SettleMeyer Law

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January 9, 2026

Via U.S. Mail and Email To:

Commission on Water Resource Management
State of Hawaii
P.O Box 621
Honolulu, Hawaii 96809
E: dlnr.cwrm@hawaii.gov

Re: Support for Approval of SCAP.6438.3 - Ka Pa'akai Framework Analysis

Dear Commissioners:

My law firm serves as special counsel for TB H2 Holdings, LLC (the "Developer"). We routinely investigate and advise the Developer regarding maintaining compliance with Hawaii law in relation to the development of certain land within Turtle Bay region of the North Shore of Oahu, including without limitation, that certain Stream Channel Alteration Permit Application (SCAP.6438.3) (the "SCAP").

It was recently brought to our attention that the Commission raised concerns regarding the requirements for conducting a Ka Pa'akai Framework Analysis[1] as part of its evaluation of the SCAP. This letter is being offered to address such concerns. For purposes of the subject SCAP application, as further discussed below, the Ka Pa'akai Framework Analysis begins and ends with the Commissions determination that there are **no** "valued cultural, historical, or natural resources" in the subject "stream channel."

Pursuant to the State Water Code, Chapter 174C, Hawaii Revised Statutes (HRS), and Chapters §§13-167 to 13-171 of the Hawaii Administrative Rules (HAR), the scope of the Commission's evaluation and authority in relation to a SCAP application is limited to protecting the Waters of the State within the subject Stream Channel,[2] as opposed to any greater area within which the Stream Channel may be situated.[3] In doing so, the Commission shall only consider whether the

[1] The Ka Pa'akai Framework Analysis is a three-step analysis required to be conducted by an agency in certain situations to ensure compliance with the Article XII, Section 7, Hawaii Constitution. It was established in *Ka Pa'Akai O Ka'Aina v. Land Use Comm'n*, 94 Haw. 31, 45 (2000). If followed by an agency, the agency's action should be determined by any court of review as consistent with the requirements of Article XII, Section 7, Hawaii Constitution.

[2] Such terms are defined in HRS §174C-3 and/or HAR §13-169-2.

[3] See HRS, §174C-4 (provides that the State Water Code applies only to Waters of the State and not "coastal waters"); HAR §13-169-50(a) (provides that Stream Channels from channel alteration).

proposed channel alteration will substantially and materially interferes with existing Instream Uses and Non-Instream Uses.[4] So, when conducting Ka Pa'akai Framework Analysis, the Commission should only consider whether the proposed bridge construction will substantially and materially affect the status quo related to use of the waters in the Stream Channel, not the potential impact of the bridge construction to the broader Turtle Bay area.

The Ka Pa'akai Framework Analysis does not expand the Commission's authority or its required scope of evaluation in relation to a SCAP application. Conversely, it supports the Commission adhering to a limited scope of evaluation, since the first step of such analysis requires consideration only of the "petition area," which in this case is the area within the subject Stream Channel. Per the Hawaii Supreme Court, such analysis specifically requires the Commission to:

> *make specific findings and conclusions as to the following:*
>
> *(1) the identity and scope of "valued cultural, historical, or natural resources"* ***in the petition area****, including the extent to which traditional and customary native Hawaiian rights are exercised* ***in the petition area****;*
> *(2) the extent to which those resources --including traditional and customary native Hawaiian rights -- will be affected or impaired* ***by the proposed action****; and*
> *(3) the feasible action,* ***if any****, to be taken by the [agency] to reasonably protect native Hawaiian rights if they are found to exist.*

Ka Pa'Akai O Ka'Aina v. Land Use Comm'n, 94 Haw. 31, 47, 7 P.3d 1068, 1084, (2000).

So, the Ka Pa'akai Framework Analysis must be limited to considering (1) the "petition area," which includes only the subject Stream Channel, and (2) any impacts caused by the "proposed action" to any "valued cultural, historical, or natural resources" that are also Instream Uses or Non-Instream Uses under the State Water Code. With that in mind, we address each step of the Ka Pa'akai Framework Analysis in turn:

Step 1. In review of the SCAP application, the petition area is the project area within the subject Stream Channel, it is not the larger Turtle Bay area under development or to be developed. This is evident from the Commissions limited scope of evaluation and authority discussed above. Turning to the FSEIS and CIA (previously submitted to the Commission) and the testimony and written submissions made in connection with recent hearings before the Commission concerning the SCAP application, there are no "valued cultural, historical, or natural resources" in the subject Stream Channel (i.e. there are no records of any claims of the same being conducted as an Instream Use or Non-Instream Use). See the map attached hereto at **EXHIBIT A**, which was copied from the CIA. It identifies the locations of the marine and

[4] Such terms are defined in HRS §174C-3 and HAR §13-169-2; see also HAR §13-169-52 (provides the "channel alteration should not interfere substantially and materially with existing instream or non-instream uses."); HAR, §13-169-2 ("instream uses" and "non-instream uses" are specifically defined uses that utilize stream water.)

terrestrial resources that were identified during the associated investigation. As can be seen on such map (and as otherwise evident from the record) none of the marine or terrestrial resources (which includes cultural practices and rights) fall within the subject Stream Channel, which is identified on the map as the East Main Drain. Consequently, the analysis could stop here as there are no valued cultural, historical, or natural resources within the petition area. The Commission's findings of facts should state the same.

Step 2. Since there are no valued cultural, historical, or natural resources in the petition area (i.e. the subject Stream Channel), no analysis must be conducted under this step. It should be noted however, that even if further analysis were required under this step, it would be limited to considering any affect or impairment caused by the subject channel alteration identified in the SCAP application (i.e. the bridge construction). It would not include the affect or impairment of any other development activities outside of the subject Stream Channel, which were properly considered by other agencies to the extent within the scope of their authority (i.e. the DPP considered such affects and impairments, if any, when evaluating and issuing the SMA permit for the Turtle Bay area).

Step 3. Since no native Hawaiian rights are found to exist in the subject Stream Channel, no analysis must be conducted under this factor.

In the current case, no concerns or claims have been raised by anyone regarding interference with any Instream Use or Non-Instream Use. Certain community members have raised vague concerns over potential interference with certain cultural practices and rights in the Turtle Bay area, but no community member has raised any concern or claim that the subject channel alteration will substantially and materially interfere with any valued cultural, historical, or natural resources within the subject Stream Channel, or that uses water from the subject Stream Channel as a Non-Instream Use.

Moreover, community concerns over the impacts of the broader development of the Turtle Bay area outside of the subject Stream Channel were conclusively addressed by the State of Hawaii Land Use Commission and the City and County of Honolulu Department of Planning and Permitting, within their respective scopes and authority. For example, the LUC and DPP considered the broader environmental and cultural impacts to the Turtle Bay region, to the extent required, when evaluating and approving the district boundary amendment, and the SMA permit application, respectively.

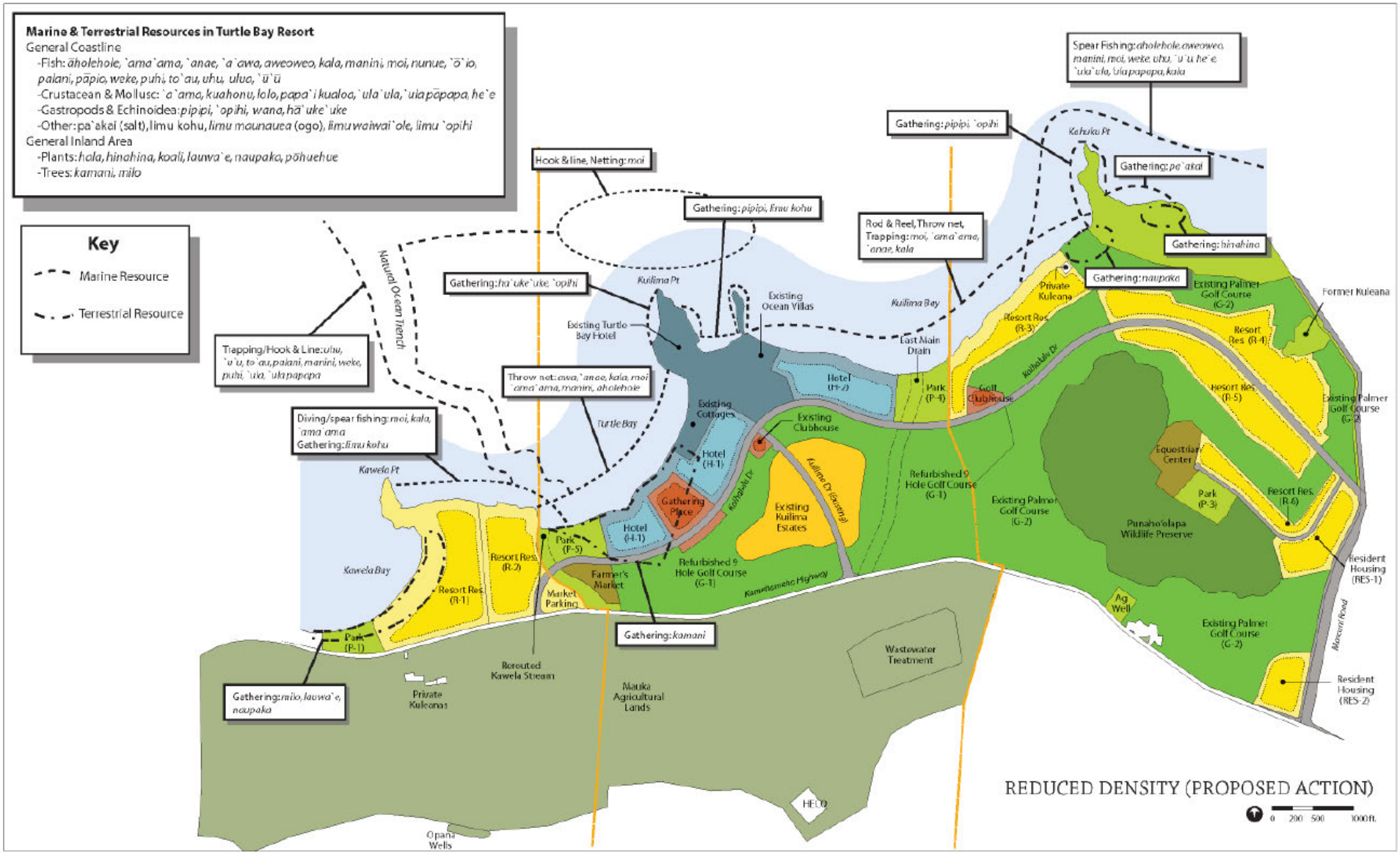
In conclusion, the Commission's Ka Pa'akai Framework Analysis begins and ends at the banks of the East Main Drain. The concerns of certain community members over the impacts of any other development in the Turtle Bay area have been properly addressed (or will be addressed, if appropriate) by other agencies in the exercise of their statutory authority. Since no valued cultural, historical, or natural resources have been identified in the subject Stream Channel, the Commission would be right to conclude that no valued cultural, historical, or natural resources will be impacted by alteration of the subject Stream Channel as proposed in the SCAP application. The Commission's findings of fact for purposes of the Ka Pa'akai Framework Analysis should reflect the same and the SCAP application should be approved.

Thank you for considering the foregoing and for your continued service to the State of Hawaii.

Very truly yours,

Ian P. Luthringer, Esq.
for
SETTLE MEYER LAW
A Limited Liability Law Company

EXHIIT A



Note: The map is not an accurate representation of the current development plan which has been reduced further under certain agreements. However, the map does identify the accurate approximate location of the East Main Drain in relation to marine and terrestrial resources, inclusive of cultural practices, identified in the CIA submitted under the 2013 FSEIS.

Stream Channel Alteration Permit (SCAP.6438.3)
ʻŌʻio Stream (East Main Drain), Turtle Bay Resort
January 2026 Commission Meeting
Presentation Summary

1. Introduction

This Supplemental Presentation Summary has been prepared to support the Commission on Water Resource Management's consideration of the Stream Channel Alteration Permit (SCAP.6438.3) for improvements within ʻŌʻio Stream (East Main Drain) at Turtle Bay Resort. This document is intended to supplement the hearing presentation and provide a concise, project-level environmental summary for the Commission's review.

This submittal supports the reapproval of the 2025 SCAP application, which reflects the same project scope, design, and mitigation measures as the Stream Channel Alteration Permit approved by the Commission on May 17, 2022 (SCAP.5860.3). The request for reapproval arises solely due to changes in land ownership and project timing; no substantive changes to the proposed action have occurred.

The proposed action was disclosed and analyzed in the 2013 Final Supplemental Environmental Impact Statement (FSEIS).

2. Permit History and Prior Approvals

Development at Turtle Bay Resort has occurred pursuant to a series of long-standing land use entitlements and environmental approvals, beginning with County shoreline and Special Management Area authorizations and continuing through State-level environmental and water resource approvals.

2.1 Special Management Area (SMA) Permit (1985)

In 1985, the City and County of Honolulu approved a Special Management Area (SMA) Permit authorizing resort development and associated infrastructure within the coastal zone. The SMA Permit established the foundational land use framework for the Turtle Bay Resort property and contemplated resort, recreational, and supporting infrastructure within the designated project area.

2.2 Final Supplemental Environmental Impact Statement (2013)

In 2013, a Final Supplemental Environmental Impact Statement (FSEIS) was accepted under Chapter 343, Hawaiʻi Revised Statutes, providing programmatic environmental review for the Turtle Bay Resort master plan. The FSEIS evaluated a worst-case development scenario, including roadway infrastructure, stream channel improvements, and full build-out of resort and residential components.

The FSEIS analyzed environmental impacts associated with:

- Maximum anticipated development density;
- Infrastructure build-out, including stream crossings and drainage improvements;
- Biological, cultural, water, and coastal resources; and
- Long-term operational conditions.

The accepted FSEIS remains the governing environmental document for the project area and establishes the environmental "impact envelope" within which subsequent project-level actions are evaluated.

2.3 Stream Channel Alteration Permit (2022)

In May 2022, the Commission on Water Resource Management approved a Stream Channel Alteration Permit (SCAP.5860.3) authorizing improvements within ʻŌʻio Stream, including the proposed culvert crossing associated with Kaihalulu Drive. The 2022 SCAP confirmed consistency with the 2013 FSEIS and included enforceable conditions addressing water resources, biological monitoring, and cultural resource protection.

The 2025 SCAP application seeks reapproval of the same scope, design, and mitigation measures approved in 2022 and does not represent a new or expanded action.

3. Turtle Bay Resort Master Plan Evolution

The planning history for Turtle Bay spans nearly four decades. The original 1985 Final Environmental Impact Statement (FEIS) evaluated a large-scale resort expansion program and established the basis for early entitlements. At that time, development rights allowed for up to 3,500 units across 20 lots, paired with required public benefits such as parks, childcare facilities, and affordable housing.

These entitlements were later formalized under the 1986 Unilateral Agreement and Special Management Area Permit, which set conditions, triggers, and public benefit requirements that continue to guide development decisions today.

As circumstances, community priorities, and environmental considerations evolved, the master plan was re-evaluated under the 2013 Final Supplemental EIS (FSEIS). The FSEIS analyzed a maximum build-out scenario to disclose worst-case environmental impacts associated with the previously entitled development program. Although the analysis confirmed feasibility, no development at that scale has been pursued.

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Since acceptance of the FSEIS, the vision for Turtle Bay has shifted substantially toward conservation and stewardship. Development rights have been progressively reduced through conservation easements that permanently preserved more than 75% of the property as open space, followed by private settlement agreements that further reduced development rights to 725 units concentrated on Lots H1, H2, and RR3 — an approximate 80% reduction in density from the original plan analyzed in prior EI S documents.

The table below provides a detailed comparison between the 2013 FSEIS build-out scenario and the current master plan, illustrating how development intensity, infrastructure footprint, and unit count have been significantly scaled down over time.

Original Site Designation	Use	Units in 1986	2015 Resubdivision and Conservation Easement (Modern Site Designation	Reduction in Units from 1986 to 2015	
H-1	Hotel	650	Portion sold to the State and portion sold to the City	650 down to 0	
H-2	Hotel	350	Sold to the State	350 down to 0	
H-3	Hotel	350	Part of RR-3	695 down to 100	900 down to 350
A-2	Resort Condominium	345	Part of RR-3		
H-4	Hotel	100	Part of H-2	205 up to 250	
A-7	Resort Condominium	105	Part of H-2		
A-1	Resort Condominium	613	H-1	613 down to 375	
A-3	Resort Condominium	255	RR-4	CE Option Until 12/31/17	
A-4	Resort Condominium	299	Conservation Easement	299 down to 0	
A-5a	Resort Condominium	199	Conservation Easement	199 down to 0	
A-5b	Resort Condominium	78	Conservation Easement	75 down to 0	
A-6	Resort Condominium	169	Conservation Easement	169 down to 0	
Existing Hotel		487		450	
	TOTAL	**3,513 + 487 = 4,000**		**725 + 450 = 1,175**	

4. Project Description (Proposed Action)

The Applicant is requesting reissuance of Stream Channel Alteration Permit SCAP.6438.3 for the previously approved ʻŌʻio Stream crossing at Turtle Bay Resort. This is not a new project; rather, it is a renewal of a permit unanimously approved by the Commission in 2022. The project scope, culvert design, and commitments remain identical to the prior

approval. Construction was delayed due to a landownership transfer, resulting in the expiration of the original permit before work could begin.

The purpose of the project is to maintain drainage capacity and stream flow within ʻŌʻio Stream (East Main Drain) and to support construction of a new private roadway crossing that will enable access to the shoreline and adjacent parcels within the resort. The crossing will utilize a Conspan culvert system designed to retain a natural stream bottom and safely convey the 100-year flood event. The culvert will be approximately 30 feet wide, 8 feet high, and 108 feet long, consisting of precast concrete segments with concrete wing walls (30–92 feet in length) placed at both upstream and downstream ends to protect the roadway embankment and minimize erosion.

A deep foundation system, via jet grout columns or micropiles, will be installed to a depth of about 18 feet below grade, with a 6-foot wide by 3-foot deep foundation placed above. The foundation is intended to be precast concrete, though cast-in-place construction may be used depending on field conditions. To protect against scour, riprap is proposed at the wing walls and other vulnerable upstream areas at a depth of approximately 3 feet at grade.

5. Existing Conditions and Mitigation Measures

ʻŌʻio Stream (East Main Drain) is a modified coastal drainage channel that conveys mauka runoff to the shoreline. The National Hydrography Dataset classifies the stream as intermittent, while the Division of Aquatic Resources classifies it as perennial. Within and downstream of the Project Area, ʻŌʻio Stream functions as a muliwai—a brackish water estuarine system typically characterized by a sand or beach berm at the stream mouth. Measured salinity levels within this reach have ranged from approximately 5.08 to 15.65 parts per thousand (ppt).

The presence of a beach berm does not preclude a hydrologic surface connection between the stream and the ocean, as the berm is naturally overtopped or breached during winter swells and major storm events. Upstream of the Project Area, the gulch loses many natural stream features, such as defined bed and banks, and transitions into a grassed swale as it flows through the golf course. An adjacent golf course pond/wetland was constructed between 1983 and 1988 as part of the resort and golf course development and is hydraulically connected to ʻŌʻio Stream via an excavated ditch through a man-made berm. Water levels within the Project Area typically range from 0 to 2 feet.

Mitigation measures incorporated into the proposed action include retention of a natural stream bottom, hydraulic design to accommodate the 100-year flood event, implementation of best management practices (BMPs), biological and cultural monitoring, and compliance

with all applicable Department of Health (DOH) and Department of Land and Natural Resources (DLNR) requirements.

Based on questions raised during previous Commission on Water Resource Management (CWRM) hearings, this presentation summary provides a focused assessment of existing conditions, anticipated impacts, and mitigation measures related to biological resources, archaeological and cultural resources, flooding, and sea level rise.

5.1 Biological Resources

Biological surveys conducted by AECOS documented the presence of two native aquatic species within the estuarine reach of ʻŌʻio Stream: ʻōʻopu naniha (*Stenogobius hawaiiensis*), an endemic amphidromous goby, and ʻamaʻama (*Mugil cephalus*), a native striped mullet. Both species are listed as Species of Greatest Conservation Need (SGCN) in the Hawaiʻi State Wildlife Action Plan, underscoring the ecological importance of maintaining habitat quality, water quality, and hydrologic connectivity within the stream–estuary system.

Water quality monitoring identified elevated concentrations of ammonium and total nitrogen, indicating eutrophic conditions reflective of existing watershed and land-use influences. These conditions are not attributable to the proposed action but highlight the sensitivity of the system to disturbance if hydrology or sediment transport were adversely altered.

Mitigation Measures

Mitigation measures include implementation of erosion and sediment control BMPs, pre-construction surveys as appropriate, and on-site biological monitoring during in-stream work. The proposed culvert design retains a natural stream bottom, supporting aquatic organism passage and continuity between mauka and makai habitats.

Maintenance of hydrologic performance and avoidance of adverse flooding or backwater effects—which are critical to protecting aquatic habitat—are addressed through the project's hydrologic, hydraulic, scour, and sea level rise analyses, as discussed in Section 3.2, Water Resources and Sea Level Rise.

With these measures in place, impacts to native aquatic species and habitat value are anticipated to be short-term, localized, and less than significant.

5.2 Water Resources and Sea Level Rise

Stream Channel Alteration Permit (SCAP.6438.3)
ʻŌʻio Stream (East Main Drain), Turtle Bay Resort
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Presentation Summary

ʻŌʻio Stream (East Main Drain) is a modified coastal drainage channel conveying mauka runoff to the shoreline and functioning as a muliwai in its lower reaches. Stream behavior is influenced by upstream watershed conditions, seasonal rainfall, groundwater contribution, and downstream coastal processes, including tidal influence and sand berm formation at the stream mouth.

Concerns raised during prior Commission hearings focused on the ability of the proposed stream crossing to convey extreme storm flows, potential scour at the crossing, and the effects of projected sea level rise on long-term drainage performance and coastal connectivity.

River Focus and Sea Engineering conducted a Sea Level Rise Hazard Assessment, along with updated hydrologic, hydraulic, and scour analyses, to evaluate these concerns. The analyses assessed watershed hydrology, culvert performance under extreme storm events, scour potential at the proposed crossing, and downstream backwater effects under both current and projected sea level rise conditions.

The evaluations included modeling of the 100-year (Q100) storm event, consideration of tidal influence and coastal processes, and review of future sea level rise scenarios applicable to the Project Area.

Based on these analyses, River Focus and Sea Engineering determined that:

- The proposed ConSpan culvert system is designed to convey the Q100 flow to the ocean outfall without overtopping the roadway;
- Scour potential has been evaluated and addressed through structural design and armoring where necessary;
- The proposed action will not be adversely impacted by flooding or projected sea level rise, nor will it exacerbate flood risk upstream or downstream; and
- The project will not alter existing flood pathways, reduce drainage capacity, or cause adverse impacts to coastal or nearshore water resources under current or future conditions.

Mitigation Measures

Mitigation measures include retention of a natural stream bottom, implementation of erosion and sediment control BMPs, compliance with Department of Health Clean Water Branch requirements (including Section 401 Water Quality Certification), and ongoing maintenance of downstream outlets to support long-term drainage performance.

With these measures in place, impacts to water resources, flooding conditions, and sea level rise vulnerability are anticipated to be less than significant, and no additional mitigation beyond existing permit conditions is required.

5.3 Archaeological and Cultural Resources

A Cultural Impact Assessment (CIA) dated August 2012 was prepared in support of the 2013 Final Supplemental Environmental Impact Statement (FSEIS). The CIA identified that the Turtle Bay Resort property and surrounding coastal areas contain an array of cultural resources associated with traditional and customary practices, including fishing, salt gathering, marine food collection, medicinal and craft plants, wood for carving, and recreational uses of the land and sea.

With respect to the current Project Area, the CIA concluded that no significant cultural, historical, or natural resources in which traditional and customary Native Hawaiian rights are exercised are present. The closest such activities occur offshore in shallow waters approximately 500 to 700 feet north and east of the Project Area, outside the Stream Channel Alteration Permit (SCAP) footprint.

A Ka Paʻakai Framework Analysis was conducted as part of the Chapter 343, Hawaiʻi Revised Statutes (HRS), environmental review process for the 2013 FSEIS and was approved by the City and County of Honolulu, Department of Planning and Permitting. The Ka Paʻakai analysis included consultation with a range of individuals representing stakeholder organizations and lineal descendants and concluded that the proposed roadway and stream channel improvements would not adversely affect traditional and customary Native Hawaiian rights, provided that mitigation measures and continued consultation were implemented.

ASM Affiliates has completed archaeological investigations within the Turtle Bay Resort development area. No known archaeological sites are located within the Project Area, and all identified sites slated for preservation are located outside the proposed work limits.

Mitigation Measures

An Archaeological Monitoring Plan prepared by ASM Affiliates has been accepted by the State Historic Preservation Division (SHPD) and will be implemented during all ground-disturbing activities. The monitoring plan includes provisions for on-site monitoring, inadvertent discovery protocols, and coordination with SHPD and the Oʻahu Island Burial Council, as appropriate.

The proposed action includes formalization of existing access routes necessary for construction, inspection, and long-term maintenance. These access improvements:

- Are limited to areas already subject to disturbance and do not create new public access corridors;
- Are intended to improve safety and reduce unmanaged or informal access; and
- Support long-term stewardship of the stream corridor while minimizing inadvertent impacts to cultural resources and coastal practices.

The Applicant remains committed to ongoing communication and consultation with stakeholders and lineal descendants throughout project implementation. In support of this commitment, the Applicant will continue coordination with the following groups:

- Kuilima North Shore Strategic Planning Committee (KNSSPC);
- Cultural practitioners and lineal descendants;
- Kahuku Burial Committee; and
- Oʻahu Island Burial Council and SHPD.

With implementation of the mitigation measures and access controls described above, the proposed action is not anticipated to result in adverse impacts to archaeological resources or traditional and customary cultural practices and remains consistent with prior commitments established under the Chapter 343 process.

6. Commitment to Community

Since assuming ownership, the Applicant has focused on listening, learning, and building trust with the North Shore community. Over the past year, the Applicant has engaged with hundreds of residents through one-on-one meetings, site tours, an open house, and multiple neighborhood board meetings. The feedback received through these conversations has directly informed stewardship decisions and continues to guide planning efforts across the property.

The Applicant has also demonstrated a commitment to being a responsible neighbor and supporting local programs and initiatives. Since becoming a co-owner of Turtle Bay, the Applicant has contributed more than $200,000 to community causes and cultural efforts. Implementation of future improvements at Turtle Bay is expected to provide significant long-term benefits, including an estimated 1,000 construction jobs and approximately 500 permanent positions once operational.

The Applicant remains committed to honoring obligations under the Unilateral Agreement, including delivery of new affordable rental housing and improving shoreline resilience through native dune restoration. The Applicant will also continue ongoing communication and consultation with stakeholders and cultural representatives throughout project implementation, building upon engagement frameworks already established.

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7. Request: Approve Reissuance of the SCAP

The proposed action involves the reapproval of a previously approved stream channel alteration with no changes to the approved scope, design, or mitigation measures under the Stream Channel Alteration Permit issued by the Commission in 2022. The action remains consistent with the development framework and environmental "impact envelope" evaluated in the 2013 Final Supplemental Environmental Impact Statement, which analyzed a maximum build-out scenario under Chapter 343, Hawaiʻi Revised Statutes, as confirmed by the Department of Planning and Permitting in 2022 and 2024.

Updated technical analyses and supporting studies confirm that the proposed action will not result in new or increased impacts to water resources, biological resources, or cultural and archaeological resources. All potential impacts have been adequately identified and addressed through existing, enforceable mitigation measures and permit conditions, which remain applicable and effective.

Consistent with the Commission's limited jurisdiction under the State Water Code and Hawaiʻi Administrative Rules Chapter 169, the scope of review for the SCAP is confined to evaluating the proposed alteration of the subject stream channel and whether it would substantially and materially interfere with existing instream or non-instream uses of stream water. No such interference has been identified, and no valued cultural, historical, or natural resources have been shown to occur within the subject stream channel or be affected by the proposed action.

Accordingly, no additional environmental review under HRS Chapter 343 is required, and approval of the 2025 Stream Channel Alteration Permit application represents a continuation of an approved action within the Commission's statutory authority, rather than authorization of a new or expanded activity.

Presentation for the Commission on Water Resource Management

SCAP APPLICATION FOR KAPAʻA BRIDGE AT ʻŌʻIO STREAM

Turtle Bay, Kahuku, Oʻahu

ARETÉ *collective*

Applicant & Project Team

ARETÉ COLLECTIVE

- Owner of 60 acres at Turtle Bay
- Manager of Turtle Bay Golf

SUPPORTED BY LOCAL EXPERTS

- **Engineering:** Wilson Okamoto
- **Technical:** Sea Engineering, River Focus
- **Archaeology:** ASM Affiliates
- **Environmental:** AECOS
- **Shoreline monitoring:** Hawai‘i Marine Animal Response
- **Community:** Punahele Partnerships
- **Legal:** Settle Meyer Law

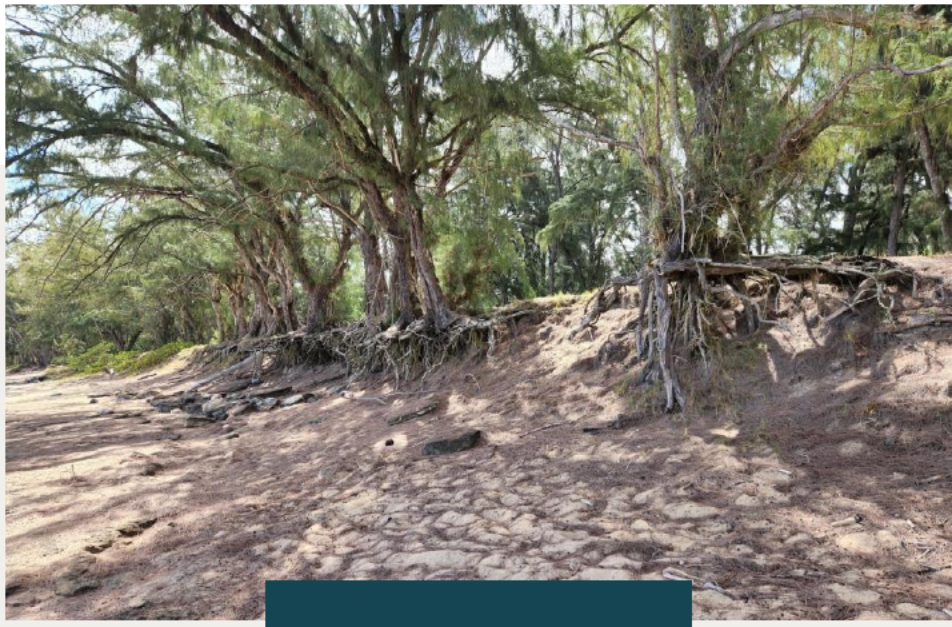
ARETÉ COLLECTIVE LEADERS AT TURTLE BAY

- Frank Thurman, VP of Construction
- Kiele Muraco, Development Director

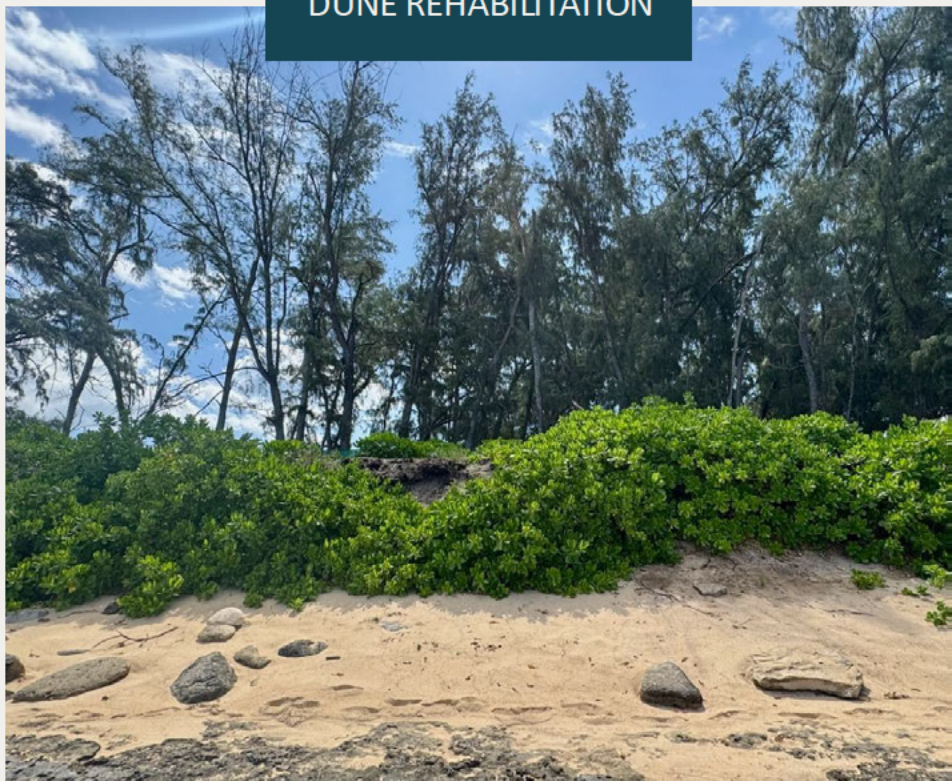
ARETÉ *collective*

Commitment to Community

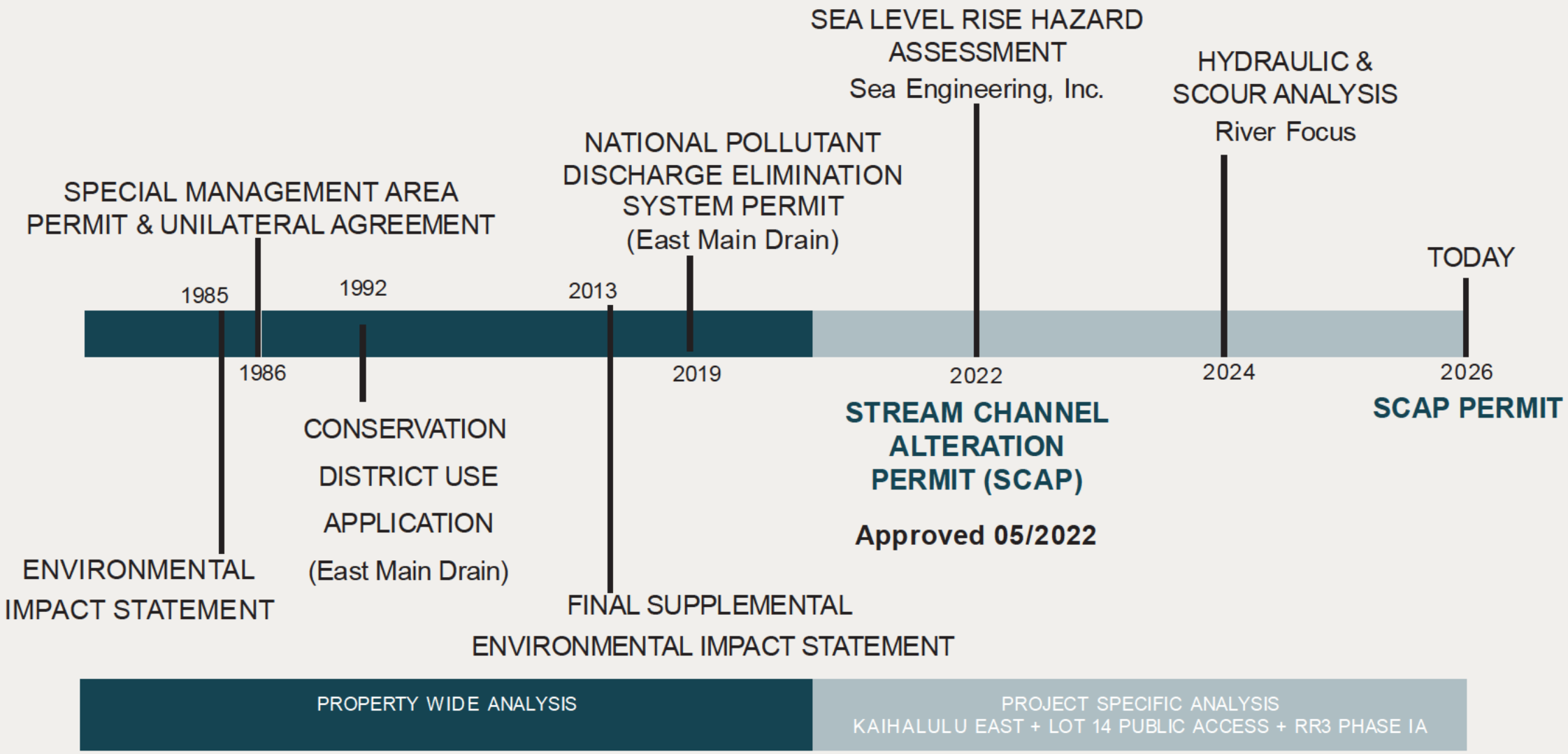
- Ongoing community outreach
- Being a good neighbor and giving back
  - Over $200,000 donated to community causes
- Job opportunities for local residents
  - 1,000 jobs during construction
  - 500 permanent positions upon completion
- Fulfilling the conditions of the Unilateral Agreement
  - Dune rehabilitation and creating a more resilient shoreline



DUNE REHABILITATION



Existing Entitlements & Approvals



Evolution of Development Plans

80% REDUCTION OF DEVELOPMENT

1986: 4,000 TOTAL UNITS

2026: 725 NEW UNITS

75% OF PROPERTY
PRESERVED AS OPEN SPACE
IN PERPETUITY

Original Site Designation	Use	Units in 1986	2015 Resubdivision and Conservation Easement (Modern Site Designation	Reduction in Units from 1986 to 2015	
H-1	Hotel	650	Portion sold to the State and portion sold to the City	650 down to 0	
H-2	Hotel	350	Sold to the State	350 down to 0	
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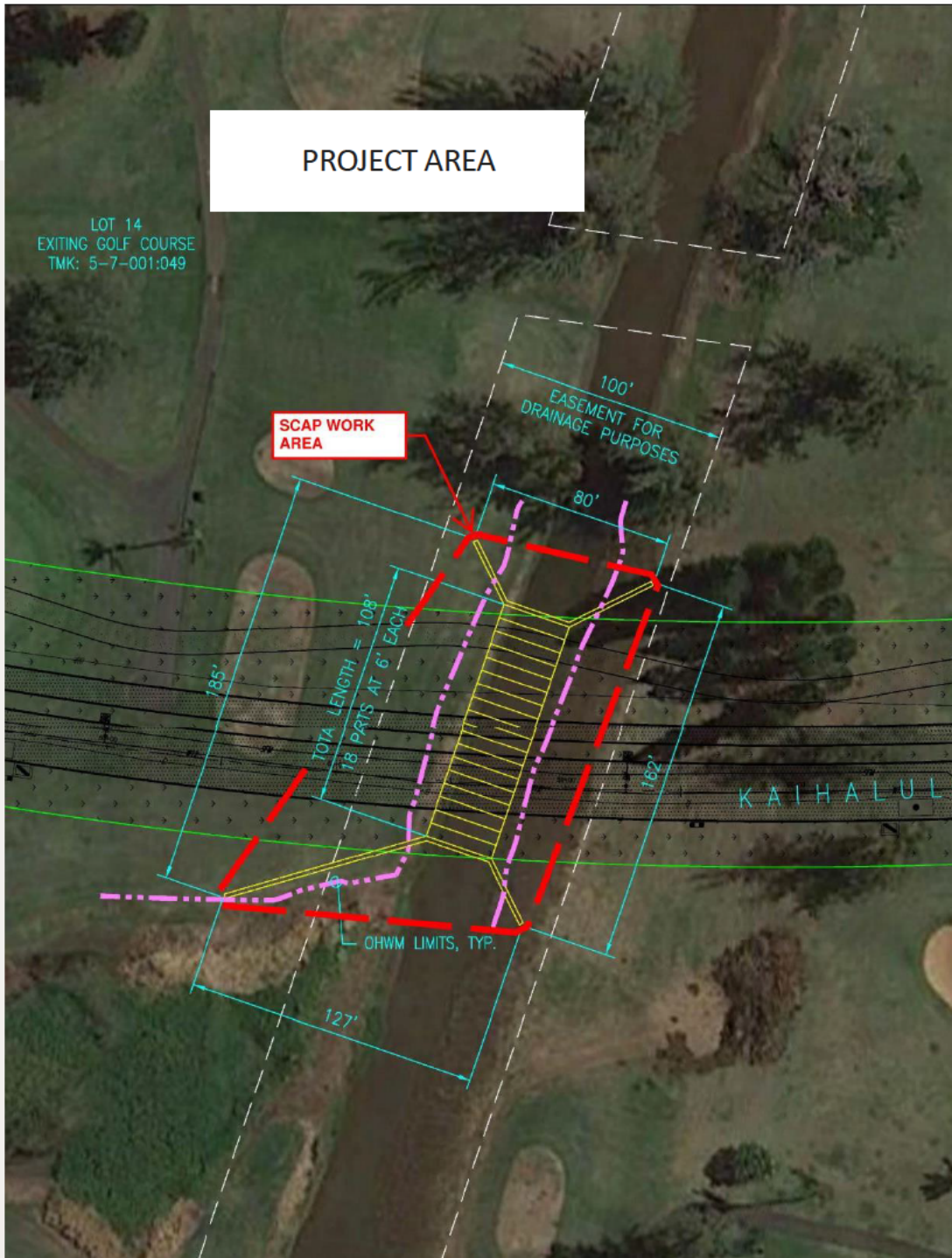
Existing Hotel		487		450	
	TOTAL	**3,513 + 487 = 4,000**		**725 + 450 = 1,175**	

Proposed Action



Existing Conditions

STREAM CHARACTER

- Original stream channel was altered.
- Now: Engineered channelized “drain” for mauka land run-off.
- Current conditions include intermittent flow, modified banks, and natural coastal segments near the shoreline.

EXISTING CART BRIDGE OVER EAST MAIN DRAIN

EXISTING MAKAI CONDITIONS

Biological Resources

EXISTING CONDITIONS

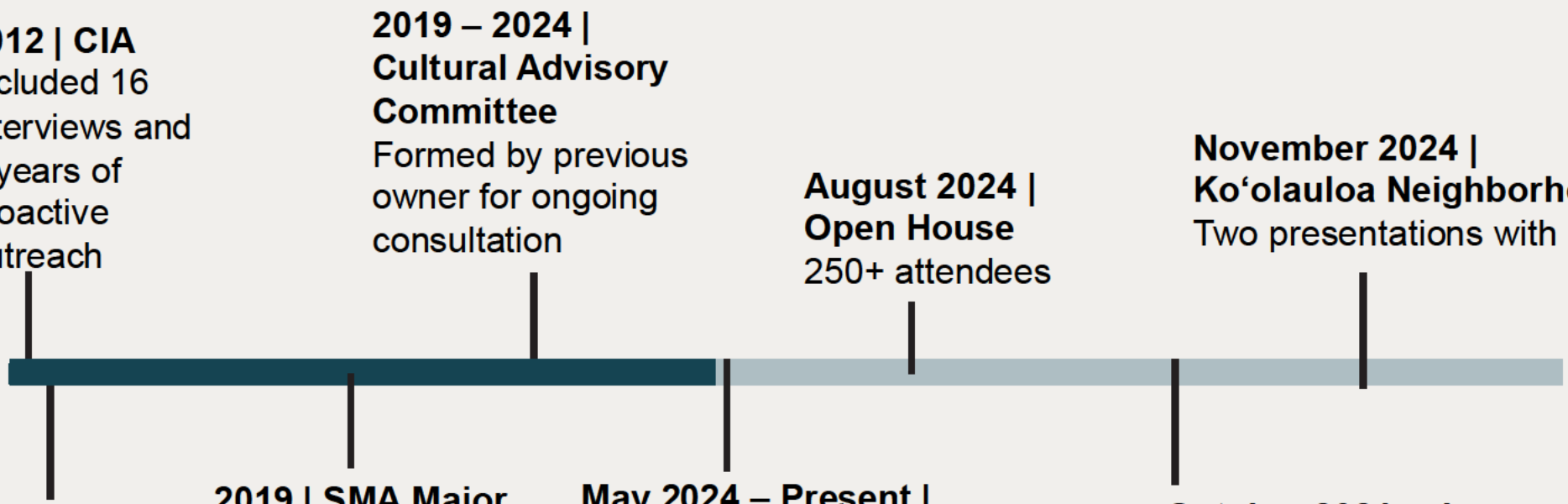
- No expected impacts to terrestrial resources (FSEIS)
- Any potential impacts to near shore marine resources will be mitigated during construction through BMPs

MAKAI HEADWALL AT EAST MAIN DRAIN

MITIGATION MEASURES

- Design retains the natural stream bottom
- Extensive BMPs, to include erosion and sediment control
- Pre-construction surveys
- On-site biological monitoring
- Environmental training for construction team

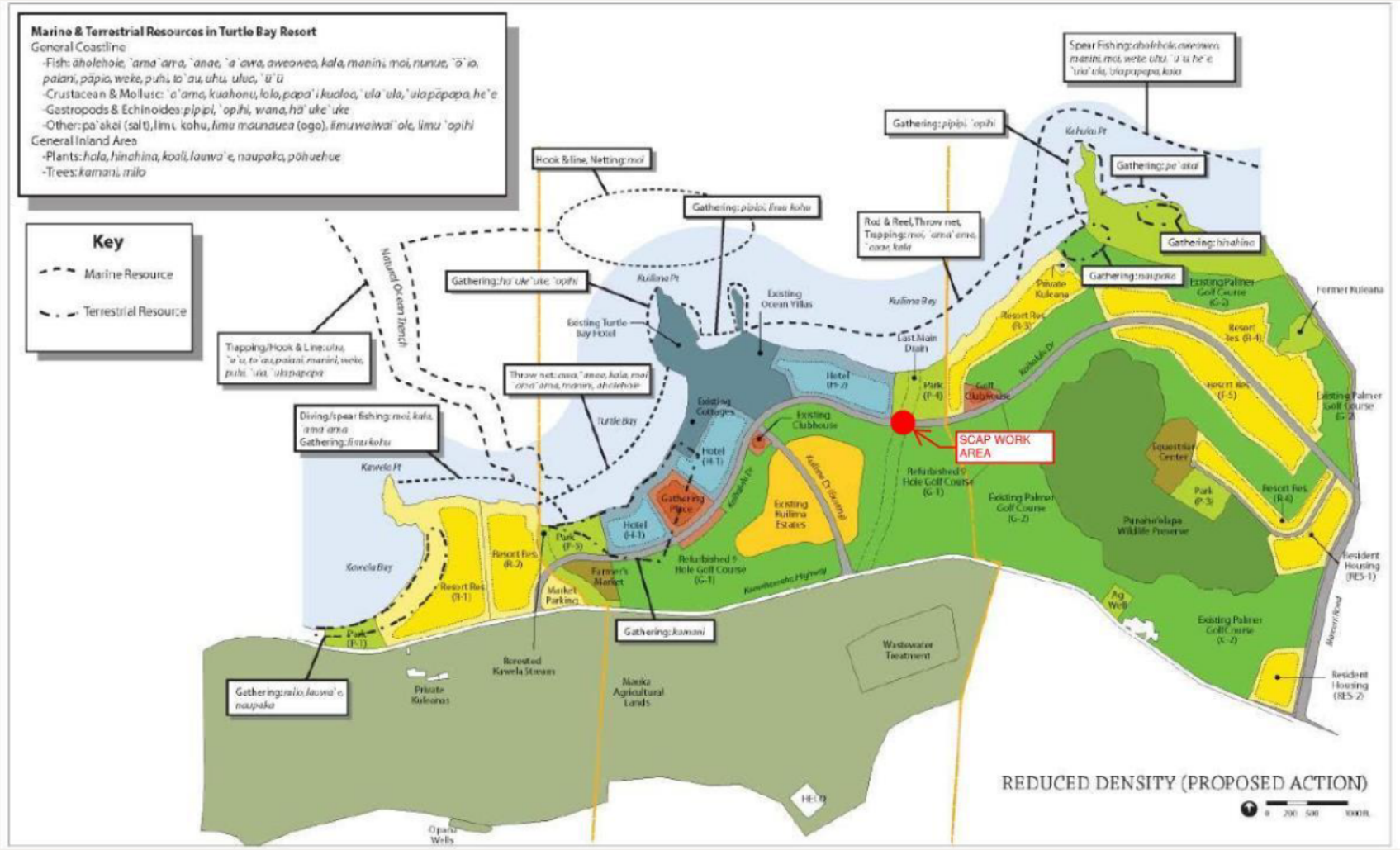
Previous & Ongoing Community Consultation



Cultural Resources & Practices

EXISTING CONDITIONS

- No cultural resources or practices were identified in the SCAP project area (CIA/FSEIS)
- No known burials in the SCAP project area



Cultural Resources & Practices

MITIGATION MEASURES

- SHPD-approved plan for archaeological monitoring of all ground disturbance
- On-site training for construction team members
- Enhanced and better managed public access

Updated Studies Confirm Design Meets Standards

UPDATED ANALYSES COMPLETED

- Hydraulic
- Hydrologic
- Scour
- Sea Level Rise

PROJECT MEETS DESIGN STANDARDS

- Conveys 100-year storm event
- No increase in flood risk
- No significant impacts from sea-level rise

Request: Approve the Reissuance of SCAP

- **No changes to scope, design, or mitigation measures** from the Stream Channel Alteration Permit approved by the Commission in 2022.
- **Updated studies confirm that the design meets standards**, with no increase in flood and no significant impacts from sea level rise.
- **No new or increased impacts** to water resources, biological resources, or cultural and archaeological resources.
- **Proposed action is consistent with the 2013 FSEIS**, which analyzed a significantly more impactful maximum build-out scenario.

STAFF RECOMMENDATION

Approve Stream Channel Alteration Permit (SCAP.6438.3) Application
to construct a new Conspan culvert system to accommodate the crossing of the new roadway.


Mahalo
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