

---

**From:** Jessica K [REDACTED]  
**Sent:** Saturday, November 15, 2025 2:24 PM  
**To:** DLNR.CW.DLNR.CWRM  
**Subject:** [EXTERNAL] I amd testifying to oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings.

Aloha, I am writing in opposition to the requested permit by Wasatch Arete TB Holdings. I have looked into the matter and believe that the flood hazard analysis is incomplete. If issued as is, the permit will authorize and lead to adverse and possibly irreversible effects on the habitat of the 'Ō'io Stream. Additionally, the risk of flooding through groundwater must be assessed more thoroughly before any permit is issued.


As we are an island community, we must do all we can to ensure the health of the land and sea before green-lighting any commercial concerns. I believe in this case, more needs to be done to fulfill this environmental commitment, and the permit should not be granted at this time.


Mahalo for taking the time to consider my views. Jessica Kuzmier, West Hawaii Island



Testimony to the Commission on Water Resource Management (CWRM) *Re:* B. ACTION ITEMS 1. Stream Protection and Management Branch – Approval of Stream Channel Alteration Permit Application (SCAP.6438.3), Applicant Wasatch Arete TB Holdings, Maintain Drainage Capacity and Stream Flow for New Roadway Access within Existing Turtle Bay Resort Property, Landowners TB H2 Holdings, LLC and North Shore Bay Owner LLC, ‘Ō‘io Stream (East Main Drain), Kahuku, O‘ahu, TMK Nos.: (1) 5-7- 001:048, 049, and 052

Time Stamp	Email	Name	Testimony (a)	Testimony (b)	Authorization to Submit
11/12/2025 20:05:36	[REDACTED]	Jessica dos Santos	I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.		I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to the Commission on Water Resource Management.
11/12/2025 20:17:20	[REDACTED]	Lillie	I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch	Board members, please consider community concerns! Please echo these valid concerns for	I authorize Kūpa‘a


	■		<p>Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.</p>	<p>‘āina and people by rejecting or deferring until the appropriate supplemental technical studies can be completed.</p>	<p>Kuilima to include my name and testimony in the official submission to the Commission on Water Resource Management.</p>
<p>11/12/2025 20:30:56</p>	■	<p>Frederick Smith</p>	<p>I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community.</p>		<p>I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to the Commission on Water Resource Management.</p>
<p>11/12/2025 21:17:37</p>	■	<p>Hyo Jung Kwon</p>	<p>I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation</p>		<p>I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to</p>



			<p>completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.</p>		<p>the Commission on Water Resource Management.</p>
<p>11/12/2025 22:37:13</p>		<p>Vikki Pahia</p>	<p>I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate</p>		<p>I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to the Commission on Water Resource Management.</p>

			<p>groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.</p>		
<p>11/13/2025 3:26:08</p>		<p>Laura Zoller</p>	<p>I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit</p>	<p>I have long complained about this waterway, ‘Ō‘io, being altered. This water is vital to our ocean and provides nutrients for our ocean critters. Our birds, plants, endangered Hawai’ian Monk Seals, and Turtles, and fishermen rely on this stretch of ocean being nurtured by ‘Ō‘io so they can eat. With all the shoreline from Kualoa to Haleiwa being altered because our roads are succumbing to ocean rise- this shoreline and waterway is more critical than ever. Mahalo for your</p>	<p>I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to the Commission on Water Resource Management.</p>


			until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.		
11/13/2025 4:42:52		Brittin Sciuto	I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.		I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to the Commission on Water Resource Management.
11/13/2025 4:53:28		Gena wEhitten	I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete	I lived at Turtle Bay for 25 years and often walked along the coast and across the stream. I have seen the stream flood several times per	I authorize Kūpa‘a Kuilima to



			<p>Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.</p>	<p>year. I would object strongly to any road going along the coast because of the unstable bank there, likely to collapse or any road blocking access to the shoreline to the public. A safe walking and biking trail must be maintained. This is a beautiful and scared breach front.</p>	<p>include my name and testimony in the official submission to the Commission on Water Resource Management.</p>
<p>11/13/2025 6:25:56</p>		<p>Nancy Harter</p>	<p>I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience</p>	<p>The voices of the community and people must be heard and not that of commercial development. Flood risk and other environmental hazards must be fully investigated and transparently shared with the community and water rights and protection must be upheld. Flooding has taken lives in Hawaii and must be a priority over granting a permit that could harm or jeopardize the well being of the environment and community.</p>	<p>I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to the Commission on Water Resource Management.</p>

			in Kahuku.		
11/13/2025 7:06:45		Peyton Reed Nguyen	I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.		I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to the Commission on Water Resource Management.
11/13/2025 7:11:17		Gwen Young	I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation	Native and migratory birds, honu, monk seals thrive in estuary areas and in particular this area. We have a kuleana to take care of the 'aina and these protected or endangered species.	I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to




			<p>completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.</p>		the Commission on Water Resource Management.
11/13/2025 10:46:10		Lars von Sydow	<p>I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate</p>	<p>Thank you for the opportunity to provide comment regarding Stream Channel Alteration Permit SCAP.6438.3, proposed by Wasatch Arete TB Holdings, affiliated with the Turtle Bay Resort ownership group. Based on the information available, the proposed activities present significant hydrologic, ecological, cultural, and cumulative risks to ‘Ō‘io Stream and the surrounding watershed. I respectfully urge the Commission on Water Resource Management (CWRM) to defer or deny this permit until the applicant provides complete, scientifically defensible analysis and demonstrates no harm to public trust resources.</p> <p>1. Hydrologic Vulnerability of ‘Ō‘io Stream at This Specific Location</p>	I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to the Commission on Water Resource Management.

			<p>groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.</p>	<p>‘Ō‘io Stream is a highly sensitive freshwater system whose flow regime is easily altered by nearby land disturbance, grading, channel modification, and increased impervious surfaces. The location associated with SCAP.6438.3 sits within a small, low-gradient coastal drainage basin, where:  Peak stormwater flows amplify quickly during rainfall events  Baseflow is already limited and highly dependent on natural infiltration  Sediment transport is easily disrupted by earthwork or channel modification  Downstream wetlands rely on consistent freshwater input  Any channel alteration, culvert installation, rerouting, or increase in runoff from resort-related development has the potential to:  Intensify flash flooding  Reduce aquifer recharge  Destabilize streambanks  Increase downstream sediment deposition  Overwhelm existing drainage and wetland systems  Because Turtle Bay is already a built environment with large impervious footprints (parking lots, roofs, roadways), any additional hydrologic load without detailed modeling is unacceptable.  The applicant has not provided watershed-scale hydrologic modeling, storm-frequency analysis (2-, 10-, 50-, 100-year events), or sediment transport modeling to demonstrate that the stream channel alteration will not degrade flow or water quality.</p> <p>2. Ecological Impacts to a Downstream-Sensitive System  ‘Ō‘io Stream feeds directly into low-lying wetland complexes and nearshore coastal ecosystems adjacent to Turtle Bay. These</p>	
--	--	--	--	---	--


				<p>ecosystems are scientifically documented as highly sensitive to turbidity, sedimentation, and changes in freshwater inflow.</p> <p>Potential consequences include:</p> <p>Elevated turbidity levels, leading to wetland degradation</p> <p>Sediment plumes entering coastal waters, impairing reef health</p> <p>Disruption of native riparian vegetation that stabilizes banks</p> <p>Loss of habitat for native aquatic invertebrates and stream organisms</p> <p>Increased nutrient loading, fueling algal blooms offshore</p> <p>The applicant has not provided baseline water quality data, turbidity thresholds, or post-construction monitoring plans. Without this, impacts cannot be properly evaluated or mitigated.</p> <p>3. Cumulative Impacts &amp; the Precautionary Obligation of the Public Trust</p> <p>This is not an isolated project. The Turtle Bay area has experienced decades of:</p> <p>Grading</p> <p>Infrastructure expansion</p> <p>Wetland reduction</p> <p>Shoreline hardening</p> <p>Sediment loading into nearshore waters</p> <p>‘Ō‘io Stream has already been incrementally stressed by upstream alterations.</p> <p>CWRM is constitutionally obligated to protect water as a public trust resource, especially when the applicant is a large private resort entity whose activities have cumulative impacts.</p> <p>Approving SCAP.6438.3 without complete analysis would:</p> <p>Set a precedent enabling further incremental damages</p> <p>Undermine long-term watershed resilience</p> <p>Fail to meet the State’s duty under Article XI of the Hawai‘i Constitution</p>	
--	--	--	--	---	--

				<p>Given the resort’s development footprint and history, the burden of proof must be higher—not lower—for this applicant.</p> <p>4. Cultural Resource and Traditional Practice Concerns</p> <p>‘Ō‘io Stream is part of the traditional hydrologic network within the ahupua‘a of Kahuku, feeding into coastal wetlands historically used for:</p> <ul style="list-style-type: none"> <li>Gathering native plants</li> <li>Maintaining riparian access</li> <li>Supporting ‘ai pono (subsistence practices)</li> <li>Education in ahupua‘a resource management traditions</li> </ul> <p>Channel alteration threatens:</p> <ul style="list-style-type: none"> <li>Freshwater flow needed for cultural plants</li> <li>Hydrologic connectivity between mauka and makai</li> <li>Stream access and health tied to generational practices</li> <li>Integrity of the cultural landscape adjacent to Turtle Bay</li> </ul> <p>No Cultural Impact Assessment (CIA) or traditional cultural practitioners’ consultation has been provided for this permit. This alone is grounds for deferral.</p> <p>5. Basis for Deferral or Denial of SCAP.6438.3</p> <p>CWRM must deny or defer this application because the applicant has not provided the minimum required scientific and cultural documentation:</p> <ul style="list-style-type: none"> <li>Missing or Insufficient Information</li> <li>No watershed hydrologic model</li> <li>No stormwater or baseflow analysis</li> <li>No sediment and erosion transport model</li> <li>No baseline water quality data</li> <li>No downstream turbidity impact analysis</li> <li>No cumulative impact assessment</li> <li>No Cultural Impact Assessment</li> <li>No long-term monitoring plan</li> </ul> <p>Without these, CWRM cannot meet its public</p>	
--	--	--	--	---	--

				<p>trust obligations or ensure no harm to the stream.</p> <p>6. Vision for the Future of the ‘Ō‘io Watershed</p> <p>The ‘Ō‘io Stream corridor has the potential to be:</p> <ul style="list-style-type: none"> <li>A restored freshwater ecosystem</li> <li>A functioning natural filter for downstream wetlands</li> <li>A protected habitat for native species</li> <li>A place where ahupua‘a values are honored</li> <li>A resilient buffer against flooding and climate impacts</li> </ul> <p>Allowing channel alteration without full scientific justification undermines this future. CWRM should require comprehensive environmental, hydrologic, and cultural review before any alteration is considered.</p> <p>Conclusion</p> <p>Given the significant risks, incomplete analysis, and public trust obligations, I respectfully urge CWRM to defer or deny SCAP.6438.3 until Wasatch Arete TB Holdings provides a complete and scientifically rigorous assessment demonstrating no harm to ‘Ō‘io Stream, the surrounding wetlands, the nearshore marine environment, and the cultural resources of the community.</p>	
11/13/2025 10:50:50		Harald von Sydow	<p>I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as</p>	<p>The proposed project at ‘Ō‘io Stream poses substantial hydrologic, ecological, and cultural risks to the ‘Ō‘io Stream corridor. This reach of ‘Ō‘io Stream already experiences [existing issues: erosion, sedimentation, reduced baseflow, flooding, development pressure], and any additional disturbance must be evaluated with extreme caution to avoid cumulative degradation of the watershed.</p> <p>1. Hydrologic Impacts at This Specific</p>	<p>I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to the Commission on Water Resource</p>


			<p>UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.</p>	<p>Location The project proposes to [describe action: disturb streambank, alter channel, install culvert, increase impervious surfaces, withdraw water, etc.]. In this part of the watershed, the stream channel is [describe: narrow, shallow, braided, erosion-prone], making it highly sensitive to changes in: Peak stormwater discharge Baseflow reduction Sediment transport Surface runoff volumes At this site, even small alterations can significantly modify the hydrograph due to [steep slope, small drainage basin, proximity to wetlands, etc.]. Without watershed-scale modeling, the risk of downstream impact is high.</p> <p>2. Ecological Significance of This Reach This section of ‘Ō‘io Stream supports [native species present if known], riparian vegetation, and serves as a corridor between upland habitat and [downstream wetland/estuary name]. Disturbance here can cause: Sediment plumes into [downstream wetland / estuary / coastal area] Habitat fragmentation Decline in native aquatic invertebrates Changes in nutrient loads affecting nearshore fisheries Water quality in this reach directly affects [name of bay/ahupua‘a], where increased sedimentation is known to harm coral recruitment and smother reef substrate.</p> <p>3. Cultural and Public Trust Implications at This Site This section of the watershed is integral to the cultural landscape of [ahupua‘a name], where the mauka–makai system remains culturally significant. Altering this stream may impair: Gathering of [native plants in that area] Access to the stream corridor</p>	Management.
--	--	--	---	--	-------------





				<p>Traditional hydrologic function feeding [lo'i, wetlands, estuary]  Habitat tied to cultural practices  Under the public trust doctrine, CWRM must protect stream flow and water quality before private development interests.  4. Basis for Deferral or Denial of This Permit  Because the applicant has not provided:  Hydrologic modeling specific to the 'Ō'io watershed  Sediment and erosion control analysis  Water quality baseline data  Cumulative impact assessment  Cultural impact assessment with consultation  ...CWRM cannot reasonably determine that public trust resources will be protected. The absence of this data at this specific location warrants deferral or denial.  5. Vision for This Watershed  'Ō'io Stream is one of the few remaining [describe condition:  perennial/intermittent/relatively intact]  freshwater systems in the area. The long-term sustainability of this watershed requires:  Maintaining natural baseflow  Preventing bank destabilization  Restoring riparian vegetation  Reducing sediment input to downstream wetlands and coastal waters  Respecting cultural uses tied to this stream corridor  Approving this project without full analysis undermines both ecological integrity and cultural continuity.</p>	
11/13/2025 10:52:41		Helena von Sydow	I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa'akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa'akai	<p>The proposed project presents substantial hydrologic, ecological, and cumulative risks to 'Ō'io Stream and its associated watershed. 'Ō'io Stream is part of a sensitive mauka-makai system where even small alterations in flow regime, sediment load, or water quality can produce disproportionate</p>	I authorize Kūpa'a Kuilima to include my name and testimony in the official

			<p>Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.</p>	<p>impacts downstream. Because this watershed supports native riparian vegetation, groundwater recharge, wetlands, and nearshore fisheries, any disturbance must be evaluated with the highest level of precaution.</p> <p>1. Hydrologic Concerns</p> <p>Available information suggests that the project may alter surface flow pathways, increase impervious surfaces, and modify the natural hydrograph of the stream. Changes to peak flow, baseflow, or stormwater runoff volumes can:</p> <ul style="list-style-type: none"> <li>Increase flash-flood intensity</li> <li>Reduce infiltration and aquifer recharge</li> <li>Accelerate erosion of streambanks</li> <li>Transport sediment and pollutants into downstream wetlands and coastal waters</li> </ul> <p>Hydrologic models repeatedly show that once a natural stream system is disrupted, especially in small watersheds, baseline conditions cannot easily be restored. Without comprehensive watershed modeling (including stormwater capacity, baseflow analysis, and sediment transport modeling), the risks are unacceptable.</p> <p>2. Water Quality and Ecological Impacts</p> <p>‘Ō‘io Stream supports native aquatic invertebrates, riparian plant species, and wetland ecosystems that rely on consistent, high-quality freshwater input. Disturbances can result in:</p> <ul style="list-style-type: none"> <li>Elevated turbidity and sedimentation</li> <li>Introduction of nutrients, contaminants, and hydrocarbons from construction and runoff</li> <li>Habitat fragmentation and loss of connectivity</li> <li>Declines in native species populations</li> </ul> <p>Freshwater inputs from this stream also influence the health of the downstream estuary and reef ecosystems. Increased sedimentation has been scientifically linked to coral stress, algal overgrowth, and reduced recruitment of native fish. Without thorough</p>	<p>submission to the Commission on Water Resource Management.</p>
--	--	--	--	---	---


				<p>environmental baseline data and continuous monitoring, impacts cannot be properly evaluated or mitigated.</p> <p>3. Cumulative Impacts and Precedent CWRM is mandated to protect public trust waters. In this watershed, cumulative stressors already include runoff from nearby development, invasive species pressure, and sediment loading into nearshore areas. Any additional disturbance compounds these existing issues. Approving a permit without robust cumulative impact analysis conflicts with the precautionary principle and the State's trust obligations.</p> <p>4. Cultural and Public Trust Resources at Risk Beyond ecology, 'Ō'io Stream is part of a traditional Hawaiian watershed system where water flow and quality support gathering practices, riparian access, and cultural resource integrity. Altered hydrology or degraded water quality can impair:</p> <ul style="list-style-type: none"> <li>Traditional gathering and subsistence uses</li> <li>Wetland maintenance</li> <li>Native plant habitats</li> <li>The functioning of cultural landscapes tied to the stream</li> </ul> <p>These cultural uses are recognized under Article XI of the Hawai'i Constitution and fall under public trust protections. Any project with the potential to interfere with these rights warrants heightened scrutiny.</p> <p>5. Basis for Deferral or Denial</p> <p>Given the absence of comprehensive hydrologic modeling, environmental baseline data, cumulative impact assessment, and cultural impact analysis, it is scientifically and regulatorily prudent for CWRM to defer or deny the permit until the applicant can demonstrate:</p> <ul style="list-style-type: none"> <li>No reduction in baseflow</li> <li>No increase in peak stormwater discharge</li> <li>No increase in sediment or pollutant loading</li> </ul>	
--	--	--	--	---	--

				<p>No negative impact to native species or wetlands</p> <p>No impairment of cultural practices or public trust uses</p> <p>Without this data, the Commission cannot reasonably conclude that the stream will be protected.</p> <p>6. Future Vision for the Watershed</p> <p>Long-term resilience of the 'Ō'io watershed depends on maintaining natural flow regimes, minimizing disturbance, restoring riparian vegetation, and supporting community stewardship. Future generations deserve a stream system that functions as a healthy, connected ecological corridor—not one compromised by insufficiently studied development.</p> <p>For these reasons, I strongly urge CWRM to defer or deny this permit until the applicant provides scientifically sound, culturally informed, watershed-wide analysis that meets both environmental and public trust standards.</p>	
11/14/2025 13:30:35		Deborah Carter	<p>I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa'akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa'akai Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical component and should be required before any</p>	<p>Concern about habitat and erosion, the plan needs to be vetted out better. Healthy banks and soil are critical for preventing erosion and absorbing floodwaters. A more detailed analysis is needed.</p>	<p>I authorize Kūpa'a Kuilima to include my name and testimony in the official submission to the Commission on Water Resource Management.</p>

			culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.		
11/14/2025 14:48:27		Bella Brandes	I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are	This project affects me and my community that call this ahupua'a home. I have grown up in these waters and I don't want to see outside developers destroying ecosystems by installing these culverts. The community of Kahuku and the greater North Shore relies on the health of this watershed and we need to protect it.	I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to the Commission on Water Resource Management.

			conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.		
11/15/2025 7:47:41		Malia Murphey	<p>I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.</p>	<p>I lived in Kuilima East for over 20 years up—from the time I was in 6th grade until last year they got kicked out right in the same time they started prepping for construction—and ‘Ō‘io Stream was quite literally my backyard. This stream has always been our pathway to the ocean. It’s where we learned, from a young age, that every stream connects to the sea, and that what happens mauka always affects what happens makai. This place shaped who we are. It taught us to fish, to observe the natural cycles of the seasons, and to understand our relationship with the land and water.</p> <p>Even though I am not Hawaiian by blood, this is my home, and I take my kuleana seriously. The culture, the practices, and the values tied to this place were passed down to us through lived experience. This area is where we gathered food to survive because, as a family of six, we couldn’t afford school lunches or eating out. ‘Ō‘io Stream and the adjacent coastline provided for us. It taught us how to feed ourselves, how to work together, and how to respect what we depend on. All my brothers learned to fish in this stream before moving on to the grounds near the Keiki Pond and along the last truly protected stretch of coastline. It has stayed untouched for a reason.</p> <p>Allowing construction or continued unauthorized impacts in this area directly threatens our ability—and the ability of future generations—to practice these traditions, to access clean water, and to maintain our</p>	<p>I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to the Commission on Water Resource Management.</p>



				<p>cultural connection to the watershed. The proposed development and any unpermitted actions are not just land use issues; they are threats to cultural practices, food access, ecological health, and community identity.</p> <p>Those making or approving these decisions often do not understand what it means to grow up depending on this place. They have not had to put themselves in the shoes of families who rely on these resources to eat, learn, and live in balance with the land. Protecting ‘Ō‘io Stream is not optional—it is essential.</p> <p>For these reasons, I respectfully and firmly ask CWRM to defer or deny this permit. The risks to the watershed, the community, and to long-standing cultural practices are too great. The future of this place depends on the choices made now. We owe it to the next generation to keep ‘Ō‘io Stream and this coastline intact, healthy, and free from harmful, illegal, or irresponsible development.</p>	
11/15/2025 15:09:40		Sunshine Eckstrom	<p>I oppose the Stream Channel Alteration Permit (SCAP.6438.3) requested by Wasatch Arete TB Holdings., I urge the Commission to defer decision-making until full compliance with Article XII, Section 7 regarding Ka Pa‘akai Framework Analysis are conducted, as the existing SEIS is very thin in Ka Pa‘akai Framework Analysis and the consultation completed almost exclusively includes employees being paid by the developer., I believe the existing flood hazard analysis and flooding scenarios modeled are incomplete, as UH Mānoa experts have stated that the low and intermediate low scenarios used for sea level rise projections are obsolete. These flood-risk studies only include sea level rise/storm surge and do not contemplate groundwater flooding, which is a critical</p>	<p>In regards to this application to install a new culvert system for roadway access crossing the O‘io Stream, this is a very concerning proposition. Altering streams affects ecosystems and the health of our communities. These alterations will have negative, long term effects and are purely to service the profits of a few mainland developers.</p> <p>This luxury development project will damage the last wild shoreline on Oahu which is some of the only habitat for native species unique to the Hawaiian islands. Monk seals, moli, yellow-faced bees and many other species of plants and animals will be irreversibly harmed</p>	<p>I authorize Kūpa‘a Kuilima to include my name and testimony in the official submission to the Commission on Water Resource Management.</p>

			<p>component and should be required before any culvert or stream alteration is approved., I am concerned about the cumulative impacts of resort-related stream modifications on ecosystems and the well-being of the community., I stand with Kūpa‘a Kuilima, and I support Kūpa‘a Kuilima’s call for the Commission to defer approval of this permit until a complete Ka Pa‘akai Framework Analysis and flood-risk assessment are conducted. Protecting ‘Ō‘io Stream is critical to maintaining the health of our ecosystems, cultural practices, and community resilience in Kahuku.</p>	<p>by this project.</p> <p>Please do not approve any alteration that would affect our precious water, land and community. Hawaii's natural resources are priceless.</p>	
--	--	--	--	---	--

## TESTIMONY BEFORE THE HAWAI'I COMMISSION ON WATER RESOURCE MANAGEMENT

### Re: Opposition to Arete Application for Construction of Concrete Culvert in 'Ō'io Stream

Aloha e Honorable Chair and Commissioners,

Mahalo for the opportunity to provide testimony regarding the pending application to construct a concrete culvert across 'Ō'io Stream. 'Ahahui o Hawai'i respectfully **opposes** this application due to significant deficiencies in the project's supporting materials, its failure to meet the standards of the Commission's public trust duties, and the substantial risks it poses to the ecosystems and Native Hawaiian cultural practices that depend on this resource.

#### 1. Incomplete and Outdated Flood-Risk Assessment

The applicant relies on a flood-risk assessment that is both outdated and incomplete. Climate change has already altered rainfall intensity, storm frequency, and watershed behavior throughout Hawai'i, and these shifts continue to accelerate. Any assessment that does not incorporate current climate projections, revise hydrologic modeling, or account for impacts to downstream and upstream communities is inadequate for evaluating a project of this nature.

The culvert's proposed design does not demonstrate resilience against increased stormwater volume, debris flow, or backflow effects that could result from more frequent high-intensity rainfall events. Approving new hard infrastructure in a stream without updated modeling exposes nearby residents, properties, and the ecosystem to preventable hazards.

#### 2. Insufficient Pa'akai Framework Analysis

Under the **Pa'akai** framework, agencies must identify:

- (1) the cultural, historical, and traditional practices associated with the area;
- (2) how the proposed action may adversely affect those practices; and
- (3) what feasible protective measures will be taken to prevent or mitigate harm.

The applicant's submission falls far short of these requirements. The analysis neither meaningfully identifies the traditional and customary practices carried out in and along 'Ō'io Stream—such as shoreline and stream fishing, gathering, subsistence uses, and other practices connected to the maintenance of 'Ō'io stream's health—nor assesses how construction, sediment disruption, and hydrologic alteration will interfere with these practices. Most critically, the application proposes no enforceable mitigation measures that could preserve the integrity of these cultural resources. This is incompatible with the State's constitutional obligations to protect Native Hawaiian rights and public trust resources.

### 3. Impacts to Ecosystems and Native Hawaiian Cultural Practices

‘Ō‘io Stream supports a sensitive freshwater ecosystem, including native ‘o‘opu, ‘ōpae, and other amphidromous species whose lifecycles depend on unobstructed mauka-to-makai flow. The introduction of a concrete culvert risks restricting stream connectivity, altering sediment transport, degrading water quality, and creating velocity barriers that impede native species migration.

These ecological impacts also have direct cultural consequences. Healthy streams are foundational to Native Hawaiian practices, subsistence gathering, and the perpetuation of ‘ike kupuna tied to watershed stewardship and the functioning of ahupua‘a systems. Any infrastructure that diminishes the biological integrity of the stream also undermines the cultural life embedded within it.

### 4. Alternatives and the Precautionary Principle

Given the lack of complete information, the Commission must apply the precautionary principle inherent in the public trust doctrine. Until comprehensive, current, and culturally informed analysis is provided, approval would be premature and inconsistent with the Commission’s duty to protect water resources for present and future generations.

### Conclusion

For these reasons—an outdated flood-risk assessment, an inadequate Pa‘akai analysis, and unacceptable impacts to ecosystem function and cultural practice—‘Ahahui o Hawai‘i respectfully requests that the Commission **deny the application** or, at minimum, require the applicant to conduct a complete, updated, and culturally grounded evaluation before any further consideration.

Mahalo for your time, your stewardship, and your commitment to protecting Hawai‘i’s precious wai resources.