July 30, 1991

Mr. Brian Choy, Director
Office of Environmental Quality Control
State of Hawaii
220 South King Street, 4th Floor
Honolulu, Hawaii  96813

Dear Mr. Choy:

Subject:  Negative Declaration for Drainage Improvements Along Kaneohe Bay Drive,
          Kamehameha, Ewa, Hawaii. Tax Map Key: 4-4-22: 23 and 24

This letter is a notice of Negative Declaration by the proposing agency, the City and County of
Honolulu, Department of Public Works. The subject action has been assessed according to
Title 11, Chapter 200, Environmental Impact Statement Rules, and Chapter 343, HRS.

A determination has been made that an environmental impact statement is not required based
on an environmental assessment which was prepared by the Department of Public Works. Four
copies of the environmental assessment are enclosed.

The pertinent information for this notice of determination is summarized below.

1.  **Proposing Agency.** City and County of Honolulu, Department of Public Works.

2.  **Description of the Proposed Action.** The proposed action is to install a drain pipe in the
    existing drainage ditch, backfill and construct a swale between Tax Map Key: 4-4-22: 23
    and 4-4-22: 24. The improvement project will include replacing an existing 36" diameter
    drain pipe and 3' x 3' box culvert with a 30" diameter reinforced concrete pipe,
    constructing a new catch basin, headwall and fencing.

    The anticipated cost is $130,000 which will be funded by the City’s Capital Improvement
    Program and $19,162.50 which will be funded by two private landowners.

3.  **Determination.** After consulting other agencies and completing the environmental
    assessment, we have determined that the proposed improvement will not have a
    significant impact on the environment; therefore, an environmental impact statement is
    not required.
4. **Reasons Supporting the Determination.**

   a. The proposed action does not affect the economic or social welfare of the community.
   
   b. The proposed action does not change the existing land use and zoning.
   
   c. No rare or endangered wildlife or plantlife exists in the affected area.
   
   d. There is no conflict with the State's long-term environmental policies or goals.
   
   e. No historical or archaeological sites will be affected.

5. **Contact Person.**

   Laverne Higa  
   Division of Engineering  
   Department of Public Works  
   Honolulu Municipal Building, 15th Floor  
   650 South King Street  
   Honolulu, Hawaii 96813  
   Phone: 527-6246

   Very truly yours,

   [Signature]

   SAM CALLEJO  
   Director and Chief Engineer

Encl.
DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF HONOLULU

ENVIRONMENTAL ASSESSMENT
FOR

* DRAINAGE IMPROVEMENTS ALONG KANEHOE BAY DRIVE
KANEHOE, OAHU, HAWAII *

TAX MAP KEY: 4-4-22: 23 AND 4-4-22: 24

This environmental document was prepared pursuant to Chapter 343, HRS.

Proposing Agency: Department of Public Works
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Responsible Official: C. Michael Street
Director and Chief Engineer

Prepared by
Division of Engineering
Department of Public Works
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- Figure 1: Location Map
- Figure 2: Plan and Profile
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Exhibit 1

Appendix A

Comments and Recommendations to the Proposed Project
I. Description of Proposal Action

A. Introduction

The Drainage Improvements along Kaneohe Bay Drive is located on the Windward side of Oahu in Kaneohe (see Figure 1). The existing drainage system consists of a box culvert which collects surface water mauka of Kaneohe Bay Drive and conveys the water to an open ditch makai of Kaneohe Bay Drive (see Figure 2). The ditch daylights to Kaneohe Bay.

B. Proposed Action and Objectives

The proposed action is to replace an existing 36" diameter drain pipe and a 3'x3' box culvert with a 30" diameter reinforced concrete pipe, install a new catch basin and install 135 feet of 30" diameter reinforced concrete pipe. The total cost is estimated to be $130,000 which will be funded by the City's Capital Improvement Program and $19,162.50 which will be funded by two private landowners. The objective is to fill the existing open ditch and convey storm water through the 30" diameter drain pipe.

C. Basis for the Proposed Action

The basis for the proposed action is a result of a court action. See Exhibit 1.

II. Description of Affected Area

A. Location

The Drainage Improvements along Kaneohe Bay Drive project is located in Kaneohe, District of Koolaupoko, on the island of Oahu. The project is bounded by Kaneohe Bay Drive and Kaneohe Bay as shown on Figure 1.

B. Population

The affected area is part of Census Tract (CT) 107.01 (see Figure 3). The resident population for CT107.01 in April 1980 was 3,680 and in July 1988 the number increased to 3,884.
C. **Land Use**

The project area is classified as residential according to the Land Use Ordinance and Land Use Development Plan.

D. **Historic and Cultural Sites**

Based on observations made by the personnel of the State Historic Site Division, there are no known archaeological sites nor any significant historic sites which are eligible for or listed on the Hawaii or National Register of Historic Places.

E. **Wildlife and Flora**

Wildlife does not exist in the proposed project area. There are a few trees, shrubs and ground cover in the project area.

F. **Flood Hazard Area**

The proposed project is in Zone D area according to the latest Flood Insurance Rate Map.

III. **Summary of Impacts and Proposed Mitigating Measures**

A. **Short Term Impacts**

1. **Air Pollution**

Construction activities will temporarily generate dust from clearing, grading, excavation and backfilling operations which will affect residential area within the proposed project area. Air quality will be affected by higher than normal concentrations of particulate matter. The only use of conventional construction equipment is anticipated and exhaust fumes should not be adverse. The contractor will be required to conform to dust control measures incorporated in the contract documents to minimize this problem so that such impacts will be temporary and no long term air quality impairments would result.

2. **Noise**

Residents in the project area will be subject to noise generated by the operation of conventional construction equipment such as earth
moving vehicles and generator/compressor units. The noise disturbance will be temporary and construction operations will be restricted to certain days and hours to minimize disturbance.

The contractor will be required to meet all applicable noise control measure of the State Department of Health.

3. Traffic

Traffic will be restricted in the vicinity of construction activity. This impact can be reduced by requiring the contractor to perform construction activity during non-peak traffic hours. Furthermore, the contractor will be required to comply with State and Federal regulations concerning public safety and construction along streets.

B. Long Term Impacts

Land Use and zoning in the project area will not be changed because of the proposed action. The area will remain residential.

C. Proposed Mitigating Measures

Short term construction related impacts will be mitigated by appropriate measures as previously discussed in Subsection III. A. Dust abatement shall be achieved by watering excavated areas and roadways.

The distress to adjacent residents caused by noise from construction equipment will be controled by limiting operations to normal working hours and enforcing City and State noise regulations.

Existing roadways will remain open to local traffic during construction. Traffic control to safeguard public safety will be provided at all times by either flagmen, police or barricades.

IV. Consultation of Agencies

The following governmental agencies were consulted as part of the assessment process:

Department of the Corporation Counsel
Department of Public Works, Division of Wastewater Management
Department of General Planning
Department of Land Utilization
Department of Transportation Services
Board of Water Supply
Department of Land and Natural Resources, State Historic Preservation Division

V. Alternative

If the proposed action is not implemented, the City and County of Honolulu will be fined for non-performance. There are no other alternatives except for the proposed project.

VI. Determination

We have determined, based on our assessment, that the proposed project will not have any short or long term adverse effects on the environment. Therefore, we will not be preparing an environmental impact statement. The following findings and reasons listed below support the determination that there will be no significant effect on the environment as the result of the drainage improvements.

A. The proposed project does not affect the economic or social welfare of the community or State.

B. The proposed project does not affect rare, threatened or endangered species of animal, plant or habitat, as only improved properties will be affected.

C. The proposed project does not involve an irrevocable commitment to loss or destruction of any natural or cultural resource.

D. The proposed project does not detrimentally affect air quality or ambient noise levels.

E. The proposed project does not irrevocably affect the aesthetic quality of the neighborhood.

F. The proposed project does not adversely affect any national or State historical site.

G. The proposed project does not impact population or public facilities.
LOCATION MAP
(Not To Scale)

FIGURE 1
RONALD B. MUN 1205
Corporation Counsel
ALEXANDER W. THEORE, JR. 4034
Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 523-4657

Attorneys for Defendants
City and County of Honolulu

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

NORMAN YETT, PATRICIA
SMITH, and DENNIS W.
MOORE,

Plaintiffs,

vs.

CITY AND COUNTY OF
HONOLULU, JOHN DOES 1-10,
JANE DOES 1-10, DOE
PARTNERSHIPS 1-10, DOE
CORPORATIONS 1-10, and DOE
GOVERNMENTAL ENTITIES
1-10,

Defendants.

CIVIL NO. 86-0320
(OTHER CIVIL ACTION)

STIPULATION FOR DISMISSAL
WITH PREJUDICE AS TO ALL
CLAIMS AND ALL PARTIES;
EXHIBIT A

Trial Date: None Set

SCF Judge:
Frank T. Takao

STIPULATION FOR DISMISSAL WITH PREJUDICE
AS TO ALL CLAIMS AND ALL PARTIES

IT IS HEREBY STIPULATED AND AGREED by and between the
Plaintiffs NORMAN YETT and BARRY J. LaBONTE, substituting
for Dennis W. Moore (hereinafter "Plaintiffs") and Defendant
City and County of Honolulu (hereinafter "City"), the

I do hereby certify that this is a full, true, and
correct copy of the original on file in this office.

[Signature]
Clerk, Circuit Court, First Circuit
parties hereto, through their respective counsel, that pursuant to Rule 41(a)(1)(B) of the Hawaii Rules of Civil Procedure, the Complaint in the above-entitled matter, be and hereby is dismissed with prejudice, with each party to bear its own costs and attorney's fees.

IT IS FURTHER STIPULATED AND AGREED by and between the parties to this action, through their respective counsel, that the Plaintiffs Norman Yett and Barry J. LaBonte, in consideration of and as settlement for dismissing this action, Civil No. 86-0320 with prejudice, shall each pay to Defendant City the sum of $9581.25 in U.S. currency, for a total of $19,162.50 made payable to the City Director of Finance to be placed into the budget of the City Department of Public Works to offset the cost of construction and installation of a pipe storm drain in the existing open dirt storm drain that runs through and between Plaintiffs' properties and as evidenced in Exhibit A attached hereto and by reference incorporated herein and made a part of this agreement.

IT IS FURTHER STIPULATED AND AGREED by and between the parties to this action, through their respective counsel, that Defendant City in consideration of and as settlement for stipulating to dismiss this cause of action with prejudice, and upon payment of $19,162.50 from the
Plaintiffs in this action Civil No. 86-0320, Yott v. City and County of Honolulu et al., to the City Director of Finance, shall begin preparing plans, necessary budgeting and other work that is needed to construct, install and cover a pipe storm drain in the existing open dirt storm drain as evidenced by Exhibit A.

IT IS FURTHER STIPULATED AND AGREED by and between the parties to this action, through their respective counsel, that the construction and installation of a pipe storm drain in the existing open dirt storm drain (Exhibit A) by Defendant City is not an admission of any negligence, liability, or fault of any kind whatsoever by compromises and settles any and all disputes between the parties, their heirs, executors, administrators, assigns, successors, employees and agents, for the purpose of avoiding further controversy, litigation, and expense and that said payment by each Plaintiff and said construction and installation of a pipe storm drain by Defendant City is the final consideration of this release and no other payment or consideration has been promised or will be paid.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties to this action, through their respective counsel that the Plaintiffs release Defendant City from all further
liability arising out of any matter that is the subject of this action.

All appearing parties have signed this Stipulation for Dismissal with Prejudice. There are no remaining parties or causes of action in this action. DATED: Honolulu, Hawaii, May 10, 1991.

RONALD B. MUN
Corporation Counsel

By ALEXANDER W. THOENE, JR.
Deputy Corporation Counsel
Attorneys for Defendant
City and County of Honolulu

STUART M. COWAN
Suite 1800, Grosvenor Ctr.
PRI Tower, 733 Bishop St.
Honolulu, Hawaii 96813
Attorney for Plaintiffs
Norman Yett and Barry J. LaBonte
(substituting for Dennis W. Moore)

Civil No. 86-0320, Yett v. City and County of Honolulu
STIPULATION FOR DISMISSAL WITH PREJUDICE AS TO ALL CLAIMS AND ALL PARTIES; EXHIBIT A.
APPENDIX A

COMMENTS AND RECOMMENDATIONS TO THE PROPOSED PROJECT
June 18, 1991

TO: SAM CALLEJO, DIRECTOR AND CHIEF ENGINEER
DEPARTMENT OF PUBLIC WORKS

FROM: ALIKA THOENE, DEPUTY CORPORATION COUNSEL
DEPARTMENT OF THE CORPORATION COUNSEL

SUBJECT: ENVIRONMENTAL ASSESSMENT FOR DRAINAGE IMPROVEMENTS
ALONG KANEHOE BAY DRIVE TMK: 4-4-22:23 AND
4-4-22:24; CIVIL NO. 86-0320, YETT v. CITY
AND COUNTY OF HONOLULU

In response to your June 10, 1991 memorandum regarding comments of the preliminary copy of the environmental assessment for drainage improvements along Kaneohe Bay Drive, the Department of the Corporation Counsel concurs with the preliminary report specifically Section I.C. and Section IV.

Accordingly, our department does not recommend any changes to your report.

ALIKA THOENE
Deputy Corporation Counsel

AT: dn
MEMORANDUM

TO: MR. MARVIN T. FUKAGAWA, CHIEF
DIVISION OF ENGINEERING

FROM: GEORGE M. UYEMA, CHIEF
DIVISION OF WASTEWATER MANAGEMENT

SUBJECT: ENVIRONMENTAL ASSESSMENT FOR DRAINAGE IMPROVEMENTS
ALONG KANEHOE BAY DRIVE
TMR: 4-4-22: 23 AND 24 (91-12-0264)

We have no objections to the proposed action to replace the
existing 36-inch drain pipe and 3'x 3' box culvert with a 30-inch
reinforced concrete pipe on Kaneohe Bay Drive. Construction
plans should be sent to us for review.

If there are any questions, please call Jay Hamai at
extension 4653.

GEORGE M. UYEMA
Chief

June 19, 1991
MEMORANDUM

TO:    SAM CALLEJO, DIRECTOR AND CHIEF ENGINEER
       DEPARTMENT OF PUBLIC WORKS

FROM:  ROLAND D. LIBBY, JR., ACTING CHIEF PLANNING OFFICER
       DEPARTMENT OF GENERAL PLANNING

SUBJECT: ENVIRONMENTAL ASSESSMENT FOR DRAINAGE IMPROVEMENTS
         ALONG KANEOHE BAY DRIVE, KANEHOE, OAHU, HAWAII,
         TMK: 4-4-22: 23 AND 4-4-22: 24

This is in response to your letter of June 10, 1991 requesting
comment on the drainage improvements along Kaneohe Bay Drive.
The anticipated effects of the proposed action based on its
environmental assessment (EA) are not significant enough to
warrant preparation of an Environmental Impact Statement (EIS)
as determined by the criteria of Section 11-200-12 of the EIS
Rules to warrant preparation of an EIS. We therefore concur
with your determination of a negative declaration for this
project.

Thank you for the opportunity to comment on this EA. Should
you have any questions, please contact Eugene Takahashi at
527-6022.

ROLAND D. LIBBY, JR.
Acting Chief Planning Officer

RDL: js
MEMORANDUM

TO: SAM CALLEJO, DIRECTOR AND CHIEF ENGINEER
DEPARTMENT OF PUBLIC WORKS

ATTN: DIVISION OF ENGINEERING
DIVISION OF WASTEWATER MANAGEMENT
DIVISION OF REFUSE COLLECTION AND DISPOSAL

FROM: DONALD A. CLEGG, DIRECTOR

SUBJECT: COMMENTS ON DRAFT ENVIRONMENTAL ASSESSMENT (EA) PROPOSED DRAINAGE IMPROVEMENTS ALONG KANEHOE BAY DRIVE, KANEHOE, OAHU, HAWAII. TAX MAP KEY: 4-4-22: 23 AND 4-4-23: 24

We have reviewed the subject EA, and have no comments at this time on the proposed development, in the subject area.

Thank you for the opportunity to comment. Should you have any questions, please contact Art Challcombe at 523-4107.

[Signature]

DONALD A. CLEGG
Director of Land Utilization

DAC: lg
MEMORANDUM

TO: COLEJO, DIRECTOR AND CHIEF ENGINEER
DEPARTMENT OF PUBLIC WORKS

FROM: JOSEPH M. MAGALDI, JR., DIRECTOR

SUBJECT: KANEHOE BAY DRIVE DRAINAGE IMPROVEMENTS
ENVIRONMENTAL ASSESSMENT (EA)
TAX MAP KEY: 4-4-22: 23 & 24

June 24, 1991

This is in response to your memorandum dated June 10, 1991 requesting our comments on the subject project.

Based on our review, we have no objections to the proposed drainage improvements at this time. However, construction plans for all work within the City's right-of-way should be submitted to us for review. A traffic control plan showing temporary detours should be included in these plans.

Should you have any questions, please contact Lance Watanabe of my staff at local 4199.

JOSEPH M. MAGALDI, JR.
July 8, 1991

MEMORANDUM

TO: MR. JOSEPH M. MAGALDI, JR., DIRECTOR
    DEPARTMENT OF TRANSPORTATION SERVICES

FROM: SAM CALLEJO, DIRECTOR AND CHIEF ENGINEER
    DEPARTMENT OF PUBLIC WORKS

SUBJECT: ENVIRONMENTAL ASSESSMENT FOR DRAINAGE IMPROVEMENTS
        ALONG KANEOHE BAY DRIVE, KANEOHE, OAHU, HAWAII
        TAX MAP KEY: 4-4-22- 23 AND 24

Thank you for your memorandum dated June 24, 1991, regarding the subject
environmental assessment. We will conform to the requirements outlined in your
memo.

C. Michael Smith

cc: SAM CALLEJO
    Director and Chief Engineer

//RS:tt
July 11, 1991

TO: SAM CALLEJO, DIRECTOR AND CHIEF ENGINEER
DEPARTMENT OF PUBLIC WORKS

FROM: KAZU HAYASHIDA, MANAGER AND CHIEF ENGINEER
BOARD OF WATER SUPPLY

SUBJECT: YOUR MEMORANDUM OF JUNE 10, 1991 ON THE ENVIRONMENTAL ASSESSMENT (EA) FOR DRAINAGE IMPROVEMENTS ALONG KANEHOE BAY DRIVE, KANEHOE, OAHU - TMK: 4-4-22: 23, 24

Thank you for the opportunity to review and comment on the EA for the proposed drainage project.

We have the following comments to offer:

1. The construction plans should be submitted for our review and approval.

2. The Board of Water Supply (BWS) will not be responsible for any costs associated with the relocation of BWS facilities during construction of the project.

If you have any questions, please contact Bert Kukioka at 527-5235.

Pure Water... man's greatest need - use it wisely
July 18, 1991

MEMORANDUM

TO: MR. KAZU HAYASHIDA, MANAGER AND CHIEF ENGINEER
BOARD OF WATER SUPPLY

FROM: SAM CALLEJO, DIRECTOR AND CHIEF ENGINEER
DEPARTMENT OF PUBLIC WORKS

SUBJECT: ENVIRONMENTAL ASSESSMENT FOR DRAINAGE IMPROVEMENTS
ALONG KANEHOE BAY DRIVE, KANEHOE, OAHU, HAWAII
TAX MAP KEY: 4-4-22: 23 AND 24

Thank you for your memorandum dated July 11, 1991, regarding the subject environmental assessment. We will conform to the requirements outlined in your memo.

[Signature]
SAM CALLEJO
Director and Chief Engineer
July 5, 1991

Mr. Sam Callejo  
Director and Chief Engineer  
Department of Public Works  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Callejo:

SUBJECT: Environmental Assessment for Drainage Improvements  
along Kaneohe Bay Drive  
Kaneohe, Koolaupoko, O'ahu  
TMK: 4-4-22: 23 & 24

This project proposes to fill an existing open ditch and convey storm water through 135 feet of 30" drain pipe. A review of our records shows that there are no historic sites known for these parcels and that the parcels have not been inventoried. However, the pipe will be laid along the route of the existing ditch, so it is unlikely that subsurface deposits, if present, will be disturbed. Thus, we believe that this project will have "no effect" on historic sites.

If historic remains such as artifacts, shell or charcoal deposits, burials, and stone platforms, pavings, or walls are found during construction, please stop work in the immediate area and contact the State Historic Preservation Division at 587-0047 immediately. Our office will assess the situation and make recommendations for mitigative action, if needed.

If you have any questions please contact Tom Dye at 587-0014.

Sincerely,

DON HIBBARD, Administrator  
State Historic Preservation Division