _____________________________ C-57 License #: ______ Date: __________

Printed Name: _________________________________ Firm or Title: ________________________________

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.

Attachment

USGS
Department of Health's Safe Drinking Water, Wastewater, and Clean Water Branches
Honolulu Board of Water Supply
State of Hawaii, DLNR
**SECTION 1: WELL LOCATION INFORMATION**

<table>
<thead>
<tr>
<th>Island</th>
<th>OAHU</th>
<th>Proposed Use</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquifer Sector</td>
<td>NORTH</td>
<td>Proposed Withdrawal</td>
<td>0.576</td>
</tr>
<tr>
<td></td>
<td></td>
<td>System Sustainable Yield</td>
<td>39</td>
</tr>
</tbody>
</table>

**SECTION 2: WELL SECTION DATA** (enter data in grey cells only)

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elevation at top of casing</td>
<td>18 ft. m.s.l.</td>
</tr>
<tr>
<td>Ground Elevation</td>
<td>16 ft. m.s.l.</td>
</tr>
<tr>
<td>Cement Grout</td>
<td>90 ft.</td>
</tr>
<tr>
<td>Rock Packing</td>
<td>60 ft.</td>
</tr>
<tr>
<td>Hole Diameter</td>
<td>14 in.</td>
</tr>
<tr>
<td>Total Depth</td>
<td>150 ft.</td>
</tr>
<tr>
<td>Estimated Head</td>
<td>5 ft. m.s.l.</td>
</tr>
<tr>
<td>Calculated Aquifer Thickness</td>
<td>205 ft.</td>
</tr>
<tr>
<td>County Water Supply (Y/N ?)</td>
<td>NO</td>
</tr>
<tr>
<td>Solid Casing Material</td>
<td>Plastic</td>
</tr>
<tr>
<td>Designation</td>
<td>Sch 40</td>
</tr>
<tr>
<td>Length</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Diameter</td>
<td>8 in.</td>
</tr>
<tr>
<td>Wall Thickness</td>
<td>Sch 40 in.</td>
</tr>
<tr>
<td>Casing Material</td>
<td>Plastic</td>
</tr>
<tr>
<td>Designation</td>
<td>Sch 40</td>
</tr>
<tr>
<td>Length</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Diameter</td>
<td>8 in.</td>
</tr>
<tr>
<td>Wall Thickness</td>
<td>Sch 40 in.</td>
</tr>
<tr>
<td>Openings</td>
<td>0 sq.in./ft.</td>
</tr>
<tr>
<td>Open Hole Length</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Diameter</td>
<td>0 in.</td>
</tr>
</tbody>
</table>

**SECTION 3: CHECKLIST** (values to check are shaded)

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well Depth</td>
<td>205 ft.</td>
</tr>
<tr>
<td>Theoretical Thickness of Aquifer</td>
<td>205 ft.</td>
</tr>
<tr>
<td>1/4 Aquifer Thickness</td>
<td>134 ft.</td>
</tr>
<tr>
<td>Depth of Well below Sea Level</td>
<td>too deep</td>
</tr>
<tr>
<td>(disregard if the well is not basal, deep monitor or salt water)</td>
<td></td>
</tr>
<tr>
<td>Well Casing Minimum Wall Thickness</td>
<td>PVC</td>
</tr>
<tr>
<td>Material</td>
<td>non-county</td>
</tr>
<tr>
<td>County or Non-County</td>
<td></td>
</tr>
<tr>
<td>Minimum Thickness per standards</td>
<td>0.322 in.</td>
</tr>
<tr>
<td>Wall Thickness Provided</td>
<td>Sch 40 in.</td>
</tr>
<tr>
<td>Minimum Length of Solid Casing</td>
<td>okay</td>
</tr>
<tr>
<td>(disregard this if this is a non-county well)</td>
<td></td>
</tr>
<tr>
<td>90% of ground to top of aquifer</td>
<td>9.9 ft.</td>
</tr>
<tr>
<td>Length of solid casing Provided</td>
<td>okay</td>
</tr>
<tr>
<td>Casing Material</td>
<td>Sch 40</td>
</tr>
<tr>
<td>Annular Space</td>
<td>okay</td>
</tr>
<tr>
<td>Depth of Grouting</td>
<td>7.7 ft.</td>
</tr>
<tr>
<td>Calculated Depth of Grouting</td>
<td>okay</td>
</tr>
<tr>
<td>(refer to HWCPIS Section 2.2)</td>
<td></td>
</tr>
<tr>
<td>Depth of Grouting provided</td>
<td>90 ft.</td>
</tr>
<tr>
<td>Thickness of Annular Space</td>
<td>3 in.</td>
</tr>
<tr>
<td>(refer to HWCPIS Section 2.6 d)</td>
<td></td>
</tr>
</tbody>
</table>
November 5, 2003

Mr. Ron Weidenbach
Hawaii Fish Company
P.O. Box 1039
Waialua, HI 96791

Dear Mr. Weidenbach:

We are forwarding comments from the State Historic Preservation Division (SHPD) regarding the well construction permit for the Hawaii Fish Company Well #1 (Well No. 3412-04) that was issued to you on October 23, 2003.

Please contact SHPD directly to address their concerns. In addition, Standard Condition 5 of the permit requires you to stop work and contact SHPD if subsurface cultural remains, such as artifacts, burials, or concentrations of shells or charcoal, are encountered during construction.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

ERNEST Y.W. LAU
Deputy Director

LN:ss
Attachment
October 1, 2003

TO: Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Attention: Harold Yee, Wastewater Branch
William Wong, Safe Drinking Water Branch
Dr. Keith Kawaoka, Hazardous Evaluation and Emergency Response
Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Hawaii Fish Company Well #1 (Exploratory) (Well No. 3412-04)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by October 17, 2003. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

RESPONSE:

1. This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, Rules Relating to Potable Water Systems, §11-20-29.

2. This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and if the well water is used for drinking, the private owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

3. If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

4. It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

5. For the applicant's information, a source of possible wastewater contamination is not located near the proposed well site (information attached).

6. An NPDES permit is required.

7. Other relevant DOH rules/regulations, information, or recommendations are attached.

No comments/objections

Contact Person: Lori N. Kajiwara
Phone: 586-4294

Signed: Lori N. Kajiwara
Date: 10-10-2003
A septic tank file has been found and the following information is provided. In general, the Department of Health has reviewed and approved of the plans based on the information submitted as verification that a treatment individual wastewater system (IWS) such as a septic tank was constructed and authorized to be used for wastewater disposal from a building/dwelling.

Tax Map Key number: 1 6 - 9 001 003  
Address: Farrington Hwy  
Septic Tank File #: 3791  
Applicant Name: Ron Weidenbach  
Submit Plan Date: 9-30-2003  
Plan Approval Date: 10-08-2003  
Inspection Date:  
System Approved for Use Date:  
System / Disposal Via: Septic Tank / Trench  
Capacity: 1250 gallons  
# of Bedrooms or Other: 5 BR  
Designed By: McNulty

For further information, you may also call the Wastewater Branch neighbor island engineers:

- Mr. Dane Hiromasa at the Kealakekua Health Center, Kona at (808)322-1507
- Mr. Jerry Nunogawa at the Hawaii District Health Office, Hilo at (808)933-0401
- Mr. Joe Tateyama at the Kauai District Health Office at (808)241-3323
- Mr. Roland Tejano at the Maui District Health Office at (808)984-8232
PROJECT DESIGN:
1. PROJECTED FLOW—MAXIMUM DAILY FLOW, 1000 GPD
2. DESIGN FLOW—1000 GPD
3. DESIGN SEPTIC TANK 1250 GALLONS
4. DISPOSAL SYSTEM BASED ON PERCOLATION REPORT PERC. RATE 1 MIN/IN.
   REQUIRED DISPOSAL AREA BASED ON 70 SQ. FT. PER BEDROOM,
   USING 5 BEDROOMS EQUALS 350 SQ. FT.
5. DESIGN DISPOSAL AREA 360 SQ. FT.

GENERAL NOTES:
1. PLANS MUST BE APPROVED IN WRITING BY THE STATE OF HAWAII
   DEPARTMENT OF HEALTH PRIOR TO COMMENCEMENT OF CONSTRUCTION.
2. THE CONTRACTOR SHALL LOCATE AND PROTECT ALL EXISTING UTILITIES
   WHETHER OR NOT SHOWN ON THE PLANS. ANY COST INCURRED BY DAMAGES
   TO EXISTING UTILITIES WILL BE BORNE BY THE CONTRACTOR.
3. THE CONTRACTOR SHALL NOTIFY THE ENGINEER NOT LATER THAN 48 HOURS
   PRIOR TO COMMENCEMENT OF EXCAVATION FOR THE IWS.
4. INSPECTION OF A COMPLETED SYSTEM MUST BE DONE BY THE ENGINEER
   BEFORE BACK FILLING.
5. ALL EQUIPMENT SUBSTITUTIONS OR LOCATION CHANGES TO BE VERIFIED
   WITH DESIGN ENGINEER PRIOR TO INSTALLATION.
6. THE CONTRACTOR SHALL PROVIDE, INSTALL AND MAINTAIN ALL BARRICADES
   AND SAFETY DEVICES AND TAKE ALL NECESSARY PRECAUTIONS FOR THE
   PROTECTION OF THE WORK AND THE CONVENIENCE AND SAFETY OF THE PUBLIC.

CONSTRUCTION NOTES:
1. SEWER LINE CLEANOUTS ARE REQUIRED AT THE RESIDENCE, AT BENDS
   GREATER THAN 22.5 DEGREES, AND AT 100' INTERVALS.
2. SEWER LINES SHALL SLOPE AT 2%.
3. ANY LARGE TREES SHALL BE A MINIMUM OF 10 FEET AWAY FROM THE
   ABSORPTION AREA OR THE USE OF A ROOT INHIBITOR SHALL BE REQUIRED.
4. ANY ABNORMAL DRAINAGE TO BE DIVERTED AROUND DISPOSAL AND TANK
   AREAS USING BERRS, CULVERTS OR DITCHES AS APPROPRIATE.
5. ABSORPTION TRENCH MUST PENETRATE INTO SAND (5-8' BELOW GRADE).
MEMORANDUM

TO: Ernest Y.W. Lau, Deputy Director
Commission on Water Resource Management

FROM: P. Holly McEldowney, Acting Administrator
Historic Preservation Division

SUBJECT: (Well Not. 3412-04) Chapter 6E-42 Historic Preservation Division
Review of the Proposed Hawaii Fish Company Well # 1
(Exploratory)
Ka`ena, Waialua, O`ahu
TMK: (1)-6-9-001:

We received the subject application on October 7, 2003, and additional supporting materials on October 20, 2003, and provide the following comments. Our review is based on historic maps, aerial photographs, records, and reports at the State Historic Preservation Division; no field inspection was made of the subject parcel.

We have no record of an archaeological inventory survey being conducted on the subject parcel, or in the vicinity of the proposed well. The application indicates that the proposed well involves construction of a new well, and installation of a pump. According to the USDA Soil Survey, the well site appears to be underlain by Jaucas Sands deposits which are known to contain significant historic sites such as cultural layers with associated human burials. There is no indication that the proposed well site has been modified through commercial agriculture or other activities. Consequently, it is possible that historic sites are still present on the parcel or within the subsurface portions.

We would appreciate receiving more information from your agency or the applicant regarding past land use history. If such information is not available, and it seems as
though there has been little or no prior development of the proposed well site, we would recommend that an archaeological inventory survey be carried out of the Area of Potential Effect (APE) for the proposed well construction. The APE would include the well site, any access road, and storage areas for equipment and materials. A report of findings from the survey should be provided to our office for review and comment. If significant historic sites are found during the survey, then some form of mitigation may be required.

Should you have any questions, please contact Sara Collins at 692-8026.

EJ:jk

c: A. Van Horn Diamond, Chair, O`ahu Island Burial Council
Kai Markell, Burial Sites Program
October 23, 2003

Ref: 3412-04.wcp

Mr. Ron Weidenbach
Hawaii Fish Company
P.O. Box 1039
Waialua, HI 96791

Dear Mr. Weidenbach:

Exploratory Well Construction Permit
Hawaii Fish Company Well #1 (Well No. 3412-04)

Enclosed are two (2) copies of your approved Well Construction Permit for the captioned well(s) that authorize well construction activities but excludes installation work for your permanent pump. As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 13:

Special Conditions

1. Attached for your information is a copy of the Department of Health's (DOH) review comments. Please note DOH’s requirements related to discharge of effluent from well drilling and testing activities.

2. Standard Conditions 2 is modified and Standard Conditions 7.b. and 7.e. are waived to exempt the permittee from the requirement for pumping tests, elevation survey, and installation of a monitor tube for the proposed salt-water well.

3. Standard Condition 3 is waived with the understanding that salt water is the desired quality of water and the well is cased to the depth at which salt water is encountered.

4. The permittee is hereby informed, and agrees as a condition of this permit, that the issuance of this exploratory well construction permit shall in no way prejudice any future consideration by the Commission on the issuance of non-issuance of a water use permit.

This permit does not authorize work for your permanent pump installation. Approval and issuance of your pump installation permit is contingent upon completed application and information provided to and accepted by Commission staff as required in the Well Construction & Pump Installation Standards (1/23/97) and any special conditions performed under this permit.

Please sign and have the contractor sign both permit originals and return one for our files.
IMPORTANT - Drilling work shall not commence until a fully signed permit is returned to the Commission. Please provide all the information in this packet to your well drilling contractor. The permittee, well operator, and/or well owner are responsible for all conditions of the permit. This includes ensuring that the well construction contractor, or other party who constructs the well(s), submits a completed Part I of the Well Completion Report form (enclosed) within sixty (60) days after the well construction work is completed. Be advised that you may be subject to fines of up to $1000 per day for any violations of your permit conditions starting from the permit approval date.

If you have any questions, please call Lenore Y. Nakama of the Commission staff at 587-0218.

Sincerely,

Peter T. Young  
Chairperson

Enclosures

c: State of Hawaii, DLNR
Hawaii Fish Company Well #1, Well No. 3412-04

Note: This permit shall be prominently displayed at the site until the work is completed.

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the construction and testing of Hawaii Fish Company Well #1 (Well No. 3412-04) at 69-190 Farrington Hwy., Waialua, TMK 6-9-001:003, subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97) which include but are not limited to the following conditions:

1. The Chairperson of the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work authorized by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules. 

2. The well construction permit shall be for construction and testing of the well only. A minimum 1½-inch diameter monitor tube shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels. The permittee, well operator, and/or well owner shall coordinate with the Chairperson and conduct a pumping test in accordance with the Standards (a pump testing worksheet is attached). The permittee, well operator, and/or well owner shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump and withdraw water for use. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson.

3. In basin ground water, the depth of the well may not exceed one-fourth (1/4) of the theoretical thickness (41 times initial head) of the basin ground water unless otherwise authorized by the Chairperson.

4. The permittee, well operator, and/or well owner shall incorporate mitigation measures to prevent construction debris from entering the aquatic environment, to schedule work to avoid periods of high rainfall, and to revegetate any cleared areas as soon as possible.

5. In the event that subsurface cultural remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee, well operator, and/or well owner shall stop work and contact the Department's Historic Preservation immediately.

6. The proposed well construction shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to construct the well shall not constitute a determination of correlative water rights.

7. The following shall be submitted to the Chairperson within sixty (60) days after completion of work:
   b. Elevation (referenced to mean sea level, msl) survey by a Hawaii-licensed surveyor.
   c. As-built sectional drawing of the well.
   d. Plot plan and map showing the exact location of the well.
   e. Complete pumping test records, including time, pumping rate, drawdown, chloride content, and other data.

8. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.

9. The well construction permit application is incorporated into this permit by reference and is subject to the Hawaii Well Construction & Pump Installation Standards (January 23, 1997; HWCPIS). If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.

10. The permit may be revoked by the Commission if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The work proposed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee, well operator, and/or well owner notice of the proposed action and an opportunity to be heard.

11. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee, well operator, and/or well owner must apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well sealing or plugging work.

12. The permittee, its successors, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.

13. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

Date of Approval: October 17, 2003
Expiration Date: October 17, 2005

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the driller have signed, dated, and returned the permit to the Commission. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $1000 per day starting from the permit date of approval.

Permittee's Signature: _____________________________ Date: ________________
Printed Name: ________________________ Firm or Title: ________________________

Driller's Signature: _____________________________ Date: ________________
C-57 License #: _____________________________
Printed Name: ________________________ Firm or Title: ________________________

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.
TO: Dede Mamiya, Administrator  
Land Division  
FROM: Ernest Y.W. Lau, Deputy Director  
Commission on Water Resource Management  
SUBJECT: Well Construction/Pump Installation Permit Application  
Hawaii Fish Company Well #1 (Exploratory) (Well No. 3412-04)

October 1, 2003

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by October 17, 2003. If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

RESPONSE:

A water lease/permit is required of this applicant and an application for such will be requested by our division.

A water lease/permit is not required of this applicant.

A water lease/permit has been obtained by the applicant through lease no. ______________________

This well project [ ] requires [x] does not require a CDUP. If a CDUP is required it [ ] has [ ] has not been approved and [ ] is [ ] is not currently active.

[ ] Other relevant Land Division rules/regulations, information, or recommendations are attached.

[ ] No objections

Other comments: Location of the well is State-owned land and its use must be approved by the Board of Land and Natural Resources.

Contact Person: Gary Martin  
Phone: 587-0421

Signed: Gary Martin  
Date: OCT - 7 2003
October 1, 2003

TO: Honorable Chiyome L. Fukino, M.D., Director
   Department of Health
   Attention: Harold Yee, Wastewater Branch
              William Wong, Safe Drinking Water Branch
              Dr. Keith Kawakami, Hazardous Evaluation & Emergency Response

FROM: Peter T. Young, Chairperson
   Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Hawaii Fish Company Well #1 (Exploratory) (Well No. 3412-04)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by October 17, 2003. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0231.

Class: Attachment(s)

RESPONSE:

[1] This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 26, Rules Relating to Potable Water Systems, §11-30-25.

[1] This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and if the well water is used for drinking, the owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

[1] If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

[1] It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

[1] For the applicant's information, a source of possible wastewater contamination of this well site is located near the proposed well site (information attached).

[1] An NPDES permit is required.

[1] Other relevant DOH rules/regulations, information, or recommendations are attached.

[1] No comments/objections

Contact Person: Alec Wong

Signed: Alec Wong

Phone: 586-4309

Date: 10/9/03
The Department of Health, Clean Water Branch has the following comments:

1. **For Well-Drilling Activities**

Any discharge to State waters of treated process wastewater effluent associated with well drilling activities is regulated by Hawaii Administrative Rules, Title 11, Chapter 55, Appendix I, effective September 22, 1997. Treated process wastewater effluent covered by this general permit includes well drilling slurries, lubricating fluids wastewaters, and well purge wastewaters. This general permit does not cover well pump testing. The applicable Notice of Intent Forms and filing fee shall be submitted at least thirty (30) days before the start of discharge to the Department of Health, Clean Water Branch at 919 Ala Moana Boulevard, Room 301, Honolulu, Hawaii 96814-4920 or P.O. Box 3378, Honolulu, Hawaii 96801-3378. Inquiries may be directed to the Clean Water Branch at (808) 586-4309 or by fax at (808) 586-4352.

2. **For Well Pump Testing**

The discharger shall take all measures necessary to prevent the discharge of pollutants from entering State waters. Such measures shall include, if necessary, containment of the initial discharge until the discharge is essentially free of pollutants. If the discharge is entering a stream or river bed, best management practices shall be implemented to prevent the discharge from disturbing the clarity of the receiving water. If the discharge is entering a storm drain, the discharger must obtain written permission from the owner of that storm drain prior to discharge. Furthermore, best management practices shall be implemented to prevent the discharge from collecting sediments and other pollutants prior to entering the storm drain.

JS/cr
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96820

October 1, 2003

TO:
Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Attention: Harold Yee, Wastewater Branch
William Wong, Safe Drinking Water Branch
Dr. Keith Kaawaoka, Hazardous Evaluation and Emergency Response
Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Hawaii Fish Company Well #1 (Exploratory) (Well No. 3412-04)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by October 17, 2003. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

Class
Attachment(s)

RESPONSE:

1. The well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 25, Rules Relating to Potable Water Systems, §11-20-22.

2. This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year of 15 service connections) and if the well water is used for drinking, the private owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

3. If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spots with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

4. It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

5. For the applicant’s information, a source of possible wastewater contamination [ ] is [] not located near the proposed well site (information attached).

6. An NPDES permit is required.

7. Other relevant DOH rules/regulations, information, or recommendations are attached.

8. No comments/objections.

Contact Person: Stuart Yamada
Phone: 586-4258

Signed: __________________________
Date: 10/9/03
The Department of Health, Safe Drinking Water Branch has the following additional comments for the Well Construction / Pump Installation Permit Application for the Hawaii Fish Company Well #1 (Well No. 3-3412-04 Oahu):

1. It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water regulations. However, steps should be taken to prevent both direct human consumption of this water, and cross-connections with any potable water supply. If the user receives water from the Dillingham Air Field, or any other public water system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots and piping as "NON-POTABLE", to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested. The public water system supplying the potable water must also be notified as they may require a backflow preventer on their service connection to the facilities.

2. Please be advised that the Department of Health has experienced drinking water and groundwater contamination by submersible pumps containing mercury. Specifically, the failure of the seals of the pumps allowed mercury to leak out into the well shaft resulting in contamination of the well and the water served by the well. If you intend to install a submersible pump, please review your pump specifications to be sure that the submersible pump(s) you propose to use does not contain materials which could result in either groundwater contamination or drinking water contamination.
October 1, 2003

TO: Honorable Chiyome L. Fukino, M.D., Director
    Department of Health
    Attention: Harold Yee, Wastewater Branch
              William Wong, Safe Drinking Water Branch
              Dr. Keith Kawaoka, Hazardous Evaluation and Emergency Response
              Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson
      Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
         Hawaii Fish Company Well #1 (Exploratory) (Well No. 3412-04)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by October 17, 2003. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

Class: Attachment(s)

RESPONSE:

1. This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 26, Rules Relating to Public Water Systems, §11-20-20.

2. This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and if the well water is used for drinking, the private owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

3. If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

4. It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

5. For the applicant's information, a source of possible wastewater contamination [±1] is not located near the proposed well site (information attached).

6. An NPDES permit is required.

7. Other relevant DOI rules/regulations, information, or recommendations are attached.

XX No comments/objections

Contact Person: Dr. Keith Kawaoka Phone: 586-4249

Signed:  

Fax to: Commission on Water Resources Mgt. 587-0219
October 1, 2003

Mr. Ron Weidenbach
Hawaii Fish Company
P.O. Box 1039
Waialua, HI 96791

Dear Mr. Weidenbach:

Well Construction/Pump Installation Permit Application for Exploratory Well No. 3412-04

We acknowledge receipt, on September 26, 2003, of your completed Well Construction/Pump Installation permit application and filing fee for the Hawaii Fish Company Well #1 (Exploratory) (Well No. 3412-04). You can expect your application to be processed within ninety (90) days from this date.

For your information, the process of constructing a well is normally regulated and permitted in two (2) steps. First, a well construction permit is issued for drilling and testing purposes only. Based upon information provided by you through a Well Completion Report Part 1 (Well Construction), a pump installation permit (upon completed application) may then be issued to authorize pump work. If a pump is installed then a Well Completion Report Part 2 (Pump Installation) is required. Additionally, since your well is in a water management area, you will need a water use permit prior to issuance of a pump installation permit and actual installation of a pump. This well construction permit application is being accepted as an exploratory well only that understands no water may be withdrawn should the Commission deny your water use permit application.

If you have any questions about your permit application, please contact Charley Ice of the Commission staff at 587-0251.

Sincerely,

ERNEST Y.W. LAU
Deputy Director

Cl: ss

c: Valley Well Drilling
October 1, 2003

TO: Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Attention: Harold Yee, Wastewater Branch
William Wong, Safe Drinking Water Branch
Dr. Keith Kawaoka, Hazardous Evaluation and Emergency Response
Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Hawaii Fish Company Well #1 (Exploratory) (Well No. 3412-04)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by October 17, 2003. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

Class
Attachment(s)

RESPONSE:

[ ] This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, Rules Relating to Potable Water Systems, §11-20-29.

[ ] This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and if the well water is used for drinking, the private owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

[ ] If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

[ ] It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

[ ] For the applicant's information, a source of possible wastewater contamination [] is [] not located near the proposed well site (information attached).

[ ] An NPDES permit is required.

[ ] Other relevant DOH rules/regulations, information, or recommendations are attached.

[ ] No comments/objections

Contact Person: _____________________________ Phone: ______________

Signed: _____________________________ Date: ______________
TO:  Dede Mamiya, Administrator
     Land Division

FROM:  Ernest Y.W. Lau, Deputy Director
        Commission on Water Resource Management

SUBJECT:  Well Construction/Pump Installation Permit Application
          Hawaii Fish Company Well #1 (Exploratory) (Well No. 3412-04)

October 1, 2003

Transmitted for your review and comment is a copy of the captioned Well
Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the
programs, plans, and objectives specific to your division. Please respond by returning this
cover memo form by October 17, 2003. If we do not receive comments or a request for
additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions
about this permit application, request additional information, or request additional review time,
please contact Charley Ice of the Commission staff at 587-0251.

RESPONSE:

[ ] A water lease/permit is required of this applicant and an application for such will be requested by our
     division.

[ ] A water lease/permit is not required of this applicant.

[ ] A water lease/permit has been obtained by the applicant through lease no. ____________________________

[ ] This well project [ ] requires [ ] does not require a CDUP. If a CDUP is required it [ ] has
   [ ] has not been approved and [ ] is [ ] is not currently active.

[ ] Other relevant Land Division rules/regulations, information, or recommendations are attached.

[ ] No objections

[ ] Other comments:

Contact Person: ____________________________  Phone: ______________

Signed: ____________________________  Date: _____________
October 1, 2003

TO: Holly McEldowney, Acting Administrator
    Historic Preservation

FROM: Ernest Y. W. Lau, Deputy Director
      Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
         Hawaii Fish Company Well #1 (Exploratory) (Well No. 3412-04)

Transmitted for your review and comment is a copy of the captioned Well
Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the
programs, plans, and objectives specific to your division. Please respond by returning this
cover memo form by October 17, 2003. If we do not receive comments or a request for
additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions
about this permit application, request additional information, or request additional review time,
please contact Charley Ice of the Commission staff at 587-0251.

RESPONSE:
[ ] There may be areas in the vicinity of the well site that contain subsurface cultural remains such as artifacts,
burials or concentrations of shells or charcoal.

[ ] Other relevant Historic Preservation rules/regulations, information, or recommendations are attached.

[ ] No objections

[ ] Other comments:

Contact Person: ___________________________ Phone: __________

Signed: ___________________________ Date: __________
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
APPLICATION FOR PERMIT

| WELL CONSTRUCTION | PUMP INSTALLATION |

APPLICATION INFORMATION: (Fill out all three, if applicable, and place a check mark in the primary contact)

1. (a) WELL OWNER:
   - Name: Pacific Fish Company
   - Address: 1210 Railroad Avenue, Kauai, HI 96750
   - Contact Person: Wayne Williams
   - Phone: 642-6964
   - Fax: 642-6964
   - Email: HawaiiFish@hawaii.edu

2. LAND OWNER:
   - Name: State of Hawaii
   - Address: P.O. Box 262, Honolulu, HI 96809
   - Fax: 587-0433

3. CONTRACTOR:
   - Name: Valley Well Drilling
   - Address: 91-3350 Dahlia St., Kapolei, HI 96707
   - Phone: 682-2769
   - Fax: 682-2769

4. MORTAL & PUMP INFORMATION:
   - WELL NAME: Dapple
   - Address: 58-790 Farrington Hwy, Waianae, HI 96792
   - Tax Map Key: 6.9.8B.0029
   - Attach: portion of a 7.5-Minute Series USGS topographic map (scale 1:24,000) with well location labeled and include the portion of the quadrangle showing well location referenced to established property boundaries

5. PROPOSED WORK:
   - (check all that apply)
     - Construct New Well
     - Abandon Well
     - Modify Existing Well
     - Modify Pump
     - Dug Shaft
     - Tunnel

6. CONSTRUCTION:
   - Drilled
   - Dug
   - Shaft
   - Tunnel

7. PROPOSED PUMPING RATE:
   - Trying Rate: 400 gallons per minute
   - Maximum Rate: 960 per day
   - Minimum Rate: 576,000 gallons per day

8. LEGAL REQUIREMENTS:
   - Not Required
   - Special Management Area Permit (SMAP): Yes
   - Environmental Assessment (EA): Yes
   - Open-per in Water Use: Yes
   - Island: Oahu

9. ARCHEOLOGICAL REQUIREMENTS:
   - Not Required
   - State Historic Preservation

10. REMARKS, EXPLANATIONS:

NOTE: Signing below indicates the signatories understand and agree to the information provided on this application is accurate and true to the best of their knowledge. Further, the signatories understand that approval of this application attaches the following standard conditions: 1) the proposed work is to be completed within two (2) years of the approval date; 2) the contractor shall submit to the Commission a well completion/bonding report within 60 days after the completion date of the permitted work; 3) monthly water use data shall be submitted to the Commission; and 4) such approval shall not constitute a determination of correlative water rights and shall not guarantee the pump capacity of future use up to the permitted pump capacity. In the event that the application is not completed correctly, any permit may be suspended until the item is brought in compliance, and any work done while the permit is in suspension may result in fines of up to $1,000 per day.

Well Owner (print legibly): Wayne Williams
Landowner (print legibly): State of Hawaii
Contractor (print legibly): Valley Well Drilling

Signature: Wayne Williams
Signature: State of Hawaii
Signature: Valley Well Drilling

Date: 2/2/13
Date: 2/2/13
Date: 2/2/13

For official use only
Latitude: Aquifer System No:
Longitude: State Well No: 54-12-04
10. PROPOSED WELL SECTION

(please attach schematic if different from diagram provided below)

- **Solid Casing Material:**
  - Carbon Steel: compliant with (check one or more):
    - ANSI/AWWA C200
    - API Spec. 5L
    - ASTM A53
    - ASTM A129
  - ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one)
    - Schedule 40
    - Schedule 80
  - PVC Plastic conforming to ASTM F490 and (ASTM D1785 or ASTM D2241): (check one)
    - Schedule 40
    - Schedule 80
  - Thermoset Plastic: (check one)
    - Filament Wound Resin Pipe conforming to ASTM D2996
    - Centrifugally Cast Resin Pipe conforming to ASTM D2997
    - Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
    - Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
    - PTFE Fluorocarbon Tubing conforming to ASTM D3296
    - FEP Fluorocarbon Tubing conforming to ASTM D3296

- **Open Casing Material:**
  - Carbon Steel: compliant with (check one or more):
    - ANSI/AWWA C200
    - API Spec. 5L
    - ASTM A53
    - ASTM A129
  - ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one)
    - Schedule 40
    - Schedule 80
  - PVC Plastic conforming to ASTM F490 and (ASTM D1785 or ASTM D2241): (check one)
    - Schedule 40
    - Schedule 80
  - Thermoset Plastic: (check one)
    - Filament Wound Resin Pipe conforming to ASTM D2996
    - Centrifugally Cast Resin Pipe conforming to ASTM D2997
    - Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
    - Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
    - PTFE Fluorocarbon Tubing conforming to ASTM D3296
    - FEP Fluorocarbon Tubing conforming to ASTM D3296

* The approximate elevation must be referenced to mean sea level (msl) at the time of application filing. Final elevations of well components shall be submitted in the Well Completion/Well Abandonment reports and referenced to a benchmark which has been established by a surveyor licensed by the State.

For non-saltwater Basalt Wells - bottom elevation of well should not be deeper than 1/4 of aquifer thickness or,

Bottom Elevation of Well Limit = (Water Level - 4.1 x Water Level Elevation)

Example: Estimated + 2 ft. Water Level Elev. = Bottom Elevation of Well Limit = (2 ft. - 4.1 ft.) = 1.8 ft.
Figure. USGS map overlain by tax map key 6-9-1
Attachment 2.
Figure 6. Conceptual layout of farm support infrastructure and hatchery tanks.
WELL CONSTRUCTION and/or PUMP INSTALLATION

APPLICATION FOR PERMIT

Applicant: Television
Contact person: Roy Seiber
Phone: 637-0491
Fax: 637-0494

Aplicant: State of Hawaii
Contact person: DLNR/DLM
Phone: 832-0433
Fax: 837-0455

Aplicant: Valley Well Drilling
Contact person: Mike Sober
Phone: 632-1767
Fax: 632-1760

WELL NAME: Television Well 1
Address: 69-190 Farrington Hwy, Puunene, HI 96782

WELL & PUMP INFORMATION:

EXPLORATORY

PROPOSED WORK:

- Construct New Well
- Install New Pump
- Modify Existing Well
- Modify Pump
- Abandon/Seal

PROPOSED USE:

- Municipal (including hotels, stores, etc.)
- Industrial
- Domestic (individual, noncommercial water system)

PROPOSED PUMPING RATE:

400 gallons per minute

Other IMPORTANT INFORMATION:

LEGAL REQUIREMENTS:

Conservation District Use Permit (CDUP): To find out if a CDUP is necessary, call DLNR Land Division at 587-6414

Environmental Impact Statement (EIS) or Environmental Assessment (EA): To determine if an EIS or EA is necessary, call O'EGC at 865-4186

Special Management Area Permit (SMAP): To determine if an SMAP is necessary, on Oahu, call 527-3374; on Maui, call 961-8288; for Kauai, call 241-6677.

ARCHEOLOGICAL REQUIREMENTS:

To find out if an archeological work is required: on Oahu, call Elaine Jourdane at 682-8097; on Maui, call Mary Anne Maigret at 327-3690; for Kauai, call Nancy Mahlon at 742-7033.

REMARKS, EXPLANATIONS:

Maurice Seiber
Valley Well Drilling

For official use only
Latitute
Longitude
State Well No. 3412-01F

WCPA Form 7/17/03
10. PROPOSED WELL SECTION (Please attach schematic if different from diagram provided below)

Elevation at top of casing 18 ft, msl'*

Hole Diameter: 14 in.

Minimum of 2 Radius & 4" Thick Concrete Pad (to contain benchmark surveyed to nearest 0.01 ft.)

Ground Elevation: 16 ft, msl*

Solid Casing: (x 90% x (Ground Elev-Water Level Elev))

Total Length: 100 ft.
Nominal Diameter: 8 in.
Wall Thickness: PVC Schedule 40 in.
Bottom Elevation: -84 ft, msl*

Open Casing: □ Perforated □ Screen
Total Length: 50 ft.
Nominal Diameter: 8 in.
Wall Thickness: PVC Schedule 40 in.
Bottom Elevation: -134 ft, msl*

* The approximate elevation must be referenced to mean sea level (msl) at the time of application filing. Final elevations of well components shall be submitted in the Well Completion/Water Abandonment reports and referenced to a benchmark which has been established by a surveyor licensed by the State.

For non-salt water Basal Wells - bottom elevation of well shall not be deeper than 1/4 of aquifer thickness or,

Bottom Elevation of Well Limit = \(4 \times (\text{Water Elevation} - \frac{1}{4} \times \text{Aquifer Thickness})\)

Example: Estimated + 2 ft. Water Level Elev = Bottom Elevation of Well Limit = \(4 \times (2 - \frac{1}{4}) = 18.5\) ft.

Solid Casing Material:
- Carbon Steel: compliant (check one or more): □ ANSI/AWWA C200 □ API Spec. 5L □ ASTM A53 □ ASTM A139
- Stainless Steel: (check one): □ ASTM A409 (production wells) □ ASTM A312 (monitor wells)
- ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one) □ Schedule 40 □ Schedule 80
- PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one): □ Schedule 40 □ Schedule 80 □ Schedule 120
- Thermoset Plastic: (check one) □ Filament Wound Resin Pipe conforming to ASTM D2996 □ Centrifugally Cast Resin Pipe conforming to ASTM D2997 □ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517 □ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950 □ PTFE Fluorocarbon Tubing conforming to ASTM D3296 □ FEP Fluorocarbon Tubing conforming to ASTM D3296

Open Casing Material:
- Carbon Steel: compliant (check one or more): □ ANSI/AWWA C200 □ API Spec. 5L □ ASTM A53 □ ASTM A139
- Stainless Steel: (check one): □ ASTM A409 (production wells) □ ASTM A312 (monitor wells)
- ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one) □ Schedule 40 □ Schedule 80
- PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one): □ Schedule 40 □ Schedule 80 □ Schedule 120
- Thermoset Plastic: (check one) □ Filament Wound Resin Pipe conforming to ASTM D2996 □ Centrifugally Cast Resin Pipe conforming to ASTM D2997 □ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517 □ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950 □ PTFE Fluorocarbon Tubing conforming to ASTM D3296 □ FEP Fluorocarbon Tubing conforming to ASTM D3296