



RESOLUTION

URGING THE STATE DEPARTMENT OF HEALTH TO CONDUCT A PUBLIC HEARING ON THE APPLICATION FOR A SECTION 401 WATER QUALITY CERTIFICATION BY THE DEVELOPER OF "THE WOODS AT AHUIMANU" PROPOSED DEVELOPMENT IN KAHALUU.

WHEREAS, land in Kahaluu (TMK: 4-7-005: por. 060) has been proposed to be subdivided into 46 lots for a single-family home development ("The Woods at Ahuimanu") of 44 dwelling units by Aiello Development Group, LLC; and

WHEREAS, the Department of Planning and Permitting has issued a tentative approval of the subdivision, which approval is defined in the city's subdivision rules and regulations to mean that the preliminary map conforms to all requirements of those rules and that the developer is authorized to proceed with preparation of construction plans, including grading permits; and

WHEREAS, the State Department of Health (DOH) is authorized pursuant to Section 401 of the federal Clean Water Act and Section 342D, Hawaii Revised Statutes, to administer the Section 401 Water Quality Certification (WQC) program in Hawaii; and

WHEREAS, a source-control component of a water quality-based approach to pollution control, Section 401 water quality certifications provide states with the means to assure attainment of water quality standards; and

WHEREAS, a WQC issued by the DOH pursuant to Section 401 of the federal Clean Water Act is required by any owner proposing to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any "discharge" into navigable waters; and

WHEREAS, on behalf of the owner, Bills Engineering, Inc. submitted a Section 401 WQC application to the DOH for activities in support of "The Woods at Ahuimanu" project to include the construction of a 10-foot by 24-foot concrete box culvert under the existing Ahuimanu Road as it crosses Kahaluu Stream, a new access road bridge, and related temporary construction activities; and

WHEREAS, on September 30, 2005, the DOH notified the applicant that the application could not be processed until the receipt of additional information required for the application; and

WHEREAS, area residents and the Kahaluu Neighborhood Board have raised significant questions and concerns about the potential impact of the subdivision, in



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general, and about the additional burden which may result from the development on the area's surface water drainage capability, in particular; and

WHEREAS, a public hearing held by the DOH on "The Woods at Ahuimanu" project application for a Section 401 WQC would give the current area residents a meaningful opportunity to understand and comment on the proposed concrete box culvert and new access road bridge construction, as well as on closely allied community concerns on current drainage infrastructure plans that need to take into account the high levels of rainfall and the impermeability of soils in the Ahuimanu area; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it urges the State Department of Health to hold a public hearing on the application for a Section 401 Water Quality Certification by the developer of "The Woods at Ahuimanu" proposed development in Kahaluu; and



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BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Director of the State Department of Health, the Director of Planning and Permitting, and to Peter Aiello, Aiello Development Group LLC, 3660 Waiialae Avenue, Suite 209, Honolulu, Hawaii 96816.

INTRODUCED BY
[Handwritten Signature]

DATE OF INTRODUCTION:

JAN 17 2006
Honolulu, Hawaii

Councilmembers

(OCS/011306/ct)