

# **STREAM CHANNEL ALTERATION PERMIT APPLICATION**

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## **Turtle Bay Resort On-Site Infrastructure Improvements**

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**Kahuku, Ko'olaupia District, O'ahu, Hawai'i**

**Tax Map Key: (1) 5-7-001:048, 049 and 052**

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**Applicant:**

**Wasatch Arete TB Holdings  
4670 S Holladay Village Plaza, Suite 200  
Salt Lake City, UT 84117**

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**Authorized Agent:**

**Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, Hawai'i 96826**

**May 2, 2025**

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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
STREAM CHANNEL ALTERATION  
PERMIT APPLICATION

For Official Use Only  
COMMISSION ON WATER  
RESOURCE MANAGEMENT  
2025 MAY -8 AM 11:09

**Instructions:** Please print in ink or type and send one (1) completed hardcopy and one (1) digital copy of the application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Applications must be accompanied by a non-refundable filing fee of \$25.00 payable to the Department of Land and Natural Resources. The Commission may not accept incomplete applications without the required signatures. For assistance, call the Stream Protection and Management Branch at 587-0234. For further information and updates to this application form, visit <http://dlnr.hawaii.gov/cwrm>.

☒ Check here to allow Commission staff to communicate primarily via e-mail.  
Legally required and other key correspondence will still be transmitted via postal mail.

**PERMIT TYPE:**

1. Permit Applying For: ☒ New ☐ After-The-Fact  
2. Type of Construction: ☒ Installation ☐ Modification ☐ Removal

**APPLICANT INFORMATION**

3. APPLICANT'S NAME / COMPANY Wasatch Arete TB Holdings	Applicant's Contact Person Rebecca Buchan	Applicant's Phone 801-333-8156
Applicant's Mailing Address 4670 S Holladay Village Plaza, Suite 200 Salt Lake City, UT 84117	Applicant's E-mail Address rbuchan@arete-collective.com	

☒ Check here if project will impact multiple landowners. If project impacts multiple landowners, skip Item 4 below, then complete and attach Form LND-APP to identify and verify landowner's approval of proposed stream channel alteration work.

4. LANDOWNER'S NAME / COMPANY	Landowner's Contact Person	Landowner's Phone
Landowner's Mailing Address	Landowner's E-mail Address	

5. CONSULTANT'S NAME / COMPANY Wilson Okamoto Corporation	Consultant's Contact Person Brett Kuamoo	Consultant's Phone 808-946-2277
Consultant's Mailing Address 1907 S. Beretania Street, Suite 400 Honolulu, HI 96826	Consultant's E-mail Address bkuamoo@wilsonokamoto.com	

6. CONTRACTOR'S NAME / COMPANY TBD	Contractor's Contact Person TBD	Contractor's Phone TBD
Contractor's Mailing Address TBD	Contractor's E-mail Address TBD	

**STREAM INFORMATION**

7. Island: (Check only one) ☐ Kauai ☒ Oahu ☐ Molokai ☐ Lanai ☐ Maui ☐ Hawaii

8. Tax Map Key(s) List all affected tax map key parcels.  
(1) 5-7-001:048, 049, and 052

9. Stream / Gulch Name(s) List all affected streams and/or gulches.  
'O'io Stream (East Main Drain)

**FOR OFFICIAL USE ONLY:**

LAT	SWHU ID	FILE ID
LON	GWHU ID	DOC ID
	REACH ID	

**GENERAL PROJECT INFORMATION****10. Project Type:** Check all that apply.

- |  |  |  |   |   |   |
|--|--|--|---|---|---|
| <input type="checkbox"/> Bank Stabilization      | <input type="checkbox"/> Bridge          | <input type="checkbox"/> Channel Alignment | <input type="checkbox"/> Channel Lining | <input checked="" type="checkbox"/> Culvert | <input type="checkbox"/> Dam / Dike / Weir  |
| <input type="checkbox"/> Desilting Area          | <input type="checkbox"/> Drainage Outlet | <input type="checkbox"/> Dredging          | <input type="checkbox"/> Ford Crossing  | <input type="checkbox"/> Grading            | <input type="checkbox"/> Levee / Flood Wall |
| <input type="checkbox"/> Restoration             | <input type="checkbox"/> Retaining Wall  | <input type="checkbox"/> Retention Basin   | <input type="checkbox"/> Stream Gage    | <input type="checkbox"/> Sewer Line         | <input type="checkbox"/> Water Line         |
| <input type="checkbox"/> Other - Describe: _____ |  |  |   |   |   |

**11. Project Site Location(s):** Provide site coordinates of downstream-most point of project in degrees, minutes, seconds (NAD83).

Latitude: 21° 42' 9.23"

Longitude: -157° 59' 26.48"

Elevation: 17 ft. above mean sea level

**12. Structure Dimensions:** (feet)

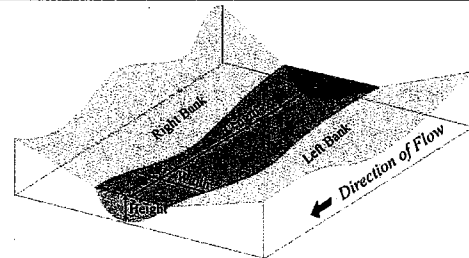
Width: 30 feet

Height: 8 feet

Length: 108 feet

Diameter: n/a

Provide generalized dimensions for the entire project / structure area. If the project includes a pipe (e.g., culvert, drain, etc.), provide the pipe diameter.

**13. Structure Location:**☐ Left bank (downstream view)☐ Right bank (downstream view)☒ Across entire stream channel

Provide the general location of the stream channel alteration structure in relation to the streambank.

**14. State Land Use Classification:** (Check all that apply)☐ Agriculture☐ Conservation☐ Rural☒ Urban**LEGAL REQUIREMENTS**

If required, the permits or approvals below must be obtained before the Commission on Water Resource Management can legally issue a permit. Visit the Commission's Applications & Forms webpage (<http://dlnr.hawaii.gov/cwrm/info/forms/>) for links to agency websites/contact information.

**15. Conservation District Use Permit (CDUP):** To find out if your stream channel alteration project is located in a Conservation District (CD), you may visit to the Land Use Commission (LUC) website at <http://luc.hawaii.gov/maps/> to view Land Use District Boundary maps. If the stream channel alteration will be located in a CD, contact the Department of Land and Natural Resources' Office of Conservation and Coastal Lands (OCCL) at (808) 587-0377 to determine if a CDUP is required.

☐ Stream channel alteration is in a Conservation District.☐ Required. CDUP #: \_\_\_\_\_ Date CDUP approved: \_\_\_\_\_☐ Not Required. Attach documentation from Office of Conservation and Coastal Lands (OCCL), Department of Land and Natural Resources.☐ I have not checked with the OCCL about whether or not a CDUP is required.☒ Stream channel alteration is not in a Conservation District.

**16. Special Management Area Permit (SMAP):** To determine if an SMAP is necessary, contact your County Planning Department.

☒ Required. SMAP #: Resolution 86-308 Date SMAP approved: 10/1/1986☐ Not Required. Attach documentation from applicable County agency.☐ I have not checked with the County about whether or not an SMA Permit is required.

**17. State Historic Preservation Division (SHPD), Department of Land and Natural Resources:** If the parcel(s) affected by the stream alteration has been reviewed by the State Department of Land and Natural Resources Historic Preservation Division (SHPD or through an OEQC Environmental Review, Special Management Area Permit, etc.), check "yes" and attach any relevant documentation from SHPD. If the affected parcel(s) has not undergone SHPD review, attach a photograph of the affected area, a schematic diagram (showing the location, access road and infrastructure for the alteration), and a short description of the prior use(s) of the land on which the alteration resides.

\*Please note: You are **strongly advised** to contact the SHPD to obtain a pre-review of your project. In the event that you do not get an HP pre-review and if during the course of either review or the permit itself it is determined that you need SHPD's concurrence, your application or permit may be held in abeyance or denied until issues with HP are resolved. To contact SHPD, please call (808) 692-8015.

☒ I have consulted the SHPD regarding potential impacts of stream channel alteration activities on historic sites. I have attached applicable documentation from the SHPD.☐ I have not consulted with the SHPD regarding potential impacts of stream channel alteration activities on historic sites.**18. Chapter 343, Hawaii Revised Statutes, Hawaii Environmental Policy Act:**☐ An Environmental Assessment was completed, and☒ An Environmental Impact Statement was required and has been accepted (attach letter of acceptance).

Publication date in The Environmental Notice: September 8, 2013

☐ A Finding of No Significant Impact has been determined (attach letter).

Publication date in The Environmental Notice: \_\_\_\_\_

This project proposes:

☐ Use of state or county lands, or use of state or county funds☐ Use within a state conservation district☐ Use within a shoreline setback area☐ Use within a national or Hawaii registered historic site☐ Use within the Waikiki Special District☐ The construction, expansion or modification of helicopter facility☐ A wastewater treatment unit☐ Waste-to-energy facility☐ Landfill☐ Oil refinery☐ Power-generating facility☒ None of the above 11 items

## OTHER REGULATORY REQUIREMENTS

If the proposed stream channel alteration is subject to the following permits or approvals, indicate by checking the appropriate box below and submit either the approval letter from the appropriate agency or attach a copy of the application form. If the proposed stream channel alteration is not subject to the following permits or approvals, indicate by checking the "N/A" (Not Applicable) field.

	Attached	N/A
19. U.S. Army Corps of Engineers (Harbors and Rivers Act, Section 404, Clean Water Act)	<input checked="" type="checkbox"/> Exhibit C	<input type="checkbox"/>
20. State Department of Health, Clean Water Branch (Section 401, Clean Water Act, Water Quality Certification, Best Management Practices Plan)	<input checked="" type="checkbox"/> Exhibit D	<input type="checkbox"/>
21. Right-of-Entry or Right-of-Way Permit if the proposed stream channel alteration includes State lands. (Chapter 171, Hawaii Revised Statutes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22. Hawaii Environmental Policy Act (Chapter 343, Hawaii Revised Statutes; Title 11, Chapter 200, Hawaii Administrative Rules)	<input checked="" type="checkbox"/> Exhibit E	<input type="checkbox"/>
23. Soil and Water Conservation District	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24. County Certification of "No-Rise"	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25. County Grading Permit	<input checked="" type="checkbox"/> Exhibit F	<input type="checkbox"/>
26. County Discretionary Permit(s)	<input checked="" type="checkbox"/> Exhibit G	<input type="checkbox"/>

## CULTURAL IMPACTS

Articles IX and XII of the State Constitution, other state laws, and the courts of the State, require government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.

27. Please provide the identity and scope of cultural, historical, and natural resources in which traditional and customary native Hawaiian rights are exercised in the area.

SEE ATTACHMENT

28. Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.

SEE ATTACHMENT

29. What feasible action, if any, could be taken by the Commission on Water Resource Management in regards to your application to reasonably protect Native Hawaiian rights?

SEE ATTACHMENT



## PROJECT DESCRIPTION

*Please complete the following sections by providing detailed information on the project components identified below. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.*

**30. Describe the overall project scope and objectives.**

SEE ATTACHMENT

**31. Describe existing stream channel and streamflow conditions at the site of the proposed stream channel alteration.**

SEE ATTACHMENT

**32. Identify and describe the project components outlined below**

**A. Materials**

SEE ATTACHMENT

**B. Quantities**

SEE ATTACHMENT

**C. Excavation**

SEE ATTACHMENT

**D. Fill**

SEE ATTACHMENT

**E. Disposal**

SEE ATTACHMENT

**F. Construction methods**

SEE ATTACHMENT

**G. Temporary facilities**

SEE ATTACHMENT

**H Expected period of time required for construction**

SEE ATTACHMENT

**I. Liability during construction**

SEE ATTACHMENT

**33. Describe the project's consistency with county zoning and development plans.**  
SEE ATTACHMENT

**34. Identify potential alternatives to the project and describe the relative costs and benefits of each alternative.**  
SEE ATTACHMENT

**SUBMITTALS**

Please submit the following plans, maps, or drawings in legible form, preferably on 8.5" by 11" sheets.

**35. Location Map:** Provide a location map of the proposed project relative to major roadways.

**36. Plans / Elevations / Sections:** Provide a plan view of the proposed stream channel alteration structure in relation to the stream channel and property boundaries. Elevation and section views of the structure in relation to the stream channel should also be provided if available.

**SIGNATURES**

Signing below indicates that the signatories understand and swear that the information provided is accurate and true to the best of their knowledge. Further, the signatories understand that if the permit requested is granted by the Commission on Water Resource Management (Commission), the permit shall be subject to the following conditions:

- 1) The proposed work is to be completed within two (2) years from the date of permit approval.
- 2) The permittee shall notify the Commission, by letter, of the actual dates of project initiation and completion.
- 3) The permittee shall submit a set of as-built plans and photographs to the Commission upon completion of the project.
- 4) The permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months.
- 5) If the commencement or completion date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.

**37. APPLICANT**

Print Name:

Wasatch Arete TB Holdings

Signature:

*Rebecca Buchan*  
Rebecca Buchan (Apr 30, 2025 16:28 MDT)

Date:

04/30/2025

**38. CONSULTANT**

Print Name:

Wilson Okamoto Corporation

Signature:

*Bill Kenner*

Date:

04/25/2025

**39. CONTRACTOR**

Print Name:

TBD

Signature:

Date:

**40. LANDOWNER (If multiple landowners, skip Section 53, then complete and attach Form SCAP-LND with appropriate landowner signatures.)**

Print Name:

Signature:

Date:



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**COMMISSION ON WATER RESOURCE MANAGEMENT**  
**MULTIPLE LANDOWNERS/LOCATIONS FORM**

For Official Use Only:

**Instructions:** Please print in ink or type and send completed form attached to stream channel alteration or stream diversion works permit application to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete applications without the required landowner signatures. For assistance, contact the Stream Protection and Management Branch at 587-0234. For further information and updates to this application form, visit <http://dlnr.hawaii.gov/cwm>.

**A. LANDOWNER INFORMATION**

For proposed stream channel alterations and stream diversion works affecting multiple landowners, complete the sections below for each individual landowner. **Form LND-APP** provides space for information on five (5) landowners. Complete as many forms as necessary to identify all, and only those, landowners affected by the proposed stream channel alteration or stream diversion works.

<b>1. LANDOWNER'S NAME/COMPANY</b> North Shore Bay Owner, LCC / Host Hotels & Resorts		Landowner's Contact Person Samantha Canon	Landowner's Phone 808-518-5555
Landowner's Mailing Address 4747 Bethesda Ave. Ste 1300 Bethesda, MD 20814		Tax Map Key Parcel(s) (1) 5 7 001:049 and (1) 5 7 001:052	
		Landowner's E-mail Address samantha.canon@hosthotels.com	
Signature: Michael E. Lentz, Vice President		Date: April 24, 2025	
<b>2. LANDOWNER'S NAME/COMPANY</b> TB H2 Holdings, LLC / Host Hotels & Resorts		Landowner's Contact Person	Landowner's Phone
Landowner's Mailing Address Same as above.		Tax Map Key Parcel(s) (1) 5-7-001:048	
		Landowner's E-mail Address	
Signature:		Date:	
<b>3. LANDOWNER'S NAME/COMPANY</b>		Landowner's Contact Person	Landowner's Phone
Landowner's Mailing Address		Tax Map Key Parcel(s)	
		Landowner's E-mail Address	
Print Name:	Signature:	Date:	
<b>4. LANDOWNER'S NAME/COMPANY</b>		Landowner's Contact Person	Landowner's Phone
Landowner's Mailing Address		Tax Map Key Parcel(s)	
		Landowner's E-mail Address	
Print Name:	Signature:	Date:	
<b>5. LANDOWNER'S NAME/COMPANY</b>		Landowner's Contact Person	Landowner's Phone
Landowner's Mailing Address		Tax Map Key Parcel(s)	
		Landowner's E-mail Address	
Print Name:	Signature:	Date:	

## **STREAM CHANNEL ALTERATION PERMIT APPLICATION**

### **ATTACHMENT**

**PROJECT DESCRIPTION** (Other pertinent Item addendum information is provided below this Project Description Section)

**Item 30 – Describe the overall project scope and objectives.**

The purpose of the proposed project is to maintain drainage capacity and stream flow within the 'Ōio Stream and to allow construction of a new private roadway within the existing Turtle Bay Resort. The proposed road, Kaihalulu Drive, will run parallel and approximately 500 feet mauka of the shoreline within the existing TBR property and will provide access to various resort facilities and amenities pursuant to the master plan for the resort. See Figure 1 below. The first phase of construction will extend approximately 2,500 feet east of Kuilima Drive. Proposed facilities within Kaihalulu Drive consist of a 24-foot-wide asphalt concrete (A.C.) paved road, a 10-foot-wide concrete walkway, a 10-foot-wide A.C. paved golf cart path, underground utility lines, and landscaping. Refer to Figure A-1 in Exhibit A.

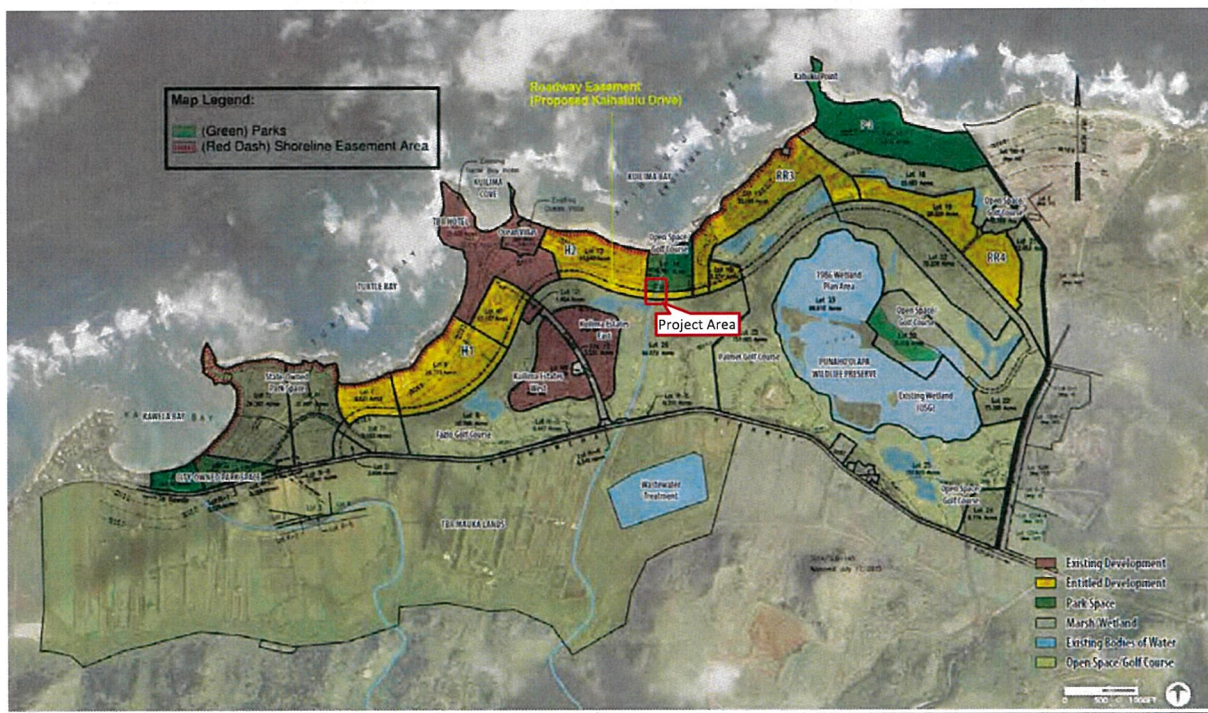


Figure 1. TBR Master Plan (Construction update dated 11-30-20).

Approximately 2,100 feet (0.4 miles) east of the proposed intersection with Kuilima Drive, the new roadway alignment will cross a downstream portion of 'Ōio Stream (East Main Drain). A new Conspan culvert system is proposed to accommodate the crossing of the new roadway. This Conspan culvert system will be designed to retain a natural stream bottom and will be sized to accommodate a 100-year flood event. It is expected to be approximately 30 feet wide with a clearance height of 8 feet. The Conspan culvert structures will be made of pre-cast concrete and will be installed in sections for a total length of approximately 108 feet along the stream. Concrete wing walls ranging from 30 feet to 92 feet in length will also be installed on both the upstream and downstream ends of the culverts to protect the roadway embankment from erosion. Refer to Figures A-2 and A-3 in Exhibit A.

The use of a foundation and deep foundation system will be required to support the Conspan culvert structures. A deep foundation will be accomplished by either jet grout columns or micropiles. Both methods require installation of subgrade support columns to depths of approximately 18 feet below existing ground level. A foundation approximately 6 feet wide and 3 feet deep will then be placed upon the deep foundation. The foundation is proposed to be constructed using pre-cast concrete but may be cast-in-place depending on site characteristics and constructability issues. To protect the structure from scour, riprap is proposed to be placed at a depth of 3 feet at grade along the wing walls and in scour prone areas at the upstream end of the structure; see Figure A-4 in Exhibit A.

The project footprint will encompass approximately 4,200 square feet along approximately 140 linear feet of the 'Ōio Stream. A volume of approximately 1,793 cubic yards of material is anticipated to be used for the project.

**Item 31 – Describe existing stream channel and streamflow conditions at the site of the proposed stream channel alteration.**

There is little to no development at the project site with most of the immediate surrounding area developed as a golf course or undeveloped open space. Downstream of the Project Area there are existing culverts that accommodate the crossing of an existing golf cart path with a beach and reef coastline located *makai* of that. This area is referred to as Lot 14 and is conserved as open space where comfort stations and public beach access will be provided. The surrounding area beyond Lot 14 is designated for resort use and open space. Existing land uses in the wider vicinity include undeveloped private property, the Turtle Bay Hotel, and three separate private residential resort condominium projects located approximately a half mile to the west of the Project Area.

'Ōio Stream is a second order, interrupted perennial stream with a single tributary, East 'Ōio Gulch, which joins the main gulch at about 67 m (220 ft) above sea level. Although, it is noted that the National Hydrography Dataset (NHD) and the Division of Aquatic Resources (DAR) classified the subject stream as intermittent. Just within and downstream of the Project Area, 'Ōio Stream is best described as a *muliwai* (a brackish water estuary, usually with a beach berm across the mouth). Measured salinity levels ranged from 5.08 ppt to 15.65 ppt. The presence of the beach berm does not preclude a hydrologic surface connection between 'Ōio Stream and the ocean and the berm is removed by winter swells and during major storm events. Upstream of the Project Area, the gulch loses most of its stream features (e.g., bed and banks) and functions as a grassed swale through the golf course. An adjacent golf course pond/wetland was constructed between 1983 and 1988 as part of the development of the resort and surrounding golf course. The pond/wetland connects to the East Main Drain via an excavated ditch through a man-made berm.

The stream bed is comprised of mostly sediment deposits. According to the environmental survey report (2021) prepared by AECOS, mapped soils in the survey area consist of Jaucas sand, 0 to 15 percent slopes, MLRA 163 ("JaC"); Kaloko clay, 0 to 2 percent slope, MLRA 163 ("Kfa"); and Pearl Harbor clay, 0 to 2 percent slopes, MLRA 163 ("Ph"). Both the Kaloko clay and Pearl Harbor clay are classified as hydric soils on the U.S. Dept. of Agriculture-Natural Resources Conservation Service (USDA-NRCS), National List of Hydric Soils for O'ahu. Jaucas sand is classified as a nonhydric soil.

Water levels within the Project Area typically range between 0 feet to approximately 2 feet. According to the TBR Stormwater Master Plan (2019), the existing condition water surface elevation at the Project Area is 17.06 feet above mean sea level. During the environmental surveys conducted by AECOS in June 2021, no significant changes in water level were observed in the 'Ō'io Stream channel during the course of the day, suggesting a very weak tidal response. During heavy and/or sustained rainfall events, the channel sometimes overflows into the golf course. Maintenance of the golf course is managed annually by the golf operational staff with the last major maintenance activity occurring in 2014.

This area is not a groundwater recharge area due to its proximity to the coast. The 'Ō'io Stream drains the upper reaches of the 'Ō'io watershed conveying stormwater runoff towards TBR. Flows from 'Ō'io Gulch are directed into the East Main Drain channel at Kamehameha Highway before draining directly into the ocean.

The East Main Drain drainage subsystem conveys stormwater runoff originating from within TBR east of Kuilima Drive and from upland areas of the 'Ō'io watershed. 'Ō'io Gulch presently passes through mauka agricultural lands with various unlined plantation ditches connecting to it, enters TBR through the 22 ft. long by 7 ft. high 'Ō'io Bridge under Kamehameha Highway, continues in the grassed East Main Drain channel, and discharges through four (4) 72-inch diameter culverts at the coastline. These culverts are often clogged with sand that is pushed into them by the ocean current. As authorized under existing permits, the resort staff manually removes the sand prior to the forecast of larger rain events. The berm is also sometimes removed naturally by winter swells. Downstream of 'Ō'io Bridge, the East Main Drain channel has an approximate 30 ft. bottom width spanning the length of the golf course between the highway and the ocean.

The property owners complete regular maintenance on the East Main Drain channel and in 2016 applied for and received all required permits from the U.S. Army Corp of Engineers and the City and County of Honolulu to clean out portions of built-up sediment in the East Main Drain channel. In addition, the property owners have permits to remove built up sand sediments from time-to-time as needed on the *makai* or oceanside of the existing culvert at the East Main Drain.

Results of water quality tests conducted in the Project Area are provided in Figure 2. A summary of the results state that there was a notable increase in temperature at all three sampling stations between the morning and afternoon sampling events. These differences indicate little horizontal flow in the *muliwai* during daylight hours. There was also little change in salinity at Station 1, but salinity decreased at Stations 2 and 3 during the afternoon event. Dissolved oxygen saturation levels were low at all three stations during the morning sampling and somewhat higher during the afternoon sampling. Particulate levels (chlorophyll  $\alpha$ , turbidity and TSS) were elevated at all stations, but especially at Station 2. Ammonium and total nitrogen concentrations were very high at all stations during both morning and afternoon sampling events. Nitrate+nitrite concentrations were also high but not as high as ammonium. Interestingly, total phosphorus concentrations were low compared with total nitrogen concentrations.



Station	Time	Temp. (°C)	Conductivity (µs/cm)	Salinity (ppt)	pH (su)	DO (mg/L)	DO Sat (%)
Station 1 (AM)	0945	25.8	26100	15.65	7.39	4.16	56
Station 1 (PM)	1420	32.6	29600	15.71	7.34	4.38	65
Station 2 (AM)	0955	29.0	26700	15.08	7.63	4.71	66
Station 2 (PM)	1429	33.6	26900	13.96	7.70	5.51	84
Station 3 (AM)	1020	28.3	17600	9.96	7.40	4.30	60
Station 3 (PM)	1440	33.9	10700	5.08	6.64	4.64	68
<i>Water Quality Standards</i>	—	(±1°)	—	(±10%)	(8.1 – 8.6)	—	>75%

Station	Chlorophyll <i>a</i> (µg/L)	Turbidity (mg/L)	TSS (mg/L)	NH <sub>4</sub> (µg/L)	NO <sub>3</sub> +NO <sub>2</sub> (µg/L)	TN (µg/L)	TP (µg/L)
Station 1 (AM)	6.32	14.4	15	259	117	1180	6.32
Station 1 (PM)	5.40	11.4	13	227	117	1190	5.40
Station 2 (AM)	10.6	46.0	49	284	92	1370	10.6
Station 2 (PM)	9.34	56.0	62	193	109	1310	9.34
Station 3 (AM)	3.58	31.0	35	322	169	1170	3.58
Station 3 (PM)	6.99	24.0	24	212	181	1140	6.99
<i>Water Quality Standards</i>	1.50	1.5	—	6.0	8.0	200	25.0

Figure 2. Water quality results for June 7, 2021 sampling event in 'Ō'io Stream (AECOS, 2021).

**Item 32 – Identify and describe the project components outlined below.**

**A. Materials**

Materials that will be used for the construction of the new road crossing include concrete, rock (Standard Class III Riprap) and geotextile fabric. Prior to construction, temporary pollution and erosion control measures, such as sandbags, earthen berms, and/or coffer dams will be placed within the stream bed to isolate the work area and temporarily isolate the foundation work area while flows within the stream are maintained. The sandbags would be filled with clean aggregate and the outer/bag material would be made of new woven polypropylene or polyimide fabric with ultraviolet protection. The temporary earthen berm would be created using in-situ soil and the coffer dam would consist of a steel sheet pile installed on the land side of the sandbags to further isolate the work area from the stream. The structural foundation and pre-cast concrete span units would then be constructed followed by construction of the new road. Construction of the new road would involve grading the proposed alignment, installing underground utilities, paving the roadway/paths with either asphalt pavement or concrete, and landscaping. Silt fences, netting and/or filter fabric will be used during construction of the new road above to catch falling debris and sediments before it enters the stream.

**B. Quantities (Approximate)**

Length: 140 ft.  
Area: 4,200 sq. ft. (0.096 acres)  
Volume: 1,793 c.y.  
Duration: Permanent  
Material: Concrete (Conspan structure, wingwalls, foundation)  
Rock (Standard Class III Riprap)  
Geotextile fabric

**C. Excavation**

The foundation area for the Conspan structure is proposed to be excavated to allow for construction. The use of a foundation and deep foundation system will be required to support the span structures. A deep foundation will be accomplished by either jet grout columns or micropiles. Both methods require installation of subgrade support columns to depths of approximately 18-ft below existing grade. Either a precast or cast-in-place foundation will be placed upon the deep foundation to the final grade.

**D. Fill**

The source of fill material would be from on-site ground disturbance to the extent practicable.

**E. Disposal**

Any construction waste would be disposed of at an approved construction and demolition landfill.

**F. Construction Methods**

Prior to construction, temporary pollution and erosion control measures, such as sandbags filled with aggregate, will be placed within the stream bed to isolate the work area and temporarily isolate the foundation work area from the stream. Construction will be performed during periods of low stream flow although a temporary earthen berm or coffer dam type system may need to be constructed on the land side of the sandbags to further isolate the work area from the stream. Dewatering will be implemented as required to maintain a dry work area. The dewatering effluent will be directed to an adjacent landscaped area for infiltration. This infiltration area will be wider than it is deep.

The foundation area will be sufficiently excavated to allow for construction. The use of a foundation and deep foundation system will be required to support the span structures. A deep foundation will be accomplished by either jet grout columns or micropiles. Both methods require installation of subgrade support columns to depths of approximately 18-ft below existing grade. Either a precast or cast-in-place foundation will be placed upon the deep foundation. The temporary earthen berm or offer dam will be removed upon completion of the foundation construction.

To facilitate the remainder of the construction activities, or construction of the spans, sandbags will be placed on the upstream and downstream ends of the Project Area to isolate the work area from the stream. Temporary earthen berms will then be constructed within the work areas to further isolate the work area. A pump will be provided at the upstream end and will discharge water at the downstream end to maintain stream flows.

Scour protection (riprap) will be placed along the wing walls and scour prone areas at the upstream end of the proposed structure. Scour protection within the span will be mitigated by the foundation and deep foundation system. Assembly of the precast span units will then commence. This process includes setting of the precast span units, wingwalls, grouting, sealing joints and backfilling the structure to construct the new road above. Netting or filter fabric will be used to catch falling debris before it enters the stream during construction of the road. Construction of the new road would involve grading the proposed alignment, installing underground utilities, paving the roadway/paths with either asphalt pavement or concrete, and landscaping. Upon completion, the pump, sandbags, temporary earthen berms, and temporary pollution and erosion control measures will be removed, and the site will be restored to as close to pre-construction condition as possible.

**A. Temporary Facilities**

A temporary access path within the stream bed is proposed to provide access to the in-water construction area. Stockpiling and staging for the project would be located out of the drainageway, on either side within the existing Fazio golf course area. BMPs would be implemented in all stockpiling and staging areas. Sandbags, a temporary berm, and/or cofferdam would also be placed temporarily as a pollution and erosion control measure along with a silt fence and netting/fabric placed along the road construction areas.

**B. Expected period of time required for construction**

It is anticipated that the duration of construction will be approximately 18 to 24 months of which approximately 6 to 8 months will consist of work to install a new crossing within 'Ō'io Stream.

**C. Liability during construction**

Liability during construction will be with the Contractor.

**Item 33 – Describe the project's consistency with county zoning and development plans.**

As noted previously, the purpose of the proposed permit activity is to maintain drainage capacity and stream flow within the 'Ō'io Stream and allow construction of a new private roadway within the existing Turtle Bay Resort. The proposed road, Kaihalulu Drive, will provide access to various resort facilities, new public shoreline access points, comfort station, parking and amenities pursuant to the master plan for the resort. The following is a discussion of the project's consistency with county zoning and development plans as it relates to the proposed infrastructure improvements. A full discussion of the overall development's consistency with county zoning and development plans is provided in Volume I, Chapter 6 of the 2013 FSEIS.

**General Plan for the City and County of Honolulu (amended 2002)**

The project is consistent with the following objective and policies of Oahu's General Plan:

*II. Economic Activity*

*Objective B: To maintain the viability of Oahu's visitor industry.*

*Policy 6: Permit the development of secondary resort areas in West Beach, Kahuku, Makaha, and Laie.*

*Policy 7: Manage the development of secondary resort areas in a manner which respects existing lifestyles and the natural environment, and avoids substantial increases in the cost of providing public services in the area.*

The proposed project would provide access to an approved resort development and new public shoreline access points and related improvements in the well-established resort area of Turtle Bay in Kahuku. The master plan for TBR honors a commitment to reduce the proposed 3,500 units to only 725 units reflecting a significantly less density and a more culturally and environmentally sensitive approach to development in the area. The project will also focus development of visitor accommodations in a designated resort area.

Ko'olau Loa Sustainable Communities Plan (2021)

As stated in the Ko'olau Loa Sustainable Communities Plan:

*Plans to expand the resort should be maintained, with surrounding areas to be preserved for open space and low impact recreation. Resort expansion within the context of existing land use approvals will provide a major source of jobs for Ko'olau Loa and North Shore residents, significantly improve shoreline access and use opportunities for residents, and include other amenities that may be enjoyed by residents and visitors alike.*

The proposed project would not result in an expansion of the resort beyond what is consistent with already granted land use approvals. Furthermore, the project is consistent with the following guidelines (3.8.1.2):

**Shoreline Access.** Access to the shoreline areas will be maintained during construction and enhanced with generous shoreline setbacks that will provide unencumbered coastal access into the future. The Applicant will provide alternate access routes to the shoreline should current routes be obstructed during construction.

**Natural Environment.** Approximately 568 acres of the TBR property is preserved in open space in perpetuity. The proposed project is consistent with the master plan for TBR and already granted land use approvals.

**Views and Vistas.** Landscaped areas along the new road will be designed to protect and emphasize dramatic coastal views from within the resort property where visible, consistent with design guidelines.

**Cultural Resources.** The project will implement the necessary mitigative measures discussed in Item 28 to protect cultural resources and practices within the project vicinity.

City and County of Honolulu Land Use Ordinance

The Project Area is situated within the City's Resort and Preservation (P-2) zoning districts. Roadways are an accessory use to proposed resort development in the area. Easements on the subject parcels have been granted for the purpose of access and utility. The project will be designed and constructed according to applicable City design standards and guidelines of the Kuilima Resort Urban Design Plan.

**Item 34 – Identify potential alternatives to the project and describe the relative costs and benefits of each alternative.**

Kaihalulu Drive will provide access to various resort facilities and amenities as approved through various land use entitlements for the resort. Pursuant to the conditions of these approvals and subsequent agreements, several hundred acres of the TBR resort property has been encumbered with a conservation easement that prohibits development in perpetuity. Therefore, the location of developable land is fixed and there are no other road alignment alternatives that would avoid crossing 'Ō'io Stream.

Other alternatives considered include a bridge option, a wider Conspan system that fully spans the stream above the ordinary high water mark (OHWM), and a multiple barrel culvert system. The bridge option would require a more extensive deep foundation system and would require a higher road profile that would result in impacts to the wetland area and make it economically unfeasible to construct.

For the wider Conspan culvert option, the design would require a span of at least 48 feet to clear the stream above the OHWM. The largest span available on Maui is 36 feet. Moreover, only a span of up to 28 feet can be shipped to O'ahu from Maui and since concrete forms of this size are only available on Maui, cast-in-place was not an option.

The multiple barrel culvert option was the most similar to the preferred alternative in terms of constructability and economic feasibility. However, this option is anticipated to result in a larger impact to waters of the U.S. since the footprint of the structure would be larger overall with a footing placed down the middle of the stream.

In summary, the preferred alternative was selected as the option that provides the best balance of minimizing encroachment into the stream while remaining economically feasible and constructable.

## **SUBMITTALS**

### **Item 35 – Location Map**

See Exhibit A – USGS Quad Map, TMK Plat Map, and Figures A-1 and A-2

### **Item 36 – Plans / Elevations / Sections**

See Exhibit A – Figures A-3 and A-4

## **CULTURAL IMPACTS**

### **Item 27 – Please provide the identity and scope of cultural, historical, and natural resources in which traditional and customary native Hawaiian rights are exercised in the area.**

A Cultural Impact Assessment (CIA) dated August 2012 was prepared in support of the 2013 FSEIS. The CIA found that the TBR property and surrounding areas contain an array of cultural resources that are currently used for traditional cultural practices, including marine food sources, medicinal plants, plants used in crafts, wood for woodcarving, and salt for various uses. Also, the land and sea are used for a variety of traditional and non-traditional sports and recreational activities such as swimming, diving, fishing, surfing, and canoeing. With respect to the current Project Area there are no significant cultural, historical and natural resources in which traditional and customary native Hawaiian rights are exercised. The closest such activities take place offshore in shallow waters approximately 500 to 700 feet to the north and east of the Project Area.

ASM Affiliates has completed the most recent archaeological work within the TBR development area and the locations of all the archaeological sites slated for preservation relative to the current Project Area are shown on Figure 3. There are no known archaeological sites within the Project Area, and ASM Affiliates has also completed an Archaeological Monitoring Plan that has been accepted by SHPD, which will be followed during project implementation. A copy of SHPD's acceptance letter for the Archaeological Monitoring Plan along with SHPD's letters accepting the other mitigation plans prepared for TBR are provided in Exhibit B.



Site No.*	Formal Type	Function	Age
4488	Human remains	Burial	Prehistoric/early historic
5791	O. R. & L. railroad grade	Transportation	Historic
6411	Kahuku Point Archaeological Area/ Subsurface cultural deposit	Habitation/burial	Precontact
6412	Punaho'olapa Marsh	Agriculture/resource area	Prehistoric/early historic
7261	Concrete structure	Gun position	Historic
7262	Concrete slab	Indeterminate	Historic
7264	Revetment	Storage	Historic
7266	Concrete pier blocks	Indeterminate	Historic
7271	Asphalt area	Transportation	Historic
7288	Human remains	Burial	Prehistoric
7289	Cultural deposit with human remains	Habitation/burial	Prehistoric
7292	Subsurface cultural deposit	Habitation	Prehistoric
7293	Subsurface cultural deposit	Habitation	Prehistoric
7294	Subsurface cultural deposit	Habitation	Prehistoric
7295	Subsurface cultural deposit	Habitation	Prehistoric
7296	Subsurface cultural deposit	Habitation	Prehistoric

\* Site Nos. preceded by prefix 50-80-02-

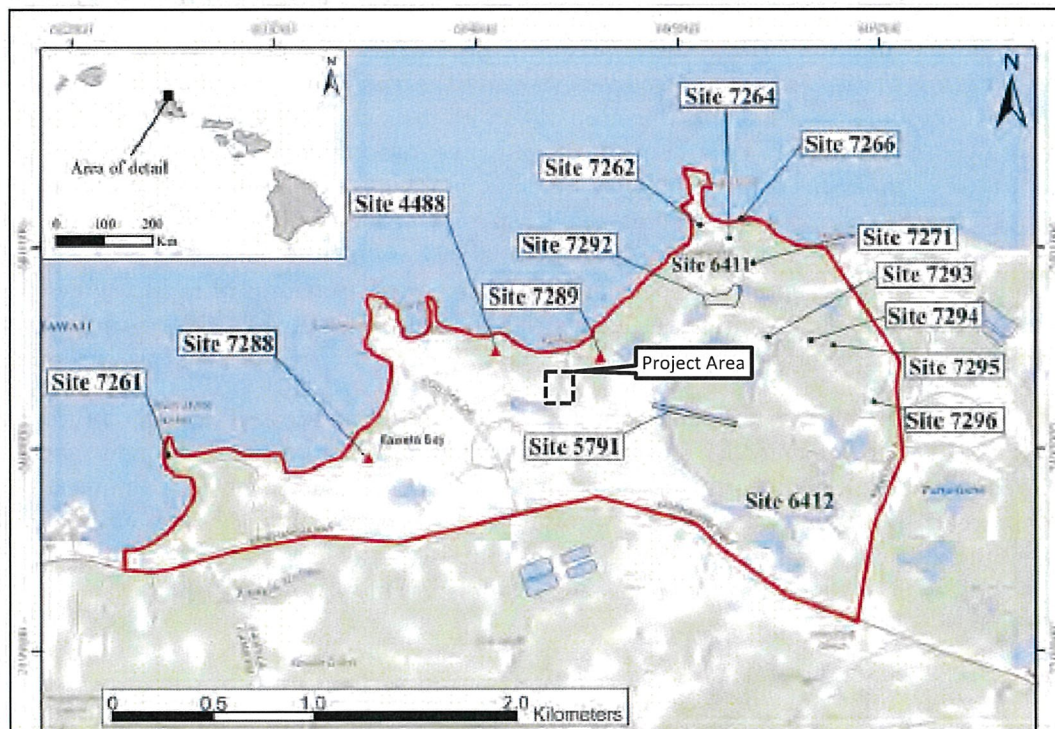


Figure 3. Known archaeological sites slated for preservation/protection within TBR development area (ASM Affiliates, 2020).

**Item 28 – Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.**

#### Marine and Terrestrial Resources

No impacts to terrestrial resources are anticipated as none have been identified to occur within the Project Area. Potential impacts to near shore marine resources will be mitigated during construction through the implementation of a BMP plan that will restrict the discharge of contaminants to wetlands, streams, and the ocean. The project will also be subject to the conditions of regulatory permits and controls, such as a Department of the Army Nationwide Permit, Section 401 Water Quality Certification,

NPDES permit, State Water Quality Standards, and the City and County of Honolulu's Rules Relating to Water Quality. In the long-term, all future development will be subject to State Water Quality Standards and the City's Rules Relating to Water Quality. Moreover, the Applicant and/or its successors will be responsible for preparing a Coastal Resources Management Plan and developing an education program to be implemented with the future build out of the resort.

#### Contemporary Use of Land and Sea

No impacts on contemporary and ancient versions of traditional activities as well as non-traditional activities or uses of the land and sea are anticipated with this project. Access to the shoreline areas and other areas used for traditional and non-traditional activities will be maintained during construction and generous shoreline setbacks provide unencumbered coastal access into the future. The Applicant will provide alternate access routes to near shore marine resources and activities should current routes be obstructed during construction.

#### **Item 29 – What feasible action, if any, could be taken by the Commission on Water Resource Management in regards to your application to reasonably protect Native Hawaiian rights?**

The owners at the time the 2013 SEIS was prepared re-reinforced meaningful community relationship with the public and particularly with the range of stakeholders involved with the lands at TBR. As a result, extensive public outreach went into the preparation of the accepted SEIS. Engagement strategies included individual and small talk story sessions, group meetings, traditional public meetings, convening of a Cultural Advisory Council and the Kahuku Burial Committee, establishing a website, public notices, and ethnographic interviews. What ultimately transpired was a commitment to reduce the proposed 3,500 units to only 725 units reflecting a significantly less density and a more culturally and environmentally sensitive approach to development in the area. Hundreds of acres were also entered into a conservation easement further reflecting the collaboration between the owners, government leaders, and North Shore community groups.

The Applicant shares the same commitment and desire as its predecessor to maintain a meaningful relationship with the community and stakeholders, and to ensure a more culturally and environmentally sensitive approach to development is implemented. As such, the Applicant will continue to build off previous outreach efforts and will continue to consult with the community and numerous stakeholders to implement the previously defined recommendations that will reasonably protect cultural, historical, and natural resources at TBR, including traditional and customary Native Hawaiian rights.

## **EXHIBIT A**

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**USGS Quad Map**

**TMK Plat Map**

**Figure A-1**

**Location and Vicinity Map**

**Figure A-2**

**Aerial Map**

**Figure A-3**

**28'x8' B-Series Conspan Single Barrel**

**Figure A-4**

**CON/SPAN Culvert Riprap Conceptual Plan**





U.S. DEPARTMENT OF THE INTERIOR  
U.S. GEOLOGICAL SURVEY



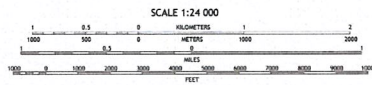
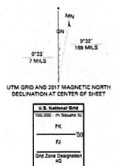
KAHUKU QUADRANGLE  
HAWAII - HONOLULU COUNTY  
7.5-MINUTE SERIES



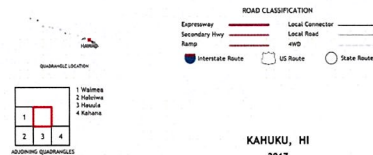
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North American Datum of 1983 (NAD83)  
Horizontal Coordinates are in UTM Zone 18Q  
Vertical Coordinates are in Meters  
This map is not a legal document. Boundaries may be  
different from the actual boundaries. Please check with the  
appropriate authority for the most current information.

Imagery: U.S. Census Bureau, June 2014  
Base: U.S. Census Bureau, June 2014  
Hydrography: National Hydrography Dataset, 2011  
Centroids: National Elevation Dataset, 2011  
Boundaries: Multiple sources, see metadata file 2014  
Wetlands: FWS National Wetlands Inventory 1976 - 2005

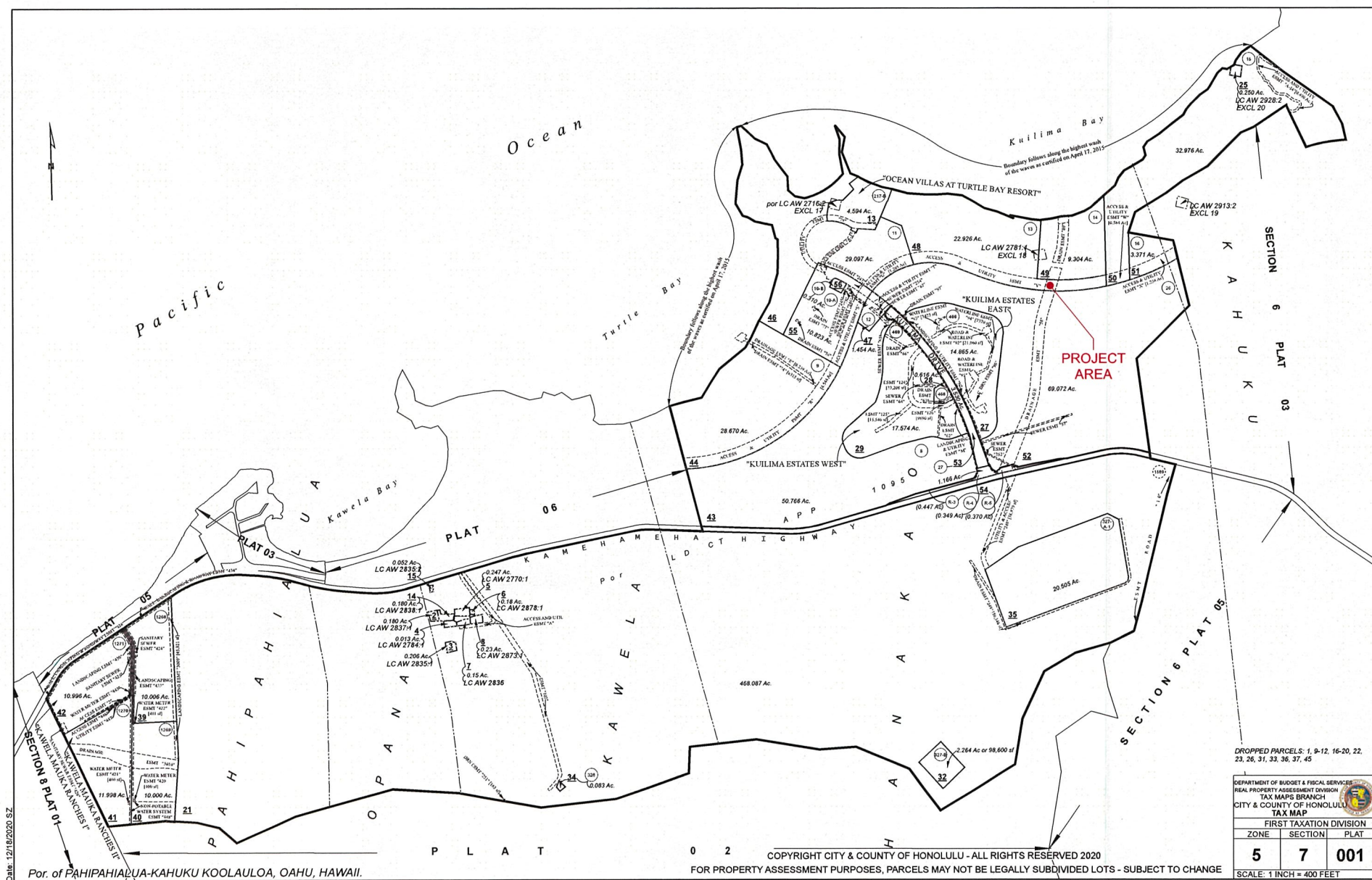


CONTOUR INTERVAL 40 FEET  
DATUM: U.S. LOCAL MEAN SEA LEVEL  
This map was produced in conformance with the  
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A metadata file associated with this product is disk version 0.1.18



KAHUKU, HI  
2017







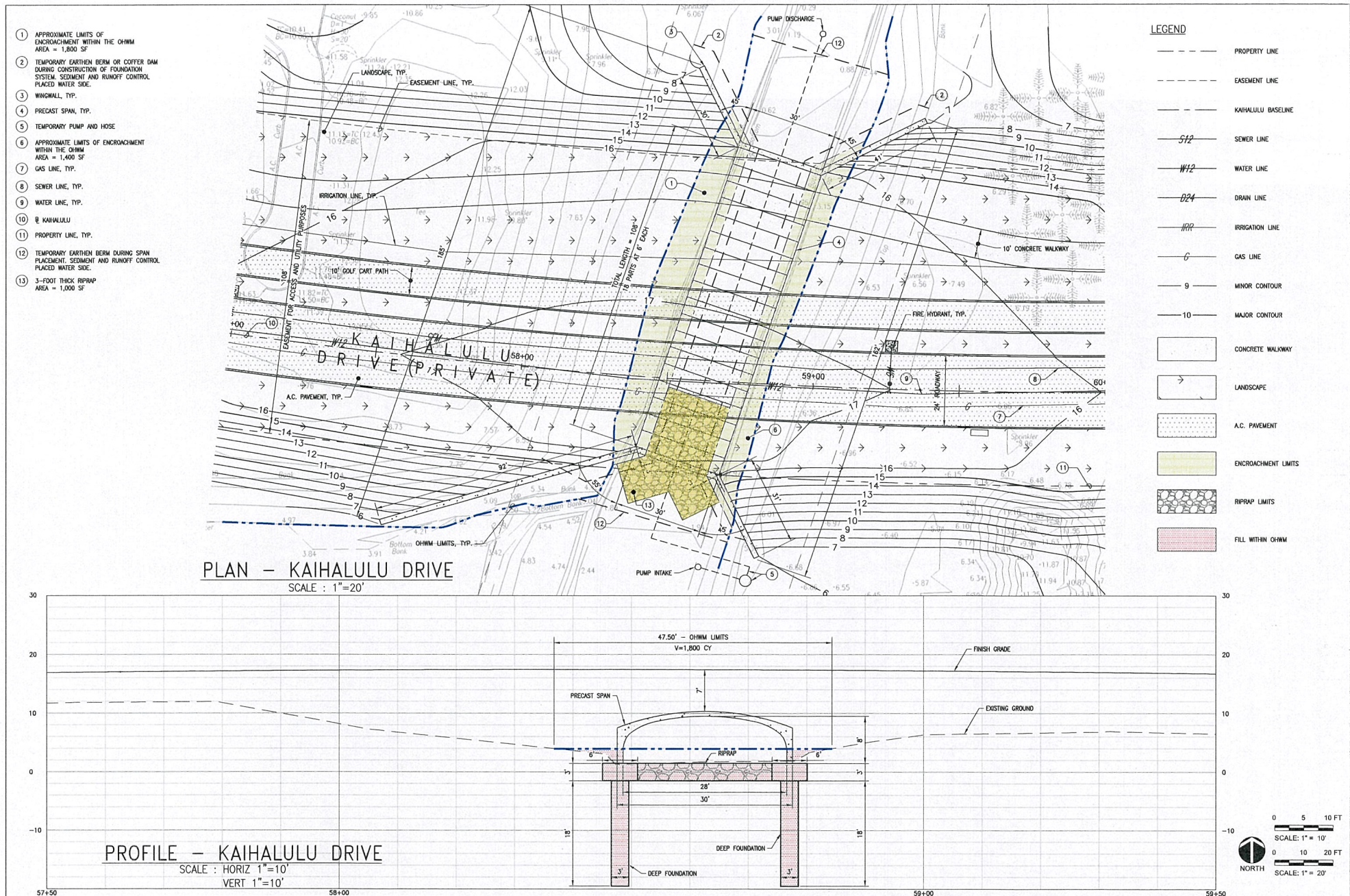






**FIGURE A-2**  
AERIAL MAP

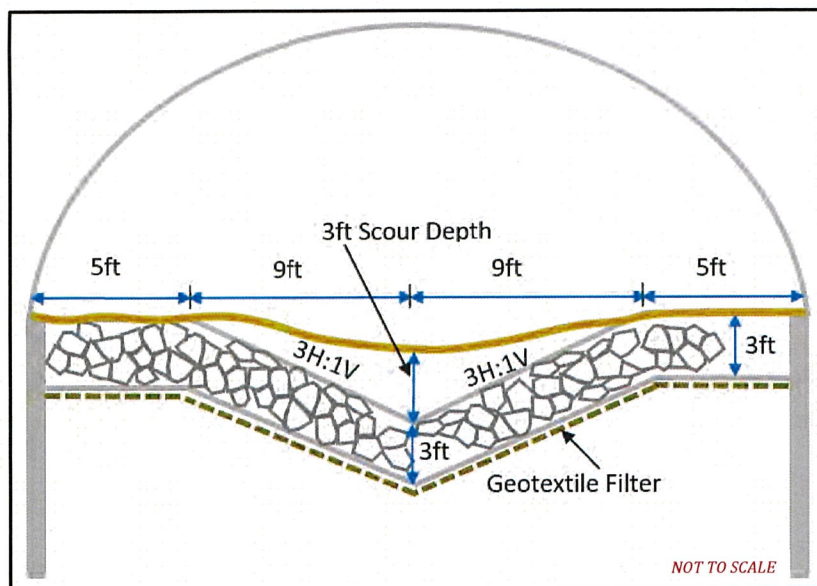








Plan View: Riprap Protection for CON/SPAN Culvert with Wingwalls



Riprap Protection for CON/SPAN Culvert

### Recommended Design

Riprap protection with a minimum thickness of 3 ft should be placed around the CON/SPAN culvert and the wingwalls.

Riprap shall have a minimum  $D_{50}$  of 12 inches, which corresponds to Standard Riprap Class III.

### Standard Riprap Gradation (FHWA, 2009)

CLASS	SIZE	$D_{15}$		$D_{50}$		$D_{85}$		$D_{100}$
		MIN	MAX	MIN	MAX	MIN	MAX	
III	12 in	7.3	10.5	11.5	14.0	15.5	18.5	24.0

\*Note: Nominal riprap class by median particle diameter; size in inches

### RIPRAP SIZING & LAYOUT DIMENSIONS

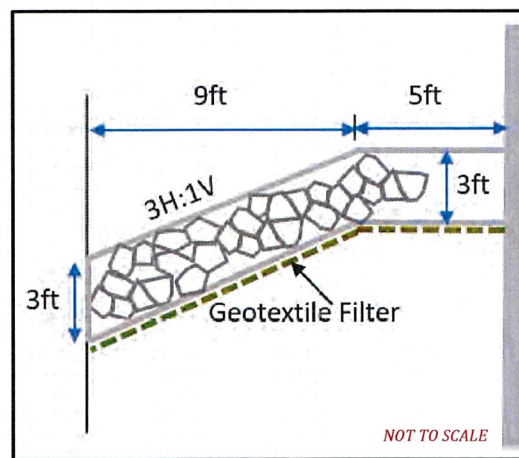
DESCRIPTION	CONSPAN CULVERT
Median Riprap Size ( $D_{50}$ )	1 ft (12 in)
Standard Riprap Class	Class III
Riprap Extent	See plan view
Minimum Riprap Thickness	3 ft
Geotextile Filter Extent	Same as riprap extent

	Yes	No	
Underwater Placement		X	
	100	200	500
Riprap Design Event (year)	X		

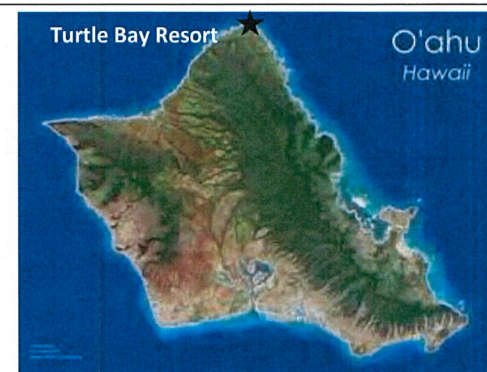
### Construction Notes

- Geotextile to be specified based on site-specific soil characteristics.
- Do not puncture geotextile during riprap placement.

### Cross Section View: CON/SPAN Culvert with Wingwall Design Guideline 18, HEC-23



Riprap Protection along Wingwalls



### Turtle Bay Resort Kaihalulu East Roadway Extension, O'ahu CON/SPAN Culvert Riprap Conceptual Plan



September 10, 2021

FIGURE A-4

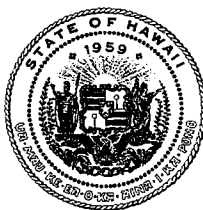


## **EXHIBIT B**

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### **SHPD Acceptance Letters**

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLEI, HAWAII 96707

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

November 13, 2020

Kathy K. Sokugawa., Director  
Department of Permitting and Planning  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

Samantha Canon  
BRE Turtle Bay Development, LLC  
57-091 Kamehameha Highway  
Kahuku, HI 96731  
[scanon@tbrdevelopment.com](mailto:scanon@tbrdevelopment.com)

Dear Ms. Sokugawa and Ms. Canon:

SUBJECT: **Chapter 6E-42Historic Preservation Review –  
Subdivision Application No. 2014/SUB-145 - Turtle Bay Resort  
Archaeological Monitoring Plan  
'Ōpana, Kawela, Hanakaoe, Ulupehupehu, Ō'io, Punalau, and  
Kahuku Ahupua'a, Ko'olauloa District, Island of O'ahu,  
TMK: (1) 5-6-003:054-062; (1) 5-7-001:013, 027-029, and 043-053; and  
(1) 5-7- 006:024-030**

This letter provides the State Historic Preservation Division's (SHPD's) review of the archaeological monitoring plan (AMP) titled, *Archaeological Monitoring Plan for Activities within the Turtle Bay Resort Development Area, 'Ōpana, Kawela, Hanakaoe, Ulupehupehu, Ō'io, Punalau, and Kahuku Ahupua'a, Ko'olauloa District, Island of O'ahu, TMK: (1) 5-6-003:054-062; (1) 5-7-001:013, 027-029, and 043-053; and (1) 5-7-006:024-030* (Gotay and Rechtman, December 2018).

ASM Affiliates (ASM) prepared this draft archaeological monitoring (AMP) on behalf of BRE Turtle Bay Development, LLC, in support of all proposed development activities that include subsurface disturbance within the Turtle Bay Resort development area on be. The Turtle Bay Resort property, totaling 840 acres is owned by a series of related entities, all private, including BRE Turtle Bay Development LLC (BRE), BRE Turtle Bay Resort LLC, and BRE Mauka Lands LLC. The resort property is bounded to the south by Kamehameha Highway (Hwy 83), to the east by Marconi Road, and to the west and North by the ocean.

The proposed development will expand the existing resort to include some combination of resort hotels, condo hotels, residential, commercial and recreation development on three defined, entitled and zoned oceanfront and other supporting infrastructure sites; as well as parks, shoreline setbacks, and public shoreline access points.

In 2014, the previous owner, Turtle Bay Resort LLC, agreed to designate more than 600 acres (out of the total 840 acres) as a conservation easement, to be called Punaho'olapa Wildlife Preserve. The previous owner and current owner each agreed, in consultation with SHPD, to prepare and implement four archaeological mitigation plans: a data recovery plan, a burial treatment plan, an archaeological monitoring plan (current document), and an archaeological preservation plan.

IN REPLY REFER TO:  
Log No. 2019.00055  
Doc No. 2011GC06  
Archaeology



The burial treatment plan was submitted to the O'ahu Island Burial Council (OIBC) which made a determination of preservation for Sites 50-80-02-4488, 50-80-02-6411, 50-80-02-7289, and the Daniel Pahu grave site and reinternment area; relocation of Site 50-80-02-7288 to the Daniel Pahu grave site; and recommended that SHPD accept the BTP. SHPD accepted the BTP in a letter dated October 12, 2018 (Log No. 2018.02260, Doc. No. 1810RKH07).

The AMP stipulates the following monitoring procedures:

- A coordination meeting shall be conducted between construction team, representatives of the project proponent and the monitoring archaeologist(s) prior to construction activities so the construction team is aware of the plan. At this time, the archaeologist shall advise the participants of the monitor's responsibilities for daily documentation of construction activities, the ability to temporarily stop construction to investigate potential cultural remains, and the documentation requirements;
- On-site monitoring shall be conducted for all project-related ground disturbing activities. One monitor is required for each piece of ground altering machinery during this project;
- The archaeological monitor has the authority to temporarily halt all activity in the area in the event of a potential historic property being identified, or to record archaeological information for cultural deposits or features;
- If non-burial historic properties are identified, documentation shall include, as appropriate, recording stratigraphy using USDA soil descriptions, GPS point collection with a receiver capable of sub meter accuracy, recordation of feature contents through excavation or sampling of features, screening of features, representative scaled profile drawings, photo documentation using a scale and north arrow, and appropriate laboratory analysis of collected samples and artifacts. Additionally, photographs and profiles of excavations shall be collected from across the project area even if no significant historic properties are encountered. Representative profiles shall be a minimum of two-meter-long sections;
- If human remains are identified, work will cease in the vicinity and the find shall be secured, and provisions outlined within the Hawaii Revised Statutes (HRS) §6E-43 and HAR §13-300-40, and any SHPD directives, shall be followed;
- Project materials will be stored temporarily with ASM and final curation facilities shall be determined in consultation with SHPD and the landowner;
- Any samples suitable for radiocarbon analysis shall be submitted for wood taxa identification prior to radiocarbon dating;
- Final curation of collected items shall be determined in consultation with the landowner and the SHPD; and
- Any deviation from these provisions shall occur only in consultation with the SHPD.

The plan is well written and meets the minimum requirements of HAR §13-279-4. **It is accepted.** Please send one hard copy of the document, clearly marked FINAL, along with a copy of this letter and a text-searchable PDF version to the Kapolei SHPD office, attention SHPD Library. Please also provide a PDF copy of the plan to [Lehua.K.Soareshawaii.gov](mailto:Lehua.K.Soareshawaii.gov).

**SHPD hereby notifies** the DPP that construction activities for the current project shall proceed in accordance with the approved monitoring plan. The permit has already been issued.

Upon completion of archaeological monitoring fieldwork, SHPD looks forward for review and acceptance a brief end of field work report within 30 days of completion of archaeological field monitoring. SHPD looks forward to reviewing an archaeological monitoring report meeting the requirements of HAR §13-279-5 within 60 days after completion of fieldwork.

Please contact Dr. Susan A. Lebo, Archaeology Branch Chief, at [Susan.A.Lebohawaii.gov](mailto:Susan.A.Lebohawaii.gov) or at (808) 321-9000, for any questions regarding this letter.

Aloha,

**Alan Downer**

Alan S. Downer, PhD  
Administrator, State Historic Preservation Division  
Deputy State Historic Preservation Officer

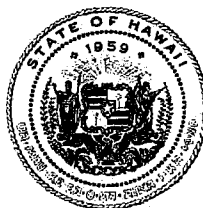
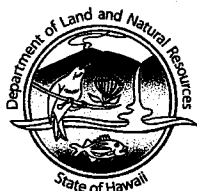
Kathy Sokugawa and Samantha Canon

November 13, 2020

Page 2

cc: Bob Rechtman, [brechtman@asmaffiliates.com](mailto:brechtman@asmaffiliates.com)  
Wallace Carvalho, [wcarvalho@honolulu.gov](mailto:wcarvalho@honolulu.gov)  
Perry Tamayo, [ptamayo@honolulu.gov](mailto:ptamayo@honolulu.gov)  
Kanani Padeken, [kpadeken@honolulu.gov](mailto:kpadeken@honolulu.gov)

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLEI, HAWAII 96707

October 12, 2018

BRE Turtle Bay Development, LLC  
57-091 Kamehameha Highway  
Kahuku, HI 96731

LOG NO: 2018.02260  
DOC NO: 1810RKH07

Aloha mai kākou,

**SUBJECT: DRAFT Burial Treatment Plan for Five Sites within the Turtle Bay Resort Property, Portions of TMKs: [1] 5-6-003:054, 055, and 062; 5-7-001:044, 048, and 050**

The above DRAFT Burial Treatment Plan was submitted to the State Historic Preservation Division's Kapolei office and addressed at the Oahu Island Burial Council's meeting on October 10, 2018 (Agenda item IV. F).

At its meeting on October 10, 2018, the OIBC made the following determinations: sites 50-80-02-4488, -6411, -7289, and the Daniel Pahu grave sites and reinterment area shall be preserved-in place; and site -7288 shall be relocated to the Daniel Pahu grave site, with disinterment and relocation of the disturbed remains comprising site -7288 conducted by the Kahuku Burial Committee with the assistance of an ASM archaeologist in recovery and identification of the skeletal material.

At the same meeting, the OIBC also recommended that the SHPD accept the BTP.

**The above BTP is accepted.**

Please submit one hard copy of the plan to our Kapolei office, titled: *Burial Site Component for Five Sites within the Turtle Bay Resort Property, Portions of TMKs: [1] 5-6-003:054, 055, and 062; and 5-7-001:044, 048, and 050*. Please also submit a text searchable e-version (CD if e-version not possible) to our SHPD Librarian/Archivist, at [dlmr.hp.library@hawaii.gov](mailto:dlmr.hp.library@hawaii.gov).

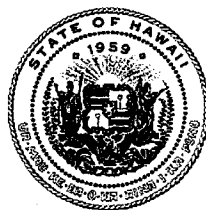
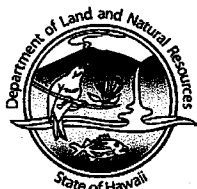
Questions, comments and/or concerns may be directed to Ms. Regina K. Hilo, Burial Sites Specialist, at [Regina.Hilo@hawaii.gov](mailto:Regina.Hilo@hawaii.gov).

Mahalo nui  
*Hinano Rodrigues*

Hinano Rodrigues, J.D.  
Branch Chief, History and Culture

CC: Dr. Susan Lebo, Branch Chief, Archaeology  
Bob Rechtman, Ph.D, ASM and Affiliates; [brechmant@asmaffiliates.com](mailto:brechmant@asmaffiliates.com)

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD., STE 555  
KAPOLEI, HI 96707

SUZANNE D. CASE  
CHAIRPERSON  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

August 16, 2021

Mr. Dean Uchida, Director  
Department of Planning and Permitting  
City and County of Honolulu  
One Main Plaza Building  
650 South King Street  
Honolulu, Hawaii 96813  
[Dean.Uchida@honolulu.gov](mailto:Dean.Uchida@honolulu.gov)

Samantha Canon  
Turtle Bay Development  
57-091 Kamehameha Highway  
Kahuku, HI 96731  
[scanon@tbrdevelopment.com](mailto:scanon@tbrdevelopment.com)

Dear Mr. Uchida and Ms. Canon:

**SUBJECT: Hawaii Revised Statutes (HRS) §6E-42 Historic Preservation Review –  
Subdivision Application No. 2014/SUB-145 – Turtle Bay Resort  
Archaeological Data Recovery Plan for Sites 50-80-02-7289, 7290, and 7291  
Kahuku and Punalau Ahupua'a, Ko'olaupua District, Island of O'ahu  
TMK: (1) 5-7-001:001 and 033**

This letter provides the State Historic Preservation Division's (SHPD's) review of the revised supporting document titled, *An Archaeological Data Recovery Plan for SIHP Sites 7289, 7290, and 7291 within the Turtle Bay Resort Property TMKs: (1) 5-7-001:001 and 033 Kahuku and Punalau Ahupua'a Ko'olaupua District Island of O'ahu* (Rechtman, March 2020). SHPD reviewed the initial draft and requested minor revisions on February 29, 2020 (Log No. 2018.01766, Doc. No. 2002JA02). SHPD received this revised draft data recovery plan (DRP) via email on March 3, 2020, along with SHPD's review of the initial DRP and a summary of how the review comments were addressed (SHPD Log No. 2020.00568). This submittal was provided again to SHPD via HICRIS on April 6, 2021 (HICRIS Project No. 2020PR32675).

ASM Affiliates (ASM) prepared the DRP on behalf of Turtle Bay Resort to mitigate adverse effects of continued resort expansion-related development to State Inventory of Historic Places (SIHP) Sites 50-80-02-7289, 50-80-02-7290, and 50-80-02-7291, three subsurface cultural deposits documented during a supplemental archaeological inventory survey (SAIS) conducted in 2012. Site 7289 contains human skeletal remains, which are not scheduled for data recovery and have been treated separately, in consultation with the O'ahu Island Burial Council (OIBC).

Prior archaeological studies, findings, mitigation recommendations and commitments are summarized in our earlier DRP review letter (February 29, 2020; Log No. 2018.01766, Doc. No. 2002JA02). The three data recovery sites addressed in the DRP (Sites 7289, 7290, and 7291) were initially documented in the Haun et al. (2014) supplemental archaeological inventory survey (SAIS). Site 7289 is a buried cultural deposit with human skeletal remains. Sites 7290 and 7291 are both buried cultural layers. Site 7283 is a rock mound that needs further investigation because it may possibly contain a human burial. The sites are considered significant under Criterion d, for their potential to provide information important for research concerning history or prehistory. Site 7289 is additionally considered significant under Criterion e, as the burial component possesses important value to native Hawaiians. The burial component of Site 7289 will be preserved, in accordance with a SHPD-approved burial treatment plan (October 12,

IN REPLY REFER TO:  
Project No. 2020PR32675  
Log No. 2020.00568  
Doc. No. 2108SL02  
Archaeology

2018; Log No. 2018.02260, Doc. No. 1810RKH07). The final plan is titled, *Burial Site Component for Five Sites within the Turtle Bay Resort Property, Portions of TMKs: [1] 5-6-003:054, 055, and 062; and 5-7-001:044, 048, and 050, Hanakaoe, Kahuku, Ulupehupehu, and Punalau ahupua'a, Ko'olaupua District, Island of O'ahu* (Rechtman and Gotay 2018).

The DRP specifies two research objectives for the current data recovery effort: (1) determine the absolute ages of the cultural deposits present at Sites 7289, 7290, and 7291, and (2) assess the temporal relationship among these sites. The first objective examines the timing of initial habitation of this portion of the Punalau and Kahuku shorelines, while the second objective concerns the development of community and identity.

The plan indicates that the temporal origins of the cultural deposits at these three sites are unclear. Haun et al. (2014) suggested that all three sites are Precontact in age. However, no absolute dating methods have been employed at these three sites. Corbin (2003) reported that radiocarbon dates from nearby buried cultural deposits indicate three overlapping habitation episodes (A.D. 1065-1420; A.D. 1400-1665; A.D. 1620-1950), and the *Māhele* data demonstrate a continuity of use from Precontact to Historic times. During the data recovery investigations, the ages of the cultural deposits at Sites 7289, 7290, and 7291 will be assessed through the recovery of appropriate charcoal samples from well-provenience contexts with attention to charcoal identified as short-lived taxa recovered in situ from primary contexts. If such remains are recovered a maximum of twelve samples will be submitted for age determination analysis.

The plan also indicates that based on *Māhele* records, the area in and around Sites 7289, 7290, and 7291 was inhabited by several possibly closely aligned or related family groups. It is proposed that temporal relationships among family groups or households may be assessed through a comparative analysis of the radiocarbon results. It is posited that, if the absolute dates of the deposits are roughly contemporaneous, with similar and overlapping ranges, then these results can be interpreted to mean that all three site locations represent contemporaneous habitation areas with distinct household groups. If, however, the radiocarbon assays for the three sites produce distinct ranges, then it is possible that the three sites could represent multigenerational recurrent habitation of one family lineage. Other possible scenarios will also be explored.

Data collection will include excavation of a single 2x2-meter unit at each site using arbitrary 10-centimeter levels with natural or cultural stratigraphy. The excavated matrices will be screened using 1/8-inch wire mesh and cultural material will be collected by level. Standard recordation will be completed, including excavation forms, scaled plan view maps, profiles, digital photography. Individual features will be bisected, recorded in profile, and excavated in their entirety. Cultural material collected during excavation will be cataloged and analyzed, and as appropriate will be photographed, drawn, and/or selected for more detailed analyses (e.g., Energy dispersive X-ray Florescence [EDXRF]). Faunal remains will be tabulated, identified to lowest taxonomic level possible, and where appropriate, the Number of Identified Specimens (NISP) and the Minimum Number of Individuals (MNI) will be determined. Charcoal and other organic samples will be prepared for possible radiocarbon dating. Only short-lived taxa recovered in situ from a clear stratigraphic context will be submitted for radiocarbon age determination.

The revised DRP adequately meets the requirements of Hawaii Administrative Rules (HAR) §13-278-3. The data recovery plan is accepted. Please submit a hard copy and a text-searchable pdf copy of the plan, clearly labeled Final, along with a copy of this acceptance letter to the SHPD Kapolei office, attention Library. Submit a second text-searchable pdf copy of the plan and a copy of this letter to HICRIS Project No. 2020PR32675 using the Project Supplement option. Lastly, please submit a text-searchable copy of the final DRP to [Lehua.K.Soures@hawaii.gov](mailto:Lehua.K.Soures@hawaii.gov).

**SHPD hereby notifies the DPP** that the Rechtman (2020) data recovery plan is accepted. The data recovery excavations represent one of the agreed-upon mitigation measures associated with the subject permit application. The data recovery excavations may proceed in accordance with the SHPD-approved DRP.

Additionally, **SHPD agrees with** Turtle Bay Resort's commitment to complete the two following two revised mitigation commitments:

1. Site 7292 which was included in error in the original draft archaeological preservation plan (2019) will be reinstated to its former data recovery status and a separate data recovery plan meeting the requirements of HAR §13-278-3 will be submitted to SHPD for review and acceptance for Site 7292 [per letter dated June 21, 2021 from Scott McCormack, BRE Turtle Bay Development, LLC to Susan Lebo, SHPD].

Dean Uchida  
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2. Site 7283 (rock mound) will be subjected to supplemental AIS testing rather than data recovery [per letter addressing DRP revisions dated March 9, 2020 from Bob Rechtman, ASM Affiliates to Jane Allen and Susan Lebo, SHPD]. Upon completion, a SAIS letter report meeting the requirements of HAR §13-276-5 will be submitted to SHPD for review and acceptance.

**SHPD requests** written notification of initiation of the data recovery excavations. Following conclusion of the fieldwork, SHPD looks forward to receiving for review and acceptance a data recovery report (DRR) meeting the requirements of HAR §13-278-4.

Please contact Susan A. Lebo, Archaeology Branch Chief, at [Susan.A.Lebo@hawaii.gov](mailto:Susan.A.Lebo@hawaii.gov) for any concerns regarding this letter.

Aloha,

*Alan Downer*

Alan S. Downer, Ph.D.

Administrator, State Historic Preservation Division

Deputy State Historic Preservation Officer

cc: Bob Rechtman, [brechtman@asmaffiliates.com](mailto:brechtman@asmaffiliates.com)  
Perry Tamayo, [ptamayo@honolulu.gov](mailto:ptamayo@honolulu.gov)  
Scott McCormack, [scott@ampacadvisors.com](mailto:scott@ampacadvisors.com)

## **EXHIBIT C**

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**Department of the Army Nationwide Permit Application Form**

<b>U.S. Army Corps of Engineers (USACE)</b> <b>NATIONWIDE PERMIT PRE-CONSTRUCTION NOTIFICATION (PCN)</b> 33 CFR 330. The proponent agency is CECW-CO-R.		<b>Form Approved -</b> <b>OMB No. 0710-0003</b> <b>Expires: 02-28-2022</b>	
<b>DATA REQUIRED BY THE PRIVACY ACT OF 1974</b>			
<b>Authority</b>	Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Regulatory Program of the Corps of Engineers (Corps); Final Rule 33 CFR 320-332.		
<b>Principal Purpose</b>	Information provided on this form will be used in evaluating the nationwide permit pre-construction notification.		
<b>Routine Uses</b>	This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of the agency coordination process.		
<b>Disclosure</b>	Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.		
<p>The public reporting burden for this collection of information, 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at <a href="mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil">whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil</a>. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.</p> <p style="text-align: center;"><b>PLEASE DO NOT RETURN YOUR RESPONSE TO THE ABOVE EMAIL.</b></p> <p>One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see <i>sample drawings and/or instructions</i>) and be submitted to the district engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.</p>			
<b>(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)</b>			
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
<b>(ITEMS BELOW TO BE FILLED BY APPLICANT)</b>			
<b>5. APPLICANT'S NAME</b> First - Donald                      Middle -                      Last - Goodman Company - BRE Turtle Bay Resort, LLC Company Title - Executive VP Development & Capex E-mail Address - dgoodman@brehotels.com		<b>8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)</b> First - REBECCA                      Middle - S                      Last - CANDILASA Company - Wilson Okamoto Corporation E-mail Address - rcandilasa@wilsonokamoto.com	
<b>6. APPLICANT'S ADDRESS</b> Address- 57-091 Kamehameha Highway City - Kahuku                      State - HI                      Zip - 96731                      Country - USA		<b>9. AGENT'S ADDRESS</b> Address- 1907 S Beretania Street, Suite 400 City - Honolulu                      State - HI                      Zip - 96826                      Country - USA	
<b>7. APPLICANT'S PHONE NOs. with AREA CODE</b> a. Residence                      b. Business                      c. Fax                      d. Mobile N/A                      808-232-2285                      N/A                      N/A		<b>10. AGENT'S PHONE NOs. with AREA CODE</b> a. Residence                      b. Business                      c. Fax                      d. Mobile N/A                      (808) 946-2277                      (808) 946-2253                      (808) 551-2944	
<b>STATEMENT OF AUTHORIZATION</b>			
11. I hereby authorize, <u>Wilson Okamoto Corporation</u> to act in my behalf as my agent in the processing of this nationwide permit pre-construction notification and to furnish, upon request, supplemental information in support of this nationwide permit pre-construction notification.			
 103802F08ED81400 SIGNATURE OF APPLICANT		2021-09-16 DATE	
<b>NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY</b>			
<b>12. PROJECT NAME or TITLE (see instructions)</b> Turtle Bay Resort On-Site Infrastructure Improvements (DA File No. POH-2021-00120)			



NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY			
13. NAME OF WATERBODY, IF KNOWN ( <i>if applicable</i> ) <b>'Ō'io Stream (East Main Drain)</b>		14. PROPOSED ACTIVITY STREET ADDRESS ( <i>if applicable</i> ) <b>Kaihalulu Drive East</b>	
15. LOCATION OF PROPOSED ACTIVITY ( <i>see instructions</i> ) Latitude      °N      Longitude      °W <b>21.702564           157.990689</b>		City: <b>Kahuku</b>	State:    Zip: <b>HI      96731</b>
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN ( <i>see instructions</i> ) State Tax Parcel ID      Municipality <b>[1] 5-7-001:048, 049, and 052      City &amp; County of Honolulu</b>  Section      Township      Range <b>Unknown      Unknown      Unknown</b>			
17. DIRECTIONS TO THE SITE From the Haleiwa Historic District, head east on Kamehameha Highway for 0.7 miles. Turn left onto HI-83 E and follow for 10.5 miles to Kuilima Drive. Turn left onto Kuilima Drive and follow for 0.5 miles to the proposed intersection with Kaihalulu Drive East. The project site is located about 0.4 miles east of Kuilima Drive where the proposed Kaihalulu Drive East will intersect with 'Ō'io Stream (East Main Drain).			
18. IDENTIFY THE SPECIFIC NATIONWIDE PERMIT(S) YOU PROPOSE TO USE  <b>NWP #14 – Linear Transportation Project</b>			
19. DESCRIPTION OF PROPOSED NATIONWIDE PERMIT ACTIVITY ( <i>see instructions</i> )  <b>SEE ATTACHMENT</b>			
20. DESCRIPTION OF PROPOSED MITIGATION MEASURES ( <i>see instructions</i> )  <b>SEE ATTACHMENT</b>			
21. PURPOSE OF NATIONWIDE PERMIT ACTIVITY ( <i>Describe the reason or purpose of the project, see instructions</i> )  <b>SEE ATTACHMENT</b>			
22. QUANTITY OF WETLANDS, STREAMS, OR OTHER TYPES OF WATERS DIRECTLY AFFECTED BY PROPOSED NATIONWIDE PERMIT ACTIVITY ( <i>see instructions</i> ) Acres <b>0.25 0.096 (4,200 SF)</b> Linear Feet <b>911 ft</b> Cubic Yards Dredged or Discharged <b>1,793,200 (discharged)</b>			
Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site.			
23. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. ( <i>see instructions</i> ) <b>N/A</b>			
24. If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and requires pre-construction notification, explain how the compensatory mitigation requirement in paragraph (c) of general condition 23 will be satisfied, or explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required for the proposed activity. <b>The proposed activity will not result in the loss of any wetlands; therefore, not compensatory mitigation is proposed nor anticipated to be required.</b>			

25. Is any portion of the nationwide permit activity already complete? ☐ Yes ☒ No If Yes, describe the completed work:

N/A

26. List the name(s) of any species listed as endangered or threatened under the Endangered Species Act that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. (see instructions)

SEE ATTACHMENT

27. List any historic properties that have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic property or properties. (see instructions)

SEE ATTACHMENT

28. For a proposed NWP activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, identify the Wild and Scenic River or the "study river":

The proposed activity will not occur in a river in the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" under the Wild and Scenic Rivers Act.

29. If the proposed NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, have you submitted a written request for section 408 permission from the Corps district having jurisdiction over that project? ☐ Yes ☒ No

If "yes", please provide the date your request was submitted to the Corps district:

30. If the terms of the NWP(s) you want to use require additional information to be included in the PCN, please include that information in this space or provide it on an additional sheet of paper marked Block 30. (see instructions)

The terms of NWP 14 do not require additional information to be included in the PCN. Additional details about the project are provided in the Supplemental Questionnaire included as Exhibit A with this application.

31. Pre-construction notification is hereby made for one or more nationwide permit(s) to authorize the work described in this notification. I certify that the information in this pre-construction notification is complete and accurate. I further certify that I possess the authority to undertake the work described herein as the duly authorized agent of the applicant.

Don Goodman

9/16/2021



2021-09-16

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The pre-construction notification must be signed by the person who desires to undertake the proposed activity (applicant) and, if the statement in Block 11 has been filled out and signed, the authorized agent.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**FORM 6082 ATTACHMENT****Block 19 – Description of Proposed Nationwide Permit Activity**

BRE Turtle Bay Resort, LLC ("Applicant") is proposing to construct a private roadway that runs parallel and approximately 500 feet mauka of the shoreline within the existing Turtle Bay Resort ("TBR") located in Kahuku on the North Shore of O'ahu; see Figure A-1 in Exhibit B. The new private roadway ("Kaihalulu Drive") will provide access to various resort facilities and amenities pursuant to the master plan for the resort as shown in Figure B in Exhibit B. Facilities within Kaihalulu Drive consist of a 24-foot wide asphalt concrete (A.C.) paved road, a 10-foot wide concrete walkway, a 10-foot wide A.C. paved golf cart path, underground utility lines, and landscaping.

Approximately 0.4 miles east of the proposed intersection with Kuilima Drive, the new roadway alignment will cross a downstream portion of 'Ōio Stream (also referred to as the East Main Drain). A new conspan culvert system is proposed to accommodate the crossing of the new roadway ("project"). This conspan culvert system will be designed to retain a natural stream bottom and will be sized to accommodate a 100-year flood event. It is expected to be approximately 30 feet wide with a clearance height of 8 feet. The conspan culvert structures will be made of pre-cast concrete and will be installed in sections for a total length of approximately 108 feet along the stream. Concrete wing walls ranging from 30 feet to 92 feet in length will also be installed on both the upstream and downstream ends of the culverts to protect the roadway embankment from erosion.

The use of a foundation and deep foundation system will be required to support the conspan culvert structures. A deep foundation will be accomplished by either jet grout columns or micropiles. Both methods require installation of subgrade support columns to depths of approximately 18 feet below existing ground level. A foundation approximately 6 feet wide and 3 feet deep will then be placed upon the deep foundation. The foundation is proposed to be constructed using pre-cast concrete but may be cast-in-place depending on site characteristics and constructability issues. To protect the structure from scour, riprap is proposed to be placed at a depth of 3 feet at grade along the wing walls and in scour prone areas at the upstream end of the structure; see Figure C in Exhibit B.

The proposed project will result in the permanent discharge of 1,793 cubic yards of fill within an area encompassing approximately 4,200 square feet along approximately 140 linear feet of the 'Ōio Stream. Refer to Figures A-2 and A-3 in Exhibit B.

**Block 20 – Description of Proposed Mitigation Measures**

It is anticipated that the duration of construction of in water work will be between 6 and 8-months. Construction will essentially take place in two parts: (1) construction of the foundation system and (2) construction of the spans.

Prior to construction of the foundation system, temporary pollution and erosion control measures, such as sandbags filled with aggregate, will be placed within the stream bed to isolate the work area and temporarily isolate the foundation system work area from the stream. A temporary earthen berm or coffer dam type system will be constructed on the land side of the sandbags to further isolate the work area from the stream. Dewatering will be implemented as required to maintain a dry work area. The foundation area will then be sufficiently excavated to allow for construction. Upon completion of the foundation construction, the sandbags and temporary earthen berm or coffer dam will be removed.

To facilitate the remainder of the construction activities, or construction of the spans, sandbags will be placed on the upstream and downstream ends of the project area to isolate the work area from the stream. Temporary earthen berms will then be constructed within the work areas to further isolate the work area. A pump will be provided at the upstream end and will discharge water at the downstream end to divert stream flow around the work area. Assembly of the precast span units will then commence. This process includes setting of the precast span units, wingwalls, grouting, sealing joints and backfilling the structure. Upon completion, the pump, sandbags, temporary earthen berms, and temporary pollution and erosion control measures will be removed. The site will be restored to as close to pre-construction condition as possible.

Minimization of impacts to waters of the U.S. would also be accomplished through adherence to all applicable federal, State, and County regulations and through implementation of BMPs. In addition to the applicable BMPs listed under the 2017 NWP Regional Conditions, proposed BMPs for the project may include, but are not limited to, the following:

- Monitor pumped diversions to ensure the capacity is adequate and all components are working properly.
- Sandbags shall be used to isolate the work area and to prevent runoff from flowing into the stream channel.
- Fill material for sandbags shall be cleaned granular material. Contractor to submit specifications of the sandbag and fill material prior to construction. Fill material should be cleaned offsite. Runoff from the cleaning of fill material shall not be discharged into State waters.
- Runoff collected within contained areas shall not be allowed to flow into stream channel or any State waters. Runoff collected within contained areas shall be pumped to a vacuum truck and taken offsite. The runoff collected within the vacuum truck shall not discharge into the stream or any State waters.
- Construction work within the stream bed shall be done during dry periods to the maximum extent practicable, when stream flow is minimal. Work shall be discontinued during storm events or during flood conditions.
- Treated wood materials are not permitted for forms within the stream channel.
- Any temporary fills or structures will be removed, and disturbed areas shall be restored to pre-construction condition.
- No debris shall be allowed to enter the stream.

#### **Block 21 – Purpose of Nationwide Permit Activity**

The purpose of the proposed permit activity is to maintain drainage capacity and stream flow within the 'Ōio Stream and allow construction of a new private roadway within the existing Turtle Bay Resort. The proposed road, Kaihalulu Drive, will provide access to various resort facilities and amenities pursuant to the master plan for the resort.

**Block 26 – List the name(s) of any species listed as endangered or threatened under the Endangered Species Act that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity.**

A biological survey was conducted for the project, and findings were compiled in the *Environmental surveys in 'Ō'io Stream (East Main Drain), Turtle Bay Resort, O'ahu* report from AECOS, Inc. date July 7, 2021; see Exhibit F. No aquatic species protected by State of Hawai'i Administrative Rules, nor federally endangered or threatened species were observed in the 'Ō'io Stream estuary. Favorable habitat to support a breeding population of native amphidromous stream fauna does occur upstream from the project area. No federally designated Critical Habitat occurs within the project area.

As described in the report, 11 Black-necked Stilt (*ae'o* [*Himantopus mexicanus knudseni*]) and three Hawaiian endemic sub-species of the Common Gallinule (*'alae 'ula* [*Gallinula chloropus sandvicensis*]) were observed foraging within 30 m (100 ft) of the Project area during a 30-min waterbird survey. These two species, along with three others (*Fulica alai* [*Nycticorax nycticorax hoactili*] and *Carina moschata*) were observed during time dependent water bird counts of water and wetland features at Turtle Bay Resort undertaken during the dry and rainy season of 2011 (David and Guinther, 2012). In addition, two Pacific Golden-Plover (*kōlea* [*Pluvialis fulva*]), an indigenous migratory shorebird, were observed near the Project area. *Kōlea* and three other shorebirds (*Tringa incana*, *Numenius tahitensis*, *Arenaria interpres*) were observed in 2011 during point counts throughout Turtle Bay Resort (David and Guinther, 2012).

In Hawai'i, protected waterbirds endemic to the Hawaiian Islands are Hawaiian Stilt or *ae'o*, the Hawaiian subspecies of the Common Gallinule or *'alae 'ula*, Hawaiian Coot or *'alae ke'oke'o* (*Fulica alai*), and Hawaiian Duck or *kōloa* (*Anas wyvilliana*). These species are listed as endangered under the U.S. Endangered Species Act (ESA) and by the State of Hawai'i (HDLNR, 1998; USFWS, na-a). These waterbirds may be drawn to open grassy areas such as golf courses and standing or open water-bodies such the wetland adjacent to the Project area. Because the golf course pond and wetland fringe provide foraging and loafing habitat for Hawaiian waterbirds, these species have the potential to occur in the vicinity of the project area.

**Block 27 – List any historic properties that have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic property or properties.**

A draft Supplemental Archaeological Inventory Survey (SAIS) was prepared to support the Final Supplemental Environmental Impact Statement (FSEIS) published in 2013 for the proposed implementation of the TBR master plan. Based on previous archaeological research and historical documentary evidence, expected prehistoric to early historic remains on the Turtle Bay Resort property include subsurface cultural deposits and a variety of subsurface features including fire pits, post molds and burials. Most of these features would date to between AD 1400 and 1800. Expected historic remains dating from the 1800s to 1900s include the OR&L railroad, plantation infrastructure (camps, roads, irrigation ditches, etc.) and walls marking property boundaries and Kahuku Ranch features relating to livestock control. Military-related remains dating from World War II include runways, revetments, defensive fortifications, and a variety of support facilities. A full map of areas surface sites observed and test areas covered by the SAIS is provided in Exhibit D. Based on this map, the closest historic property to the project area consists of the original alignment of the OR&L railroad grade that spanned the TBR property, extending from inland of Kawela Bay across Kahuku Plain in a northeasterly direction for approximately 2,120 meters and then to the east-southeast for an additional 1,830 meters

where it exited the TBR property. However, no intact portions of the railroad grade were observed within or in the vicinity of the subject project site.

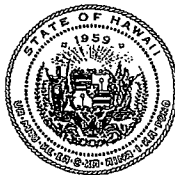
In consultation with the State Historic Preservation Division (SHPD) pursuant to the requirements of HRS Chapter 6E-42, the Applicant has agreed to prepare and implement four archaeological mitigation plans related to implementation of the TBR master plan: a data recovery plan (DRP), a burial treatment plan (BTP), an archaeological monitoring plan (AMP), and an archaeological preservation plan (PP). These documents provide a basis for handling and mitigating potential impacts to archaeological and historic resources at TBR. Both the AMP and BTP have been accepted by SHPD by letters dated November 13, 2020 (Log No. 2019.00055, Doc No. 2011GC06) and October 12, 2018 (Log No. 2018.02260, Doc. No. 1810RDH07), respectively, while the DRP and PP are still under review. A copy of the acceptance letters from SHPD are provided in Exhibit E.

## **EXHIBIT D**

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### **Blanket Section 401 Water Quality Certification**

DAVID Y. IGE  
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D.  
DIRECTOR OF HEALTH

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
EMD/CWB

WQC0901.FNL.20

May 26, 2020

Lieutenant Colonel Kathryn Sanborn  
Commander and District Engineer  
Department of the Army  
U.S. Army Corps of Engineers District, Honolulu  
Fort Shafter, Hawaii 96858-5440

Dear Lieutenant Colonel Sanborn:

**Subject: Blanket Section 401 Water Quality Certification (WQC), Modification for  
Certain 2017 Department of the Army (DA)  
Nationwide Permits (NWP) and Activities  
File No. WQC0901**

**Purpose.** This letter is a blanket Section 401 WQC (Blanket Certification) and sets forth applicable qualifications and activity-specific conditions to certain NWPs and activities, as described below. This Blanket Certification may be utilized by any applicant that is seeking work authorization verification from the U.S. Army Corps of Engineers (USACE), Honolulu District of the Pacific Ocean Division (POH).

This Blanket Certification supersedes and replaces WQC0901.FNL.18 issued March 2, 2018 (2018 Certification). For the avoidance of doubt:

1. Requirements and conditions set forth in the 2018 Certification which are not set forth in this Blanket Certification shall no longer be applicable;
2. Activities covered under the 2018 Certification shall be subject to this Blanket Certification, including requirements and conditions different from or in addition to the 2018 Certification;
3. Pending applications, including those currently under review by USACE or DOH, shall be subject to this Blanket Certification.

**Overview.** The DA has published a list of NWPs and applicable general conditions that attach to those NWPs.<sup>1</sup> Certain NWPs may require a Section 401 WQC from the State of Hawaii. The Department of Health of Hawaii (DOH) has the authority to issue a Blanket Certification and may qualify or condition the Blanket Certification. The conditions in this Blanket Certification become additional conditions to the NWPs.

<sup>1</sup> The DA NWP authorizes activities under 1) Section 404 of the Clean Water Act (CWA) and/or 2) Section 10 of the Rivers and Harbors Act of 1899 (RHA), and was published on January 6, 2017, in the Federal Register, Volume 82, Number 4 (Federal Register).



The qualifications would set forth the applicability of the Blanket Certification to a NWP or other described activity.

The DOH reviewed the NWP and General Conditions published in the Federal Register: Final Rules and the additional comments submitted by USACE POH. DOH believes that when all requirements and conditions contained in this Blanket Certification are fully complied with, there is a reasonable assurance that the activities will be conducted in a manner which will not violate the applicable State water quality standards and will comply with the applicable provisions of the CWA, Sections 301, 302, 303, 306, and 307.

The NWPs and activities in Item 2.a below do not require a Section 401 WQC. The NWPs and activities in Item 2.b below are covered under this Blanket Certification. The DOH has determined that projects authorized by the USACE POH for the NWPs and activities in Item 2.b below, subject to the requirements of the General Conditions in Item 3 below, will not cause adverse environmental impacts or effects; are in the public interest; and represent the optimum balance between economic development and environmental quality.

1. Term of this Blanket Certification

- a. This Blanket Certification became effective on **March 2, 2018**.
- b. This Blanket Certification modification shall be effective as of the date of this letter.
- c. This Blanket Certification will expire at midnight, **March 18, 2022**.
- d. This Blanket Certification's coverage is administratively extended to a certain project beyond midnight, March 18, 2022, when the USACE POH extends the project authorization/verification.

2. Coverage of this Blanket Certification

- a. The NWPs and activities listed below do not require a Section 401 WQC.
  - NWP 1 – Aids to Navigation
  - NWP 8 – Oil and Gas Structures on the Outer Continental Shelf
  - Projects in response to a public emergency proclaimed by the President of the United States or Governor of Hawaii where HRS Chapter 342D has been suspended
  - Any emergency project as determined by the Director of Health
  - Projects granted an exemption under Act 048 of 2017 (temporary exemption of certain bridge rehabilitation projects)

- Activities exempt under CWA, Section 404(f)(1)
- Directional drilling under a waterbody where entry and exit pits are located on land and all slurry/spoils/runoff is contained on land
- Structures over a waterbody where debris and other pollutants associated with the installation, construction, and operation do not enter the waterbody
- Installation of temporary Best Management Practices (BMPs) with inert material in State waters, excluding material used to divert or dam stream flow
- Comprehensive Environmental Response, Compensation, and Liability Act actions with oversight from DOH Hazard Evaluation and Emergency Response (HEER) Office and/or EPA
- DOH HEER response actions
- Bridge inspections
- Improvements or modifications to Department of Land and Natural Resources, Division of Boating and Ocean Recreation permitted existing offshore moorings installed prior to October 4, 2017
- Coral transplant with National Oceanic and Atmospheric Administration oversight
- Fireworks where visible debris is collected after event
- Lanterns and rubber duckies collected after event
- Ashes from funeral ceremonies 3 nautical miles away from shore
- After-The-Fact applications for USACE POH enforcement actions<sup>2</sup>

b. The NWP and activities listed below are hereby granted coverage under this Blanket Certification in the State of Hawaii if the applicant of the activity/discharge complies with the General Conditions (Item No. 3) and USACE POH provides notification (Item No. 4). Any person, including any public body, conducting activities authorized by these NWPs and activities that cannot or will not comply with this Blanket Certification must apply for and obtain an individual Section 401 WQC from DOH Clean Water Branch (CWB).

- NWP 2 – Structures in Artificial Canals
- NWP 3 – Maintenance
- NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- NWP 5 – Scientific Measurement Devices
- NWP 6 – Survey Activities
- NWP 7 – Outfall Structures and Associated Intake Structures
- NWP 9 – Structures in Fleeting and Anchorage Areas

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<sup>2</sup> DOH has decided not to process After-The-Fact applications so the USACE POH can proceed with their enforcement action.

- NWP 10 - Mooring Buoys
- NWP 11 – Temporary Recreational Structures
- NWP 12 – Utility Line Activities
- NWP 13 – Bank Stabilization
- NWP 14 – Linear Transportation Projects
- NWP 18 – Minor Discharge
- NWP 19 – Minor Dredging
- NWP 28 – Modifications of Existing Marinas
- NWP 31 – Maintenance of Existing Flood Control Facilities
- NWP 35 – Maintenance Dredging of Existing Basins
- Letters of Permission – Section 10 only activities with no discharge of fill material
- Any activity conducted in compliance with DOH pre-approved Standard Operating Procedures

c. Limitations on Coverage

This Blanket Certification shall not be applicable to and does not cover:

- (1) Discharge(s) regulated under CWA, Section 402.
- (2) Any project that may result in downstream/down drift post construction impacts to the physical, chemical, and/or biological environment.
- (3) New shoreline stabilization projects/activities.
- (4) Concrete lining any section of natural streambed or bank.<sup>3</sup>
- (5) Projects involving the removal of dams, impoundments, structures, or sand bars that will result in the downstream/downdrift mobilization of material, sediment, and/or water pollutants.
- (6) Waste Discharges to natural lakes and anchialine pools as specified in HAR § 11-54-5.2(a) or any State waters.  
“Waste” means sewage, industrial and agricultural matter, and all other liquid, gaseous, or solid substance, including radioactive substance, whether treated or not, which may pollute or tend to pollute the waters of this State. HRS § 342D-1.  
Non-contaminated and suitable dredge and fill material authorized under a 2017 NWP is not considered waste.
- (7) New sewage discharges and new industrial discharges to estuaries as specified in HAR §§ 11-54-3(b) and 11-54-5.2(d). New industrial discharges do not include the repair and/or replacement within the footprint of an existing structure.
- (8) New sewage and industrial discharges to Embayments: Class AA and Class A as identified in HAR §§ 11-54-3(c) and 11-54-6(a).

<sup>3</sup> This type of activity is prohibited as it will result in adverse post construction impacts by eliminating ground water recharge, raising pH, and lowering dissolved oxygen or causing downstream bank erosion.

New industrial discharges do not include the repair and/or replacement within the footprint of an existing structure.

3. General Conditions

The applicant of the activity/discharge shall be responsible for complying with the following requirements:

- a. Report any non-compliance with the conditions of this Blanket Certification to the USACE POH. Do not report or submit compliance related information to DOH. This Blanket Certification is a condition of the USACE POH permit.
- b. Maintain records at the project site or in the nearby field office demonstrating that all Blanket Certification requirements have been fully complied with.
- c. Ensure that all activities are conducted in a manner that will comply with the "Basic Water Quality Criteria Applicable to All Waters" as specified in HAR § 11-54-4.
- d. Ensure that all material(s) placed or to be placed in State waters are free of waste metal products, organic materials, debris, and any pollutants at toxic or potentially hazardous concentrations to aquatic life as specified in HAR § 11-54-4(c).
- e. Ensure that the activities will not, after the completion of the activity, interfere or become injurious to any designated uses and/or existing uses of the receiving State water. Any such post-activity adverse impacts to the designated uses and/or existing uses of the receiving State water is a violation of HAR Chapter 11-54.
- f. Ensure that pollution control measures and BMPs are utilized that prevent water pollutants from leaving the in-water work area authorized by the USACE POH permit. Any visual plume emanating from the authorized in-water work area is a violation of HAR Chapter 11-54.
- g. Ensure that all construction debris from any portion of the activities (including but not limited to debris caused by hydraulic saws, waters jets, or drilling equipment) are contained and prevented from entering or re-entering State waters. All construction debris and sidecast material shall be properly removed from the aquatic environment and disposed of at an upland State and county approved site. Before the start of the activities, a Solid Waste Disclosure Form for Construction Sites shall be

completed and returned to DOH's Solid and Hazardous Waste Branch, Office of Solid Waste Management. No construction material or construction related materials shall be stockpiled in the aquatic environment or stored or placed in ways that will disturb the aquatic environment. The Solid Waste Disclosure Form for Construction Sites is available online at:

<http://health.hawaii.gov/shwb/files/2013/06/swdiscformnov2008.pdf>.

- h. Only utilize BMPs that are inert and not sources of pollution themselves. Examples of inappropriate in-water porous material BMPs include but are not limited to: compost biosocks since they are a source of nutrients; and a soil berm since the soil particles will erode.
- i. Collect activity/discharge related water pollutants utilizing appropriate catchment/detention devices (e.g. construction debris; airborne particulates; dust; concrete slurry; concrete chips; concrete surface preparation washing effluent; excess water and overflow from boring related activity, horizontal directional drilling slurry; etc.) from localized work areas and minimize or prevent the release of these water pollutants into State waters, including the in-water work area.
- j. Utilize BMPs for all upland project activity to minimize the discharge of water pollutants into State waters, including the designated in-water work area.
- k. Comply with the USACE POH Regional Conditions. Regional Condition 8 contains requirements for pre, during, and post construction BMPs.
- l. For a stream, ditch, or gulch: Allow unimpeded flow around the in-water work area to allow for aquatic animal migration and/or to prevent work site and downstream flooding situations. The unimpeded flow shall be equivalent to a 2-year, 24-hour duration storm event and/or the existing flow capacity of the stream, ditch, or gulch. Pumped diversions may be utilized if the stream, ditch, or gulch is dry or there is only standing/ponded water without the existence of living aquatic animals.
- m. There shall be no discharge of any type of wash water and/or effluent into State waters without first obtaining from DOH a National Pollutant Discharge Eliminations System (NPDES) permit authorizing such type of water pollutant discharge to State waters.
- n. Not allow any concrete truck wash water to be disposed by percolation into the ground.

- o. Ensure that all areas temporarily impacted, either directly or indirectly, by the project construction activities are fully restored to its pre-construction conditions. For example: Incidental construction debris is cleaned up prior to removal of BMPs; remove all scientific measurement devices and any other structures or fills associated with installation and use of these devices (e.g., foundations, anchors, buoys, lines, etc.) when no longer in use; etc.
- p. When projects involve dredging/excavation activities:
  - (1) The applicant is also required to check the DOH, Hazard Evaluation and Emergency Response (HEER) Office Sites, Incidents and Records through the "Viewer" in iHEER at: <https://eha-cloud.doh.hawaii.gov/iheer>.<sup>4</sup>
  - (2) The applicant is required to contact the HEER Office at (808) 586-4249 and through e-permitting Form "Notification of Construction Activities" at Form Finder <https://eha-cloud.doh.hawaii.gov/epermit/finder> if contaminated soil, sediment, vapor, or groundwater is known to be present at your project site. Notify at least 90 days prior to surface and subsurface disturbing activities that may disturb the ground surface at HEER sites. If the 90-days' prior notification is missed, the applicant shall notify the HEER Office as soon as possible to avoid any potential delays regarding the covered project.
  - (3) Contain on land return flow or runoff from upland dredged spoils dewatering site(s)/disposal site(s), including the confined disposal facility (CDF), which shall be contained on land and not allowed to discharge and/or re-enter any State waters without first obtaining the required discharge permit from USACE POH or CWB. Unless authorized by a USACE POH or NPDES permit, do not allow any runoff, return flow, or airborne particulate pollutants from the excavated or dredged material dewatering or stockpiling site, including the CDF, to enter or re-enter State waters.
  - (4) Warning signs shall be properly deployed and maintained until the portion of the in-water work is completed and the affected area water quality has returned to its preconstruction condition and turbidity control devices have been removed from the waterway.
- q. When projects involve moorings:

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<sup>4</sup> The HEER Office is currently updating site information for sites. Most, but not all, sites may be displayed on the viewer map. Site Document data upload is ongoing and not all documents may be currently available via this website. To get the complete record for the site, a record request form can be filled and submitted it to the HEER Office. Users will then be notified when they are able to download all information via the iHEER system website.

- (1) Avoid locating moorings (including anchors and floats) in sensitive aquatic habitats such as coral reefs, fish spawning areas, and submerged aquatic vegetation (unless location is acceptable to the Department of Land and Natural Resources, Division of Aquatic Resources or the National Oceanic Atmospheric Administration);
  - (2) Ensure moorings (including anchors and floats) are made of clean, inert material. Treated lumber shall not be used as it may contain compounds that can be released into the water and become toxic to the aquatic environment;
  - (3) Pre-cast and cure concrete anchors, if required, away from State waters prior to use to prevent seepage of potentially toxic substances into the waterbody;
  - (4) Locate moorings in depths that allow structures and vessels to remain afloat at the lowest possible water levels and that prevent propellers from disturbing bottom sediments;
  - (5) Select mooring anchors of an adequate size to secure vessels or structures and prevent the anchor from shifting or dragging along the bottom of the state water;
  - (6) Size the length of mooring lines, chains, or cables to avoid excess line, chain, or cable accumulation on the bed of the State water;
  - (7) Ensure native beach material such as logs, sand, gravel, and boulders that are important components of fish habitat are not used as mooring structures and are left in place on the foreshore;
  - (8) Properly dispose of derelict or unused floats, lines, chains, or cables in accordance with appropriate laws and rules; and
  - (9) Ensure moorings are kept in good repair by regularly inspecting and maintaining the structure. Mooring maintenance must be performed into perpetuity (or until it is properly disposed of) or it will itself become a pollution source.
4. USACE POH shall e-mail to CWB ([cleanwaterbranch@doh.hawaii.gov](mailto:cleanwaterbranch@doh.hawaii.gov) and [darryl.lum@doh.hawaii.gov](mailto:darryl.lum@doh.hawaii.gov)) a pdf copy of all issued final verifications. This Blanket Certification coverage shall become valid with respect to an activity only when USACE POH notifies CWB via email of a project authorization/verification and conditions of this Blanket Certification have been incorporated as part of the USCE POH final verification.

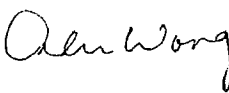
Lieutenant Colonel Kathryn Sanborn  
May 26, 2020  
Page 9

WQC0901.FNL.20

If you agree with the terms and conditions of this Blanket Certification, please sign and date below; make a copy for your administrative record; and submit this entire letter with your original signature to CWB within 14 calendar days from your signature date.

If you have any questions, please contact Mr. Darryl Lum of the Engineering Section, CWB, at (808) 586-4309.

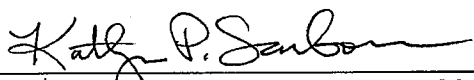
Sincerely,

  
for  
BRUCE S. ANDERSON, Ph.D.  
Director of Health

Enclosure: Response to February 28, 2020 Public Notice Comments

c: Regulatory Office, POH, COE [via e-mail [linda.speerstra@usace.army.mil](mailto:linda.speerstra@usace.army.mil) only]  
Mr. John Nakagawa, CZM Program, Office of Planning, DBEDT  
[via e-mail [JNakagaw@dbedt.hawaii.gov](mailto:JNakagaw@dbedt.hawaii.gov) only]  
U.S. Fish and Wildlife Service [via e-mail [pifwo\\_admin@fws.gov](mailto:pifwo_admin@fws.gov) only]  
U.S. National Marine Fisheries Service [via e-mail [pirohonolulu@noaa.gov](mailto:pirohonolulu@noaa.gov) only]  
Division of Aquatic Resources, DLNR [via e-mail [dlnr.aquatics@hawaii.gov](mailto:dlnr.aquatics@hawaii.gov) only]  
CWRM, DLNR [via e-mail [dlnr.cwrn@hawaii.gov](mailto:dlnr.cwrn@hawaii.gov) only]  
OCCL, DLNR [via e-mail [dlnr.occl@hawaii.gov](mailto:dlnr.occl@hawaii.gov) only]  
DHO (Hawaii, Maui, Kauai) and EHS, Molokai/Lanai

I AGREE WITH THE TERMS AND CONDITIONS OF THIS LETTER:

  
Kathryn P. Sanborn, PhD, PE, PMP  
Lieutenant Colonel, U.S. Army  
District Engineer

11 June 2020  
Date



# **EXHIBIT E**

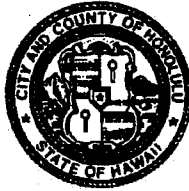
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**2013 FSEIS Acceptance Letter**

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honolulu.gov](http://www.honolulu.gov) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

KIRK CALDWELL  
MAYOR



GEORGE I. ATTA, FAICP  
DIRECTOR

ARTHUR D. CHALLACOMBE  
DEPUTY DIRECTOR

2011/ED-7 (MS)

October 3, 2013

Ms. Genevieve Salmonson, Director  
Office of Environmental Quality Control  
State of Hawaii  
Leiopapa A Kamehameha Building  
235 South Beretania Street, Room 702  
Honolulu, Hawaii 96813

**FILE COPY**

OCT 23 2013

13 OCT -7 AM 11

RECEIVED

Dear Ms. Salmonson:

**SUBJECT:** Chapter 343, Hawaii Revised Statutes  
Final Supplemental Environmental Impact Statement  
Turtle Bay Resort Expansion  
Applicant: Turtle Bay Resort, LLC (TBR)  
Agent: Lee Sichter  
Location: 57-091 Kamehameha Highway - Koolauloa  
Tax Map Key: 5-6-3: Por. 10, Por. 16, Por. 17, Por. 26, Por. 33,  
Por. 40-42, 44, Por. 46, 48, 49, Por. 50, Por. 51,  
Por. 52; 5-7-1: 1, 16, 17, 20, 22, 30, 31, 33; 5-7-3: 72;  
and 5-7-6: 1, 2, 22, and 23

The Department of Planning and Permitting (DPP) is notifying you of our acceptance of the Final Supplemental Environmental Impact Statement (FSEIS) for the above document, including an errata sheet, as satisfactory fulfillment of the requirements of Chapter 343 Hawaii Revised Statutes (HRS). The errata sheet includes minor edits to the document. Technically, we find that these revisions are essentially minor mistakes and the changes to the document are thus corrections.

A. Proposed Action: The proposed expansion of the facilities and operations at the Turtle Bay Resort (previously known as the Kuilima Resort) includes the following:

- Development of two new full-service hotels with a combined total of 625 hotel units. The hotels will be operated as time-share or traditional service hotels;
- Development of a total of 750 housing units, which includes 590 new Resort Residential Units, consisting of a combination of multi-family and single-family dwelling units; and 160 affordable Community Housing Units;

- Development of 73 acres of park area, open to the public, distributed among five parks with approximately 88 public parking stalls;
- Twelve new public shoreline access ways;
- Restoration and preservation of an approximately 100-acre Punahoolapa Marsh Wildlife Preserve;
- A new resort entrance near Kawela Bay; a new internal roadway (tentatively named Kaihalulu Drive), generally extending east to west along the length of the resort, connecting to Kamehameha Highway and Marconi Road; and signalization of the existing and two new Kamehameha Highway intersections (Kamehameha Highway with Kaihalulu Drive, Kuilima Drive, and Marconi Road);
- Improvements to Marconi Road and other traffic improvements, including signalization of Kamehameha Highway with Kaihalulu Drive, Kuilima Drive, and Marconi Road;
- Renovations and modifications of the Fazio and Palmer Golf Courses, combining the two courses to create a 27-hole golf complex, and construction of a new Golf Clubhouse;
- Development of a new equestrian center to replace the existing facility;
- Development of interior pedestrian paths and equestrian trails;
- Development of a farmer's market;
- Development of a low-density commercial resort center; and
- Establishment of approximately 42 acres of shoreline setback area. The shoreline setback will exceed the existing minimum (40- to 60-foot) requirements and will range from 150 feet to 300 feet.

In 2010, the Hawaii Supreme Court required the owners to complete a SEIS before the DPP approve any further subdivision of lands covered by the 1985 Environmental Impact Statement (EIS). This document is intended to supplement the 1985 Final EIS (Kuilima Resort Expansion) to address modified plans to expand the existing Turtle Bay Resort. Due to changes in government laws and regulations, the FSEIS has new information that was not presented in the 1985 EIS. The FSEIS includes a section on the Cultural Impact Assessment and an updated Supplemental Archeological Inventory Survey.

Historically, the project site was used for crop production, ranching, residential, and military uses. The existing development includes the 500-unit Turtle Bay Hotel, 368-unit Kuilima Estates, 18-hole Fazio Golf Course, 18-hole Palmer Golf Course, resort stables,

tennis courts, 100-acre Punahoolapa Marsh, Kuilima Wastewater Treatment Facility, and other infrastructures. The Turtle Bay Hotel and Kuilima Estates were developed prior to 1985 and are not subject to the FSEIS.

According to the Applicant, the proposed development was designed to reflect the findings from new and updated studies of the resort property and the surrounding neighborhood. The Applicant hopes to provide quality accommodations and resort homes while respecting the environmental, cultural, social, and economic elements. The proposal reduces the number of hotel buildings from five hotel buildings, which included 2,500 hotel units, to two hotel buildings, which will include 625 hotel units. Of these hotel units, 375 units may have a lock-off feature, resulting in up to 1,000 hotel units, potentially, at any given time.

By centrally locating the proposed hotel buildings near the existing hotel, the developer hopes to preserve open space and the rural character of much of the affected property. As previously noted, the proposal includes shoreline setbacks, open space, and enhanced public shoreline access, both of which exceeds the numbers and distances required by the Unilateral Agreement (Ordinance No. 86-99) for the Resort. Implementation of the Proposed Action is planned to take approximately 11 years.

B. Procedure:

1. On August 23, 2011, a notice of availability of the Supplemental Environmental Impact Statement Preparation Notice (SEISPN) for the proposed project was published by the Office of Environmental Quality Control (OEQC) in The Environmental Notice. The Applicant distributed the SEISPN to various City, State, and Federal agencies, organizations, and individuals listed in Volume Two, Chapter 8.B of the FSEIS.
2. The 30-day consultation period for SEISPN comments, and requests to be a consulted party, expired on September 21, 2011. The Applicant received 105 written comments (letters, emails, and comment and website forms) during this period; another 33 letters were received after the comment period ended. The written comments and the Applicant's responses are reproduced in Volume Two, Chapter 8 of the FSEIS.
3. On November 23, 2012, notice of the Draft Supplemental Environmental Impact Statement (DSEIS) was published by the OEQC in The Environmental Notice. The Applicant distributed the DSEIS to various City, State, and Federal agencies, organizations, and individuals listed in Volume Two, Chapter 8.C of the FSEIS.
4. The 45-day DSEIS public review period expired on January 7, 2013. The Applicant voluntarily extended the deadline for written comments to January 18, 2013. The Applicant received an additional 141 written comments (letters, emails, and comment and website forms) during this extended period. The DSEIS received 26 comments that indicated support of the development.

Though the comment period has ended, the Applicant has continuously received comment letters and e-mails. The letters, e-mails, petitions, and the Applicant's responses are reproduced in (Volumes Two, Two A, Two B, and Two C) Chapter 8 of the FSEIS. These comments included:

- A list of over 4,000 individuals from Hawaii and around the world who signed the "No Turtle Bay Resort" petition on the Change.org website. Angela Huntemer, along with her own comments, submitted the list of names without addresses or other contact information. Therefore, the Agent responded to Ms. Huntemer's comments and included the list of names and copy of the response in the FSEIS.
- The Kuilima North Shore Strategy Planning Committee submitted a petition with 60 signatures of community members supporting the Proposed Action. The Agent replied individually to all the petitioners with a similar email response.
- A group of 609 individuals signed the ("We the Undersigned") petition opposing the Proposed Action. The Agent responded to all petitioners with a single email response.
- Forty-four (44) of these comments were submitted on the Turtle Bay SEIS website.

Based on all the comments received, about 110 respondents were in support of the development and 60 people signed a petition in support of the Proposed Action.

5. On August 19, 2013, the DPP and the OEQC received the FSEIS. While the DPP had not yet made a determination on the FSEIS, the document (Volumes One through Four) was posted on the OEQC website on September 6, 2013, and it was published by the OEQC in The Environmental Notice, for public review on September 8, 2013.

- C. Public Consultation: Beginning in the Fall of 2011, the Applicant initiated community outreach activities to provide information and obtain community input. These efforts included one-on-one sessions, group and traditional public meetings, interviews, establishment of a website, and publications. The website (<http://turtlebayseis.com>) provided an opportunity for people to gather information about the project and to provide input on the project. Notices of the development plan were published on May 5, 2011 and July 2, 2012 in the Star-Advertiser, and on June 11, 2011 and July 5, 2012 in the Office of Hawaiian Affairs Ka Wai Ola. TBR created the Cultural Advisory Council composing of Hawaiian cultural practitioners, educators, cultural experts, and other individuals who shared cultural guidance. In addition, TBR consulted with the Kahuku Burial Committee and contracted Pacific Legacy, a cultural resources consultant, to conduct 16 interviews. The interviewees had personal association with the resort. The

result of the interviews were addressed in the Cultural Impact Assessment. Of the 16 people interviewed, seven people supported the proposal and one person declined to have his or her responses published.

- D. SEIS Content: The FSEIS complies with the content requirements set forth in Section 11-200-18, Hawaii Administrative Rules (HAR). The FSEIS consists of the following:
- The DSEIS revised to incorporate substantive comments received during the consultation and review processes;
  - Reproductions of all letters received containing substantive questions, comments, or recommendations and, as applicable, summaries of any scoping meetings held;
  - A list of persons, organizations, and public agencies commenting on the DSEIS; and
  - The responses of the Applicant or proposing agency to each substantive questions, comments, or recommendation received in the review and consulting process. The text of the FSEIS which is written in a format that allows the reader to easily distinguish changes made to the text of the DSEIS.
- E. Responses to Comments: The Applicant responded to significant comments that were raised during the public review and consultation process. The comment letters and Applicant responses are found in Chapter 8 of the FSEIS (Volumes Two and Two A through C). Revisions were appropriately made throughout the text of the FSEIS.
- F. Unresolved Issues: The FSEIS addresses seven unresolved issues that includes the following:
1. Lacks an Affordable Housing Program. TBR and coordinated efforts with the DPP; and the Hawaii Housing, Finance, and Development Corporation will need to prepare an acceptable program.
  2. Potential Kuilima Wastewater Treatment Plant Upgrade. TBR may need to upgrade the treatment plant to allow the effluent to be treated to an R1 level of water quality.
  3. On-going Negotiations for a Conservation Easement. TBR plans to complete several steps to create a conservation easement to preserve the mauka agricultural lands (469 acres). Some of these steps include providing an appropriate appraisal for the mauka agricultural lands and finalizing the conservation easement document.
  4. Complete the Long-Term Storm Water Management Plan. TBR plans to complete the long-term plan which would address any design, feasibility, and construction issues.

5. Needs State Land Use Zoning District Boundary Adjustment. If necessary, TBR will apply for a Zoning District Boundary Adjustment.
  6. Complete the Marine Life Conservation District at Kawela Bay. Multiple steps in the process has yet to be completed.
  7. Propose Hawaiian Islands Water as Critical Habitat. It is not clear when the National Marine Fisheries Services' proposal will be acted upon and how it will affect TBR.
- G. Mitigation Measures: The mitigation measures are identified in Chapter 5 of the FSEIS. These mitigation measures will minimize negative natural and human environmental impacts of the proposed development (including traffic, drainage, dust generation, construction noise, water, and non-renewable resource consumption, and cultural resource).
- H. Permits and Approvals Required: The project will require the following major land use permits:
- State Land Use Zoning District Boundary Amendment;
  - Special Management Area Use Permit;
  - Final Subdivision Approval;
  - National Pollution Discharge Elimination System (NPDES);
  - Conservation District Use Permit;
  - Shoreline Setback Variance;
  - Amendment to the Conditional Use Permit for Joint Development;
  - Water Quality Certification;
  - Grading and Grubbing Permit; and
  - Building Permit.
- I. Minor Edits to the Document: There were some minor errors in the document, therefore, the Applicant prepared an Errata Sheet that lists revisions to the document that address the errors. Technically, we found these revisions to be minor mistakes and the changes to the document are considered corrections that have no weight on the determination of the SEIS. The Errata Sheet is attached to this report.

Ms. Genevieve Salmonson, Interim Director  
October 3, 2013  
Page 7

Certain corrections listed in the Errata Sheet relate to letters issued by TBR in response to comment letters they received. Therefore, the Applicant has sent revised letters to three people (Mary Barter, Nancy and Mike McGovern, and Ernest Martin) correcting the responses to their comments from these individuals.

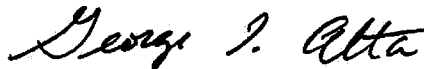
J. Determination: The DPP has determined this FSEIS to be acceptable under the procedures established in Chapter 343 HRS.

Pursuant to HAR Section 11-200-23, we request that the OEQC publish our determination regarding the subject document in its next issue of The Environmental Notice. The following items are also enclosed:

- One hard copy and one electronic copy of the FSEIS;
- A completed Publication Form and Project Summary; and
- A completed FSEIS Distribution List.

Please contact Malynne Simeon of our Zoning Regulations and Permits Branch at 768-8023, if you have any questions.

Very truly yours,



George I. Atta, FAICP  
Director

GIA:nw

Attachments

cc: Turtle Bay Resort, LLC  
Lee Sichter, LLC



**Publication Form**  
**The Environmental Notice**  
**Office of Environmental Quality Control**

Instructions: Please submit one hardcopy of the document along with a determination letter from the agency. On a compact disk, put an electronic copy of this publication form and a PDF of the EA or EIS. Mahalo.

**Date:** August 16, 2013

**Title of Action:** Proposed Expansion of Turtle Bay Resort

**Type of Document:** Supplemental Final Supplemental EIS

**Name of Project:** Turtle Bay Resort Expansion

**Type of Document:** Final Supplemental EIS

**Name of Applicant:** Turtle Bay Resort, LLC  
**Address:** 57-091 Kamehameha Highway  
**City, State, Zip:** Kahuku, Hawaii 96731  
**Contact and Phone:** Mr. Drew Stotesbury, (808) 447-6951

**Consultant:** Lee Sichter LLC  
**Address:** 45024 Malulani Street #1  
**City, State, Zip:** Kaneohe, Hawaii 96744  
**Contact and Phone:** Lee Sichter, (808) 382-3836

**Approving Authority:** Department of Planning and Permitting  
**Address:** 650 South King Street, 7<sup>th</sup> Floor  
**City, State, Zip:** Honolulu, Hawaii 96813  
**Contact and Phone:** Ms. Malynne Simeon, (808) 768-8023

**Island Affected by Action:** Oahu

**TMK:** TMK 5-6-003: Por. 10, Por. 16, Por. 17, Por. 26, Por. 33, Por. 40-42, 44, Por. 46, 48, 49, Por. 50, Por. 51, Por. 52; 5-7-001:1, 16, 17, 20, 22, 30, 31, 33; 5-7-003:72; and 5-7-006:1, 2, 22, 23.

**Street Address:** Turtle Bay Resort, 57-091 Kamehameha Highway, Kahuku, Hawaii 96731

**Nearest Geographical Landmarks:** Turtle Bay & Kahuku Point

13 OCT -7 AM 142

RECEIVED

**Latitudinal/Longitudinal  
Coordinates:**

Latitude 21.41.51.3162; Longitude -  
157.59.32.2146

**Statutory/Administrative  
Authority:**

Chapter 343, HRS & Section 11-200-26, Hawaii  
Administrative Rules

**Project Summary:**

This document supplements the Kuilima Resort 1985 Revised Final EIS to address current plans to expand the existing Turtle Bay Resort. The Proposed Action represents an over 60% reduction in density from the 1985 EIS. It limits new hotel development to two new hotels, totaling 625 units, centrally located near the existing hotel; a 75% reduction in the number of hotel units proposed in 1985. It includes 590 new resort-residential units; 160 community housing units that will be priced to be affordable to residents of the region; 73 acres of park area; 12 new public shoreline access ways; shoreline setbacks in excess of requirements ranging from 150 to 300 feet; a new resort entrance; improvements to Marconi Road; a new Equestrian Center; a Farmers Market; and a low-density resort commercial area called the Gathering Place. Proposed for development over an 11-year period (2014-2025), it will create a cumulative total of over 8,700 construction jobs. The Proposed Action enhances the previously proposed expansion in the 1985 EIS by committing to significantly less density and a more culturally and environmentally sensitive approach to development. The Final SEIS will be posted on the Applicant's website ([www.turtlebayseis.com](http://www.turtlebayseis.com)).

**Form Preparer:**

Lee Sichter LLC  
Address: 45024 Malulani Street #1  
City, State, Zip: Kaneohe, Hawaii 96744  
Contact and Phone: Lee Sichter, (808) 382-3836

**Turtle Bay Resort Expansion FSEIS Distribution List:**  
**Agencies, Libraries, Media, and Elected Officials**

1. State of Hawaii, Department of Education, Hawaii State Library, Hawaii Documents Center, 478 South King Street, Honolulu, HI 96813
2. State of Hawaii, Department of Education, Hawaii State Library, Kaimuki Regional Library, 1041 Koko Head Avenue, Honolulu, HI 96813
3. State of Hawaii, Department of Education, Hawaii State Library, Kane`ohe Regional Library, 45-829 Kamehameha Highway, Kane`ohe, HI 96744
4. State of Hawaii, Department of Education, Hawaii State Library, Pearl City Regional Library, 1138 Waimano Home Road, Pearl City, HI 96782
5. State of Hawaii, Department of Education, Hawaii State Library, Hawaii Kai Regional Library, 249 Lunalilo Home Road, Honolulu, HI 96825
6. State of Hawaii, Department of Education, Hawaii State Library, Hilo Regional Library, 300 Waianuenue Avenue, Hilo, HI 96720
7. State of Hawaii, Department of Education, Hawaii State Library, Kahului Regional Library, 90 School Street, Kahului, HI 96732
8. State of Hawaii, Department of Education, Hawaii State Library, Lihue Regional Library, 4344 Hardy Street, Lihue, HI 96766
9. State of Hawaii, Department of Hawaiian Home Lands, P.O. Box 1879, Honolulu, HI 96801
10. State of Hawaii, Department of Health, Environmental Health Administration, P.O. Box 3378, Honolulu, HI 96801
11. University of Hawaii Environmental Center, 2540 Dole Street, Room 283, Honolulu, HI 96822
12. University of Hawaii Thomas H. Hamilton Library, 2550 McCarthy Mall, Honolulu, HI 96822
13. University of Hawaii at Hilo Edwin H. Mo`okini Library, 200 W. Kawili Street, Hilo, HI 96720
14. University of Hawaii Maui College Library, 310 Kaunualii Highway, Kahului, HI 96732

15. University of Hawaii Kaua'i Community College Library, 3-1901 Kaumualii Highway, Lihue, HI 96766
16. Legislative Reference Bureau Library, State Capitol, 415 S. Beretania Street, Room 005, Honolulu, HI 96813
17. Kahuku Public & School Library, 56-490 Kamehameha Highway, Kahuku, Hawai'i 96731
18. Waialua Public Library, 67-068 Kealohanui Street, Waialua, Hawai'i 96791
19. Kaneohe Public Library, 45-829 Kamehameha Highway, Kaneohe, Hawai'i 96744
20. Honolulu Star Advertiser, Restaurant Row 7, Waterfront Plaza, Suite 210, 500 Ala Moana Blvd., Honolulu, HI 96813
21. Hawai'i Tribune Herald, P.O. Box 767, Hilo, HI 96721
22. West Hawai'i Today, P.O. Box 789, Kailua-Kona, HI 96745-0789
23. The Garden Isle, P.O. Box 231, Lihue, HI 96766
24. Maui News, 100 Mahalani Street, Wailuku, HI 96793
25. Moloka'i Dispatch, P.O. Box 482219, Kaunakakai, HI 96748
26. Honorable Clayton Hee, Senator, District 23, Hawaii State Capitol, Room 407, Honolulu, Hawai'i 96813
27. Honorable Donovan Dela Cruz, State Senator, District 22, Hawaii State Capitol, Room 202, Honolulu, Hawai'i 96813
28. Honorable Marcus Oshiro, State Representative, District 46, Hawaii State Capitol, Room 424, Honolulu, Hawai'i 96813
29. Honorable Richard Fale, State Representative, District 47, Hawaii State Capitol, Room 319, Honolulu, Hawai'i 96813
30. Honorable Ernest Martin, Council District 2, Honolulu Hale, 530 S. King Street, Room 202, Honolulu, Hawai'i 96813
31. U.S. Senator Brian Schatz, 300 Ala Moana Blvd., Room 7-212, Honolulu, Hawai'i 96850

32. U.S. Senator Mazie Hirono, 300 Ala Moana Blvd., Room 3-106, Honolulu, Hawai'i 96850

33. U.S. Representative Tulsi Gabbard, 5-104 Prince Kuhio Bldg., 300 Ala Moana Blvd., Honolulu, Hawai'i 96850

34. U.S. Representative Collene Hanabusa, 300 Ala Moana Blvd., Room 4-104, Honolulu, Hawai'i 96850

35. Chair, Ko'olauloa NB #28, c/o Neighborhood Comm. Office, Honolulu Hale, Room 406, Honolulu, Hawai'i 96813

36. Chair, North Shore NB #27, c/o Neighborhood Commission, Honolulu Hale, Room 406, Honolulu, Hawai'i 96813

#### Consulted Parties

The following individuals, organizations, and agencies submitted written comments on the Draft SEIS by letter or email. They will be sent a digital copy of the Final SEIS where possible. For those parties who did not provide a mailing address, a copy of the Final SEIS will be posted on the Turtle Bay Website ([www.turtlebayseis.com](http://www.turtlebayseis.com)) to facilitate their review of the document.

In addition, several hundred parties signed petitions either supporting or opposing the Proposed Action. The copy of the Final SEIS posted on the Turtle Bay Website ([www.turtlebayseis.com](http://www.turtlebayseis.com)) will enable them to review the document if they so choose. (Please note: the following list does not match the list provided in Chapter Eight – Public Outreach of the FSEIS because several parties provided multiple comments and those multiple listings of the same person/organization while included in Chapter Eight have been removed from the list below. In addition, the Maui County Department of Housing has been removed because they were inadvertently sent a copy of the Draft SEIS and they responded that the Proposed Action is outside their jurisdiction.)

<b>Letters and Emails:</b>	
1.	Aaron Efferson
2.	Achintya Paez
3.	Adrian Alvarez
4.	Adriann Gin
5.	Alan Lennard
6.	Alberto Cacal
7.	Alice Lunt
8.	Alison Mitchell
9.	Amy Kimura
10.	Andrea Anixt



11.	Andrea Woods
12.	Angela Breene
13.	Angela Huntemer
14.	Angelina Rommaldo
15.	Ann Becks
16.	Ann Meckelborg
17.	Anonymous
18.	Aukai Ferguson
19.	Beau Sheil
20.	Beth Hyams
21.	Bill Nations
22.	Bill Quinlan 1
23.	Bruce Clark
24.	Bryan Ashlock
25.	Burt Sutherland
26.	Cara Ballard 1
27.	Carol Philips
28.	Carol Silva
29.	Carter Griffin
30.	Cathi Allen
31.	Cathleen Piilani Mattoon
32.	Chelsea Pavone
33.	Chiharu Tsukidate
34.	Chloe B
35.	Choon James 1 20130105 8:51 PM
36.	Chris Bruns
37.	Chris Cramer
38.	Chris Goody
39.	Chris Kraynek
40.	Chris Pirrone
41.	Christina Cummings
42.	Christina Monroe
43.	Christine Bueno
44.	Ciera Molloy
45.	Cindy Gagle
46.	City and County of Honolulu, Board of Water Supply
47.	City and County of Honolulu, Department of Design and Construction
48.	City and County of Honolulu, Department of Facility Maintenance,
49.	City and County of Honolulu, Honolulu City Council, Ernest Y. Martin
50.	City and County of Honolulu, Honolulu Police Dept., Bart Huber
51.	City and County of Honolulu, Department of Parks and Recreation
52.	City and County of Honolulu, Department of Planning and Permitting
53.	City and County of Honolulu, Department of Transportation Services
54.	Clyde S. Tateishi

55.	Colleen Mellor 1 20130107
56.	Creighton Mattoon
57.	Curt Okimoto
58.	Cynthia Stiles 1 20121128 11:08 AM
59.	DahnaRae N. Dudoit
60.	Dali Pyzel
61.	Danna Holck
62.	David Orr
63.	Dawn Nakayama
64.	Dean Hamer
65.	Debbie Aldrich
66.	Deborah Bukala 1
67.	Deborah Driscoll
68.	Dee Dee Letts
69.	Defend Oahu Coalition
70.	Denise Antolini
71.	Diane Anderson
72.	Diga
73.	Dominique Desroches
74.	Don & Judy Cole
75.	Donna Wang
76.	Dorothy Aeto
77.	Dory Andres
78.	Douglas Page
79.	Douglass Cole
80.	Drew Wheeler
81.	Drew Wilkinsen
82.	Dylan Portillo 1 20130101
83.	E. Jerry Jones
84.	Earline laea
85.	Edmont D'Ascoli
86.	El Seeley
87.	Eliza Kaka
88.	Elizabeth Willsey
89.	Elsye Lewin 1
90.	Emiko Donnelly
91.	Enterprise Honolulu, Pono Shin
92.	Environmental Center, University of Hawaii, David Penn
93.	Evelyn Lane
94.	Friends of Kewalos, Ronald Iwam
95.	Gary Hong
96.	Gary Nagy
97.	Gayl Loose 1 20130103 9:18 AM
98.	George Cox

99.	Ginger Lunt
100.	Gopal Butler
101.	Grace Kamae
102.	Hawaii Construction Alliance, Tyler Dos Santos-Tam
103.	Hawaiifish
104.	Hawaii's 1000 Friends
105.	Henry Matson and Elizabeth Lacy
106.	Hina Norey
107.	Ian Cooke
108.	Ian Hoskins
109.	Ikaika Lowe
110.	Ilona Hemperly
111.	J.E. Yarborough
112.	Jacqueline Leinau
113.	James Donnelly, Jr
114.	James O'Shea
115.	Jan Olson
116.	Janna Plant
117.	Jay Hayden
118.	Jay Iranon
119.	Jean and Mark Martinson
120.	Jeff Compoc
121.	Jennifer Ching
122.	Jennifer Davidson
123.	Jennifer Scelfo-Jones
124.	Jesse Ryan Kawela Allen 1 20121226
125.	Jessica dos Santos
126.	Jim Blatta & Sue Cortes
127.	Jim Frisbie
128.	Jim Hebert
129.	Joan Gossett
130.	Joanne Amberg
131.	Jodi Lam 1 20130117
132.	Joe and Paula Michelsen
133.	Johanna Durvie Yerxa
134.	John Bain
135.	John C. Vaughan
136.	John Stimson
137.	Jonathan Beteta
138.	Joseph Grassadonia
139.	Josephine P. Bird
140.	Joy Silver 1 20130107
141.	Judith Nelson
142.	Judy Thurston

143.	Juliana Simone
144.	Kaaawaal
145.	Karen Moore
146.	Karen Pawn
147.	Karyn Spencer
148.	Katharine Chambers
149.	Katherine Killebrew 1
150.	Kathleen Pahinui
151.	Kathryn Waddell Takara, Ph.D. 1
152.	Katie Hiltbrand
153.	Keep North Shore Country
154.	Kelly Fitzgerald
155.	Kelly Tsutsui
156.	Kelly Viszolay
157.	Kenneth and Kendra Martin
158.	Kenneth Nakayama
159.	Kent Fonoimoana
160.	Kimberly Johnston
161.	Kioni Dudley 1
162.	Klaus Van Der Leeden
163.	Kuilima North Shore Strategy Planning Committee
164.	Ku'ulei Tengan
165.	Larry Lopez
166.	Larry McElheny
167.	Laura Moritz
168.	Leah Nakayama
169.	Lee Higgins
170.	Lee Ohana
171.	Life of the Land
172.	Lisa Kawai
173.	Luann Casey
174.	Lucia You
175.	Luta Sua
176.	Lynch
177.	Lynsey Stone
178.	Makani Christensen 1
179.	Malia Damon
180.	Malia Souza
181.	Mariah Metzger
182.	Marilyn Cole
183.	Marjorie Ziegler
184.	Mark Button
185.	Mark Cunningham
186.	Mark Jacobsen

187.	Mark Walsh
188.	Marvin Iseke
189.	Mary Barter
190.	Mary Guinger
191.	Mary Jo Buell
192.	Mary Lacques 1
193.	Matt Buckman
194.	Matt Johnson
195.	Matt L
196.	Matt McHale
197.	Matthew Cabamongan
198.	Meagan Ostrem
199.	Meghan and Lion Gardner
200.	Meleana and Alex Cox
201.	Michael Lilly
202.	Mike Casey
203.	Mike Dixon
204.	Mike Takahashi
205.	Mitchell Smith
206.	Monique Mironesco
207.	Myah Kalama
208.	Nancy and Mike McGovern
209.	Natalie Iwasa
210.	Nic Slocum 1
211.	Noah Gomes
212.	Noel Smith Muraki (No Address Provided)
213.	Noelani Macasting
214.	North Shore Chamber of Commerce
215.	North Shore Community Land Trust, Douglass Cole
216.	North Shore Outdoor Circle
217.	Nova Jean McKenzie
218.	Ole Barre
219.	Pamela Sue
220.	Pamela Tong
221.	Pat and Bill Goding
222.	Pat Goding
223.	Patsy Gibson
224.	Paul Gamblin
225.	Paul S. Nelson 1
226.	Paula Cole
227.	Penny Kaiman-Rayner 1
228.	Peter Hodgson
229.	Philip Weber
230.	Pradeep Bhagvandas



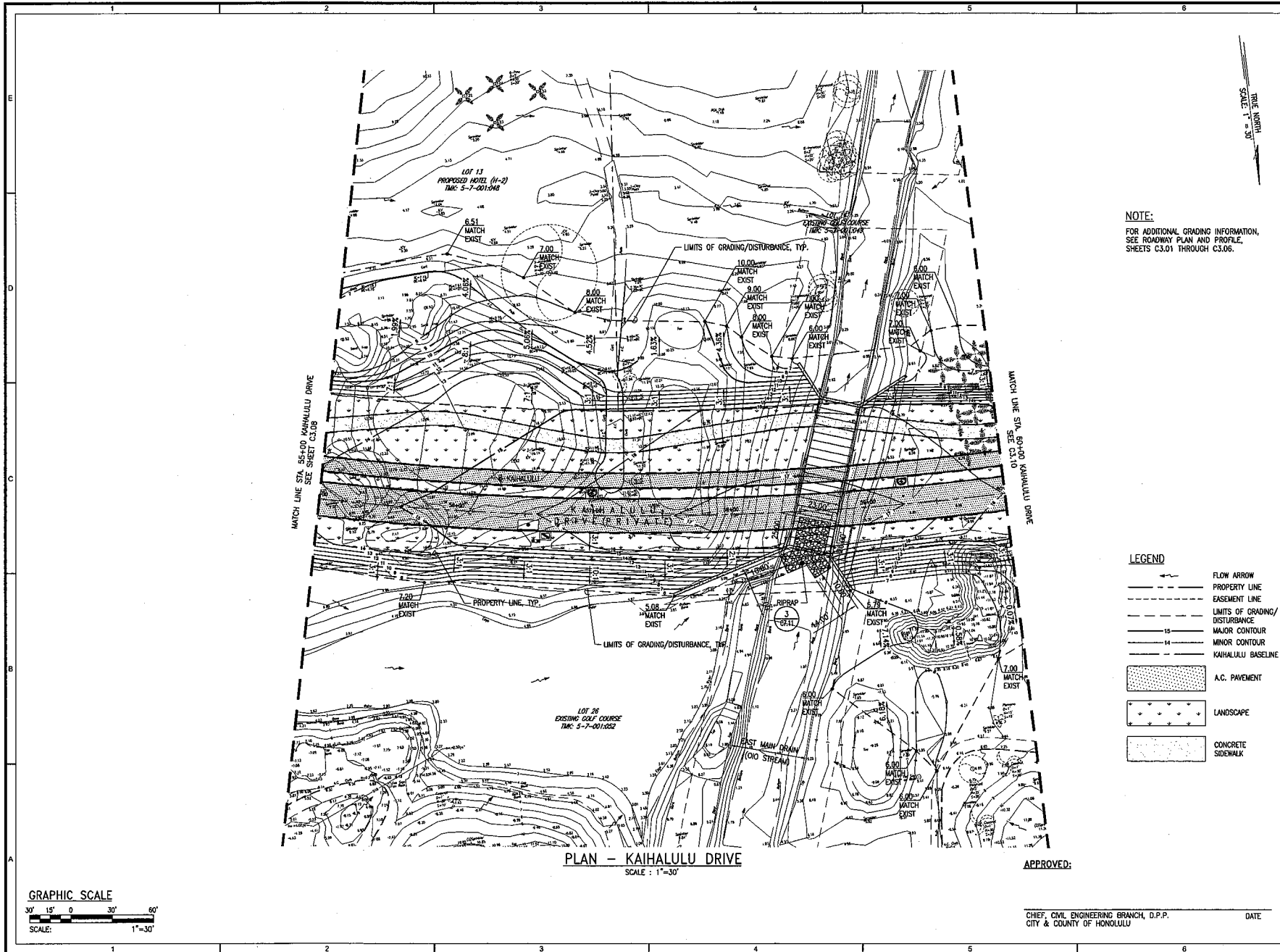
231.	Priscilla Yin
232.	R. Comeau
233.	Randy Joseph Hernandez
234.	Reed Matsuura
235.	Rex Dubiel
236.	Richard Anton St. Onge
237.	Rick Johann
238.	Rick Wu
239.	Riley Moffat
240.	Rita Ann Loose
241.	Robert Kealoha Domingo 1
242.	Robert Yonover and Ellie Crowe
243.	Robin Young
244.	Rochelle da Silva Pereira
245.	Roger Allen
246.	Ruth Gerrity
247.	Sabrina Krauss
248.	Sally Cole
249.	Sally Fyke
250.	Sandra Budlong
251.	Sandra Cashman
252.	Sandra Williams
253.	Sara Ackerman
254.	Sara Steiner
255.	Schuyler "Lucky" Cole
256.	Sharon Ishii
257.	Sierra Club, Hawai'i
258.	Stacy Fineran
259.	Stanley M 1
260.	State of Hawaii, Department of Business, Economic Development and Tourism, Office of Planning
261.	State of Hawaii, Department of Defense, Civil Defense, Office of Director
262.	State of Hawaii, Department of Education
263.	State of Hawaii, Department of Health
264.	State of Hawaii, Dept. of Land and Natural Resources, Aquatic Resources Division
265.	State of Hawaii, Dept. of Land and Natural Resources, Land Division, Oahu District
266.	State of Hawaii, Dept. of Land and Natural Resources, Land Division, Oahu District and Division of State Parks
267.	State of Hawaii, Dept. of Land and Natural Resources, Land Division, Office of Conservation and Coastal Lands
268.	State of Hawaii, Department of Transportation
269.	State of Hawaii, Department of Transportation 2
270.	State of Hawaii, Office of Hawaiian Affairs
271.	Stephen Tschudi

272.	Steve Villiger
273.	Stewart Ring
274.	Surfrider Foundation 1
275.	Susan Meister
276.	tbike4
277.	Teddi Anderson
278.	Terry Loose
279.	Terry Mocal
280.	The Pacific Resource Partnership, John White, Executive Director
281.	The Soloray Corporation, Cully Judd & Carol Silva
282.	Thomas Shirai
283.	Thorne Abbott 1
284.	Tim Honderick
285.	Tom Pohaku Stone
286.	Tony Cano
287.	Travis Hylton
288.	Turtle Island Restoration Network (Chris Pincetich) 1
289.	Ty Tengan
290.	Unite Here! Local 5
291.	U.S. Department of Commerce, National Marine Fisheries Service
292.	U.S. Department of Commerce, National Marine Fisheries Service, Essential Fish Habitat - Levin Transmitting Mehroff Comment
293.	U.S. Department of Commerce, National Marine Fisheries Service, Essential Fish Habitat - Mehrhoff Comment
294.	U.S. Fish and Wildlife Service
295.	Walter Ambjorn
296.	Warren Scoville
297.	West Kawela Bay Community Association
298.	William R. Bailey
299.	William Sager
300.	William T. Ballard
301.	Woody Adamz
302.	Zach Dilonno

# **EXHIBIT F**

---

## **Grading Plans**



1107 South Beretani Street Suite 100  
 Honolulu, Hawaii, U.S.A. 96819  
 PH: 808-948-0277 F: 808-948-0283  
 www.wilsonokamoto.com

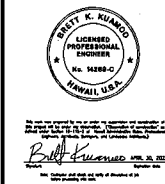
**PROJECT D**

**TURTLE BAY  
 ONSITE  
 INFRASTRUCTURE  
 IMPROVEMENTS -  
 KIAHULULU DRIVE  
 EAST**

KAHUKU, OAHU, HAWAII

TMK: 5-7-001046,  
 048, 049, 050 & 052

CONSULTANT



DESIGNED BY: BN  
 DRAWN BY: BN  
 CAD FILE: 10388-16  
 SCALE: AS NOTED

SUPERVISED BY: BK  
 CHECKED BY: BN  
 PROJECT NO.: 10388-16  
 DATE: OCTOBER 25, 2021

REV	DATE	DESCRIPTION

SHEET TITLE

**SITE GRADING  
 PLAN - 3**

STA. 55+00 TO STA. 60+00

DRAWING NO.  
**C3.09**

## **EXHIBIT G**

---

**SMA Permit Approval (Resolution 86-308)**



OCT 8 1986



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813 / TELEPHONE 523-4291

MARILYN BORNHORST  
CHAIR & PRESIDING OFFICER  
ARNOLD MORGADO, JR.  
VICE CHAIR

RAYMOND K. PUA  
CITY CLERK

PATSY T. MINK  
MAJORITY FLOOR LEADER  
TONY NARVAES  
MINORITY LEADER  
LEIGH-WAI DOO  
WELCOMES S. FAWCETT  
RANDALL Y. IWASE  
DAVID W. KAHANU  
DONNA MERCADO KIM

October 6, 1986

Mr. Norman Quon  
Kuulima Development Company  
1001 Bishop Street, Suite 1980  
Honolulu, Hawaii 96813


Dear Mr. Quon:

We are transmitting for your information a copy of Council Resolution No. 86-308, approving a SMP and SV application from the Kuilima Development Company to expand the Turtle Bay (Kuilima) resort to develop a master-planned resort community including hotels, dwellings, commercial areas, golf courses, parks, roadways, utilities and other facilities; and to replace two drainage culverts with open channels and to conduct a desilting operation at Kawela Bay at Kahuku.

This Resolution was adopted by the Council of the City and County of Honolulu at its meeting held on October 1.

Sincerely and Aloha,

CITY COUNCIL

  
By  
RAYMOND PUA  
City Clerk

rmp

Enclosure

## RESOLUTION

WHEREAS, the Department of Land Utilization (DLU) on May 23, 1986 accepted the application of the Kuilima Development Company, herein referred to as the APPLICANT, for a Special Management Area Use Permit (SMP) and Shoreline Setback Variance (SV) to expand the Turtle Bay (Kuilima) resort to develop a master-planned resort community including hotels, dwellings, commercial areas, golf courses, parks, roadways, utilities and other facilities; and to replace two drainage culverts with open channels and to conduct a desilting operation at Kawela Bay, located at Kahuku, in Koolauloa, Oahu, and identified as Tax Map Keys 5-6-03: 37, Por. 40, Por. 41, Por. 42, 43, Por. 44; 5-7-01: 1, Por. 13, Por. 16, Por. 17, 20, Por. 22, 30, Por. 31, Por. 33; 5-7-03: 1-25, Por. 26, 27-35, 66, Por. 72, 73-75; and 5-7-06: 1-17, 19, 21; Reference Number 86/SMA-45 and 86/SV-3; and

WHEREAS, on July 9, 1986, the DLU held a public hearing, in conjunction with the City Council, which was attended by about 200 people; and

WHEREAS, on July 23, 1986, within ten (10) working days after the close of the public hearing, the DLU, having duly considered all evidence, reports, testimony, and information received on the matter, the guidelines established in Ordinance No. 84-4, as amended, Chapters 205 and 205A of the Hawaii Revised Statutes, as amended, and the Shoreline Setback Rules and Regulations, completed its report and transmitted its findings and recommendations to the Council; and

WHEREAS, the City Council having received the findings and recommendation of DLU on July 23, 1986 and having reviewed APPLICANT'S plans to replace the drainage culverts and to desilt Kawela Bay, as those plans affect the shoreline area, or the area 1,000 feet seaward from the shoreline, or the area in water 30 feet or less in depth in the territorial sea, the City Council finds that:

1. As approved with the conditions for the issuance of this SMP and SV, the proposed development will not have any substantial adverse environmental or ecological effect, or if there is such an adverse effect, that effect is minimized to the extent practicable and is clearly outweighed by public health, safety, or compelling public interests;

2. The proposed development, when implemented pursuant to the conditions of this SMP and SV, is consistent with the objectives, policies and special management area guidelines in Chapter 205A, Hawaii Revised Statutes, as amended;

## **RESOLUTION**

3. The proposed development is consistent with the county general plan and zoning;

4. The proposed structures and activities will be in the public interest, or hardship will be caused to APPLICANT if the proposed structures and activities are not allowed;

5. The proposed project, structures and activities are consistent with the objectives and policies set forth in Chapters 205 and 205A of the Hawaii Revised Statutes, as amended, the guidelines established in Ordinance No. 84-4, as amended, and the Shoreline Setback Rules and Regulations.

WHEREAS, the City Council's Planning and Zoning Committee at its meetings of September 23, 1986, having duly considered all findings, reports, and testimony received on the matter, approved the subject application for an SMP and an SV with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that pursuant to the authority of Chapters 205 and 205A, Hawaii Revised Statutes, as amended, Ordinance 84-4, as amended, and the Shoreline Setback Rules and Regulations of the City and County of Honolulu, an SMP and SV be issued to the APPLICANT with the following conditions:

A. APPLICANT shall provide four parks--a four and eight-tenths (4.8) acre park fronting Kawela Bay (Park P-1 on APPLICANT'S master plan); a thirty-seven (37) acre park located from Kahuku Point to the eastern boundary of Hanakailio Beach (Park P-2 on APPLICANT'S master plan); a six (6) acre park abutting Punahoolapa Marsh (Park P-3 on APPLICANT'S master plan); and a two (2) acre park located in the area surrounding the outlet for East Main Drain (Park P-4 on APPLICANT'S master plan). The shoreline park areas shall be linked, with the exception of the shoreline by the existing Turtle Bay Hilton, by a continuous shoreline easement, which will be linked to the five pedestrianway easements and the easement to Kalokoiki Beach (Kuulima Cove), referred to in Condition E herein. A continuous shoreline pathway, set back at least forty feet from the shoreline, shall be provided.

B. Public park sites shall be dedicated to the City in compliance with park dedication requirements. The park to be located at Kawela Bay shall be graded, grassed, and provided with a sprinkler system and all related off-site improvements. In addition to the minimum park dedication requirements, APPLICANT, at its cost, shall also provide public parking facilities and a comfort station containing restrooms and showers, at the Kawela Bay park site, in coordination with the Department of Parks and Recreation.

**RESOLUTION**

Upon APPLICANT'S receipt of its first building permit for development of the first hotel to be built at the resort, ~~APPLICANT shall record a document with the Bureau of Conveyances~~ of the State of Hawaii which dedicates the Kawela Bay park site to the City and County of Honolulu. The document dedicating the park site shall provide that public use of the park area shall become effective, and improvement of the park shall be completed, upon the issuance of a certificate of occupancy by the Building Department of the City and County of Honolulu for the first hotel to be constructed at the resort as a result of this zoning action; and shall reserve APPLICANT'S right to manage and control the park site in the time period prior to issuance of the certificate of occupancy.

C. Upon APPLICANT'S receipt of its first building permit for development of the first hotel to be built at the resort, APPLICANT shall record a document with the Bureau of Conveyances of the State of Hawaii which dedicates park P-2, said park being located at Kahuku Point as designated on APPLICANT'S master plan, to the City and County of Honolulu. The document dedicating the park site shall provide that: (1) off-site improvements leading to the park will not be improved or provided until final subdivision approval for the condominiums to be built in Phase III is granted; (2) public use of this park site shall become effective upon said subdivision approval; and (3) APPLICANT reserves the right to control and manage the park site prior to said subdivision approval.

Prior to said subdivision approval, APPLICANT shall also: (1) record a document with the Bureau of Conveyances of the State of Hawaii which provides permanent access for the public to park P-2. APPLICANT shall obtain and provide this access at its own cost; and (2) provide the following improvements for the park site--one full comfort station with shower facilities; full improvements up to the boundary of the park; a coral surface parking lot providing parking for a minimum of thirty automobiles.

D. The parks to be located adjacent to Punahoolapa Marsh and the East Main Drain outlet shall be privately owned and maintained. These parks shall be open for use by the general public. APPLICANT will work with the U. S. Fish and Wildlife Service to implement improvements to the marsh that will enhance the marsh ecosystem. APPLICANT shall improve and manage the marsh as a wildlife refuge in substantial compliance with the design and management concepts set forth in the SMP application.

E. A series of publicly-owned and privately-maintained easements encompassing a minimum of twenty-six (26) acres of land shall be provided along and to the shoreline and shall

## **RESOLUTION**

be open to use by the general public. These easements shall be established in the public's favor, in perpetuity, in the following manner:

(1) Upon APPLICANT'S receipt of its first building permit for development of the first hotel to be built at the resort, APPLICANT shall record a document with the Bureau of Conveyances of the State of Hawaii which establishes easements in the public's favor, running with the land, covering: the land area extending one hundred (100) feet inland from the certified shoreline (hereinafter "shoreline easement area"), in the general areas designated on the map identified as Exhibit I attached hereto and incorporated herein; the right-of-way connecting a parking lot that will be located adjacent to the existing parking lot at the Turtle Bay Hilton to Kalokoiki Beach (hereinafter "Kalokoiki easement"); and the right-of-way connecting Turtle Bay and Raihalulu Beach through the existing Turtle Bay Hilton site (hereinafter "Turtle Bay Hilton easement");

(2) Upon APPLICANT'S receipt of its first building permit for major building development on a parcel that is adjacent to or that contains the following easements, APPLICANT shall record a document with the Bureau of Conveyances of the State of Hawaii which establishes easements in the public's favor, running with the land, covering: the five rights-of-way that extend from adjacent parking areas to the shoreline easement area, in the general locations designated on Exhibit I attached hereto, providing one pedestrianway to Kawela Bay, two pedestrianways to Turtle Bay, and two pedestrianways to Raihalulu Beach (Kuulima Bay) (hereinafter "pedestrianway easements");

(3) The document establishing the shoreline easement area shall contain the following provision--"The one hundred (100) foot wide shoreline easement area is to maintain open space along the shoreline for the use and enjoyment of the general public, guests at the resort and resort condominium owners. Management of the use of this area will make no distinctions between resort guests and resort condominium owners, and the general public, and shall at a minimum, allow sunbathing, picnicking, swimming and walking in this area, except where not permitted for safety purposes";

(4) The documents establishing the shoreline easement area and the pedestrianway easements shall provide that public use of each easement shall become effective, and improvement of each easement area shall be completed, upon the issuance of a certificate of occupancy by the Building Department of the City and County of Honolulu for a parcel that is adjacent to or that contains one of these easements;



## RESOLUTION

(5) The documents establishing the Kalokoiki easement and the Turtle Bay Hilton easement shall provide that public ~~use of these easement areas shall become effective, and~~ improvement of these easement areas shall be completed, upon development of the portion of the resort's major internal roadway that fronts the Turtle Bay Hilton area;

(6) The documents establishing the easements referred to herein shall also establish a means for APPLICANT, its successors and assigns, and subsequent grantees to maintain the easement areas encumbered therein, with said maintenance to be required at the time that public use of each of the easement areas becomes effective;

(7) The five pedestrianway easements shall be at least fifteen feet wide, and shall contain restroom and shower facilities. Each pedestrianway easement shall be located adjacent to a public parking area containing eighteen (18) parking stalls, which shall provide parking free of charge to the public;

(8) Improvements in the easement areas shall accommodate public access, and signage shall be installed to facilitate such access.

F. Public parking at each of the parking areas for the public pedestrianway easements shall be free of charge. Employees shall be prohibited from parking in these public parking areas. Each of the hotel/condominium areas shall contain parking areas for its employees.

G. The primary sand dunes, in their approximate locations as shown in Exhibit II attached hereto and incorporated herein, shall be retained as natural areas, limited to passive uses. Upon the approval of the Director of the Department of Land Utilization, encroachment of structures on these dune areas may be allowed if there is a finding by the Director that such encroachment is necessary and that the denial of the encroachment would cause undue hardship to APPLICANT. Where allowed, said encroachment shall be as minimal as is practicable, and structures shall be designed to prevent destabilization of the dunes. Vehicular traffic in the primary sand dune areas shall be confined to pathways and shall be limited to necessary maintenance activities.

H. At the proposed park site P-2, no structures of any kind, except for those associated with the public beach park, such as showers and comfort stations, shall be built on the primary sand dune areas. Prior to issuance of grading or building permits for improvements at the park, park plans shall be submitted to and approved by DLU.

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I. An overall Urban Design Plan for the resort shall be submitted to and approved by the Department of Land Utilization prior to tentative subdivision approval or issuance of building permits. The Urban Design Plan shall establish criteria for review of projects by the DLO as provided in Condition N herein. The Plan shall include the Urban Design Principles and Controls for Kahuku Point - Kawela Bay contained in the Koolauloa Development Plan, and the additional guidelines given below. These guidelines are intended to supplement the Urban Design Principles and to give additional direction for sites outside of the Kawela Bay area.

(1) General height limits shall be as provided in Section 2.1.c. of the Koolauloa Development Plan, as amended (Ordinance 85-50).

(2) All structures shall generally be set back a minimum distance of three hundred (300) feet inland from the certified shoreline. Structures located between one hundred (100) feet and three hundred (300) feet inland from the certified shoreline will be subject to design review and approval by the Department of Land Utilization.

(3) No structure shall be located between the certified shoreline and one hundred (100) feet inland of the certified shoreline, with the following exceptions: pedestrian bridges, pedestrian walkways, or other access improvements; drainage-related improvements; park benches, showers or other structures that may be required by State or Federal agencies. In no event shall any concession or comfort station be located between the certified shoreline and one hundred (100) feet inland of the certified shoreline.

(4) Structures in the parcels fronting Kawela Bay and Kawela Point fronting Turtle Bay over fifty (50) feet in height shall be set back a minimum distance of three hundred (300) feet inland from the certified shoreline.

(5) For each increment fronting Kawela Bay and Kawela Point fronting Turtle Bay that is located between one hundred (100) feet and three hundred (300) feet from the shoreline, there shall be a maximum building to land coverage ratio of ten percent (10%) of the land area makai of the three hundred (300) foot line to the property line, and buildings shall have staggered heights with a maximum height of fifty (50) feet. The percentage of any given section shall not be clustered.

(6) At a minimum, structures shall be designed and built in compliance with the applicable Land Use Ordinance standards and in compliance with the setbacks shown in the Building Envelope Plan attached and incorporated herein as

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Exhibit III. Parcel configurations reflected on said Building Envelope Plan may be modified from time to time with the ~~approval of the Director of the Department of Land Utilization,~~ provided that any modification shall follow the general spirit and intent of the original plan set forth in Exhibit III and that setbacks shall in no event be less than the setbacks set forth in the APPLICANT'S Unilateral Agreement and in other provisions of this Resolution. Additional setbacks may be required along primary view corridors, as designated in the View Corridor Plan attached and incorporated herein as Exhibit IV.

(7) Site plans should concentrate the greatest densities and heights at the center of each site, stepping up from lower and less dense structures at the perimeters. Building scale should be generally compatible with surrounding landforms and trees. In some cases, it may not be appropriate to achieve the maximum building height.

(8) Site plans should avoid creating a wall of structures lateral to the shoreline or to the main resort boulevard.

(9) Structures that are adjacent to the shoreline easement area, Punahoolapa Marsh and the Kahuku Point-Hanakailio Beach park site P-2, with the exception of structures in the parcels fronting Kawela Bay and Kawela Point which are regulated by Sections I(4) and I(5) of this Resolution, shall rise no higher than tree tops provided that the maximum height shall be no higher than fifty feet at the setback line fronting the shoreline or the marsh. Any portion of a structure that is located in these areas that is over fifty feet in height shall be set back an additional two feet for each one foot of additional height over fifty feet. Structure heights in these areas shall be limited to the height restrictions provided in Section 2.1.c. of the Koolauloa Development Plan, as amended (Ordinance 85-50).

J. A landscape plan for the resort shall be submitted to and approved by the Department of Land Utilization prior to tentative subdivision approval or issuance of building permits. The landscape plan shall also cover the primary dune areas and the shoreline easement area. Trees and coastal vegetation within the shoreline easement area shall be maintained in substantially the same density as currently exists. The plan shall show existing trees and vegetation as well as proposed landscaping improvements. Plantings shall be selected to stabilize the sand dunes. In areas of expected high pedestrian traffic, turf-forming species resistant to trampling, such as Bermuda grass or seashore paspalum shall be utilized.

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K. General architectural and design goals that the resort will strive to achieve include the following:

(1) The general architectural character of the resort will be similar to that of a "kamaaina estate"--displaying hospitality and elegance, overlaid with fundamental simplicity and timelessness.

(2) The resort will strive to implement extensive, lush landscaping to enhance the estate-like quality of the low density buildings, and to provide a sense of visual continuity throughout the resort. Existing ironwood trees, and other existing vegetation will be preserved and incorporated into the landscaping scheme where possible.

(3) The public walkway that provides access throughout the shoreline easement area will be configured in an undulating line throughout the easement area.

(4) Each of the public pedestrianways to the shoreline, with the exception of the pedestrianway to Kalokoiki Beach, will be approximately fifteen (15) feet wide, and will contain a slightly undulating walkway to allow for plantings of coconut trees.

L. Historic and archaeological sites located within the subject property which are identified by the State and/or subsequent archaeological assessment shall be treated in accordance with recommendations made by the State Historic Preservation Officer of the Department of Land and Natural Resources.

Prior to the issuance of grading permits, the APPLICANT shall submit a Data Recovery Plan to the State Historic Preservation Officer, and shall obtain approval of the plan. The State Historic Preservation Officer shall also be made aware of sites not yet identified on the property, which may be discovered during grading and construction. The Officer shall determine whether these sites require preservation, relocation, mitigation, or further study.

APPLICANT shall submit its completed archaeological findings to the State Historic Preservation Officer for review and comment before commencing with the proposed development of the property. APPLICANT shall comply with the State Historic Preservation Officer's recommendations in implementing APPLICANT'S archaeological plan.

Above-ground archaeological features present within the project area will be relocated by the APPLICANT to site(s) within the resort. Human remains that have been uncovered or

## **RESOLUTION**

that may be uncovered during the course of this project shall be disinterred, relocated to an alternative site(s) within the resort, and reinterred in accordance with the relevant provisions of Chapter 338, Hawaii Revised Statutes, as amended, and in compliance with requirements of the State Department of Health.

M. Outdoor illumination fixtures at sites fronting Kawela Bay shall be directed in such a manner as to minimize disturbances to Green Sea Turtles which utilize the bay and to minimize interference to residences across the bay. Illumination of beach and ocean areas shall be regulated by the Building Department of the City and County of Honolulu.

N. Prior to building permit approval for any major structure within the project area, architectural and parking plans shall be submitted to the DLU for approval, in order to insure adherence to the Urban Design Plan and the public access requirements.

O. The APPLICANT shall complete all required archaeological mitigation work for each of the individual park sites to be dedicated to the City in compliance with the recommendations of the State Historic Preservation Officer. Said mitigation work for each park site shall be completed prior to obtaining any grading or building permit to implement improvements to the respective park.

P. Turbidity and water quality measurements shall be made at least annually as prescribed by the Department of Health and the Army Corps of Engineers before, during development, and for a period of at least three years after completion of the resort. Reports shall be submitted to the Department of Health, the Army Corps of Engineers, the Department of Land Utilization, and shall be made available to the public for examination and inspection.

Q. Prior to implementation of the project, the APPLICANT must meet the requirements and obtain approval of all governmental agencies required for such projects.

R. The APPLICANT shall use its best efforts to promote the creation of a Marine Life Conservation District at Kawela Bay.

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the Clerk be, and he is, hereby directed to transmit copies of this Resolution to Mr. John P. Whalen, Director of the Department of Land Utilization; Mr. Herbert K. Muraoka, Director and Building Superintendent, Building Department; Mr. Tom T. Nakota, Director, Department

# RESOLUTION

of Parks and Recreation; Mr. Russell L. Smith, Jr., Director and Chief Engineer, Department of Public Works; Mr. Susumu Ono, Chairperson and State Historic Preservation Officer, Board of Land and Natural Resources, Post Office Box 621, Honolulu, Hawaii 96809; Mr. Leslie S. Matsubara, Director, ~~State Department of Health, Post Office Box 3378, Honolulu, Hawaii 97801~~; Mr. Ernest Kosaka, U. S. Department of the Interior, Fish and Wildlife Service, Post Office Box 50167, Honolulu, Hawaii 96850; Mr. Everette A. Flanders, Chief, Construction Operations Division, Department of the Army, U. S. Army Engineer District, Honolulu, Fort Shafter, Hawaii 96858-5440; Mr. Norman Quon, Kuilima Development Company, 1001 Bishop Street, Suite 1980, Honolulu, Hawaii 96813; Ms. Jan Sullivan, Takeyama & Sullivan, 1188 Bishop Street, Suite 3404, Honolulu, Hawaii 96813; and Mr. Francis S. Oda, Group 70, 924 Bethel Street, Honolulu, Hawaii 96813.

INTRODUCED BY:

*High-Wa Do*

DATE OF INTRODUCTION:

OCT 1 1986  
Honolulu, Hawaii

Councilmembers

(092386)

-10-

## CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL OF THE CITY AND COUNTY OF HONOLULU on the date and by the vote indicated to the right.

TEST:

*Raymond K. Pua*  
RAYMOND K. PUA  
CITY CLERK

*Marilyn Bornhorst*  
MARILYN BORNHORST  
CLERK AND PRESIDING OFFICER

OCT 1 1986

ADOPTED: MEETING HELD			
OCT 1 1986			
	AYE	NO	ABSE
DDO	X		
FAWCETT	X		
HWASE	X		
KAHANU	X		
KIM	X		
MONK	X		
SARGADO	X		
NARVAES	X		
BORNHORST	Y		

Reference: CC 371  
Report No. P&ZCR-718

Resolution No.

CC-300





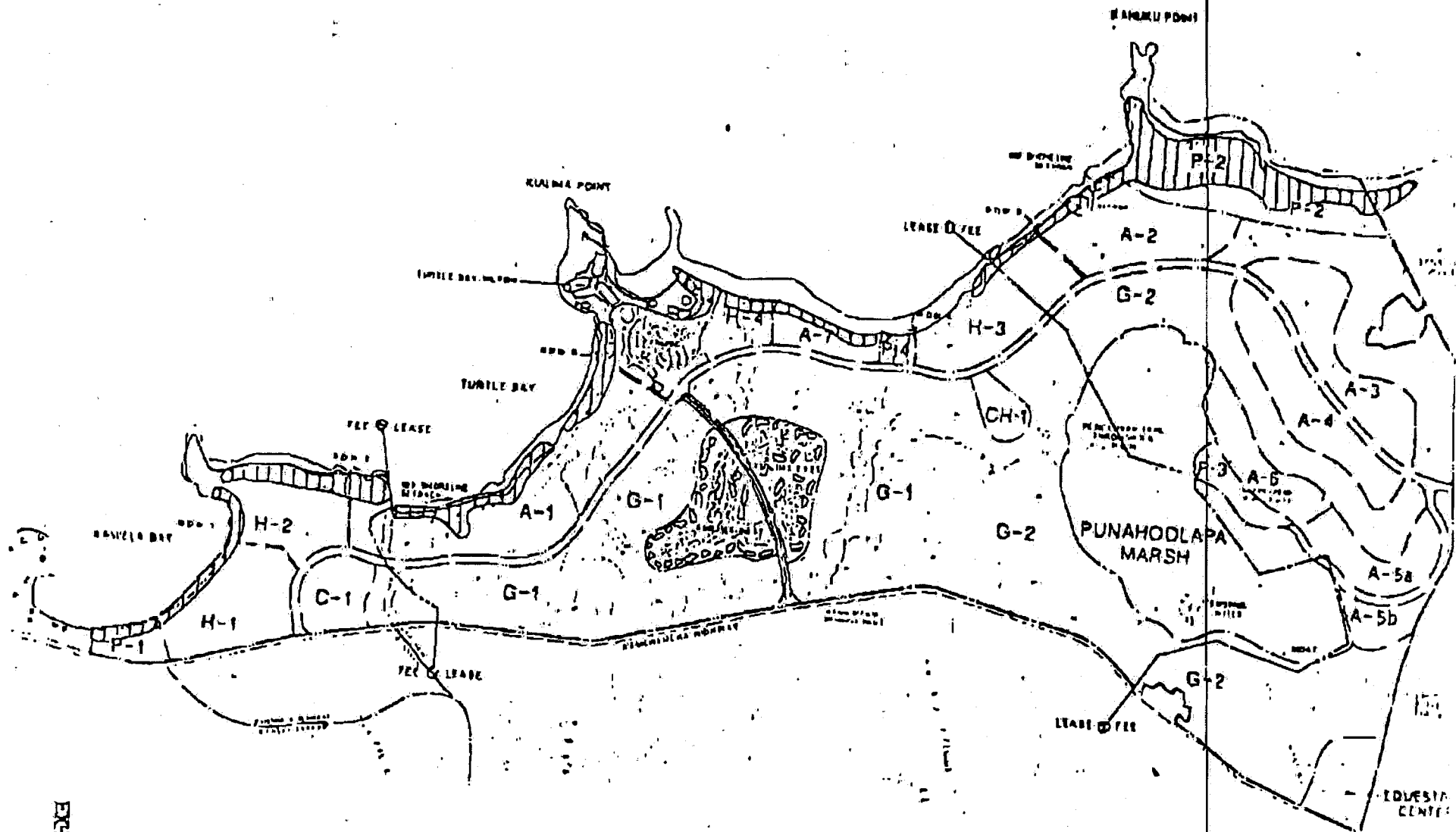



EXHIBIT II

LEGEND:

 PRIMARY DUNE LOCATION

PRIMARY BAND DUNES





that came with the approval.

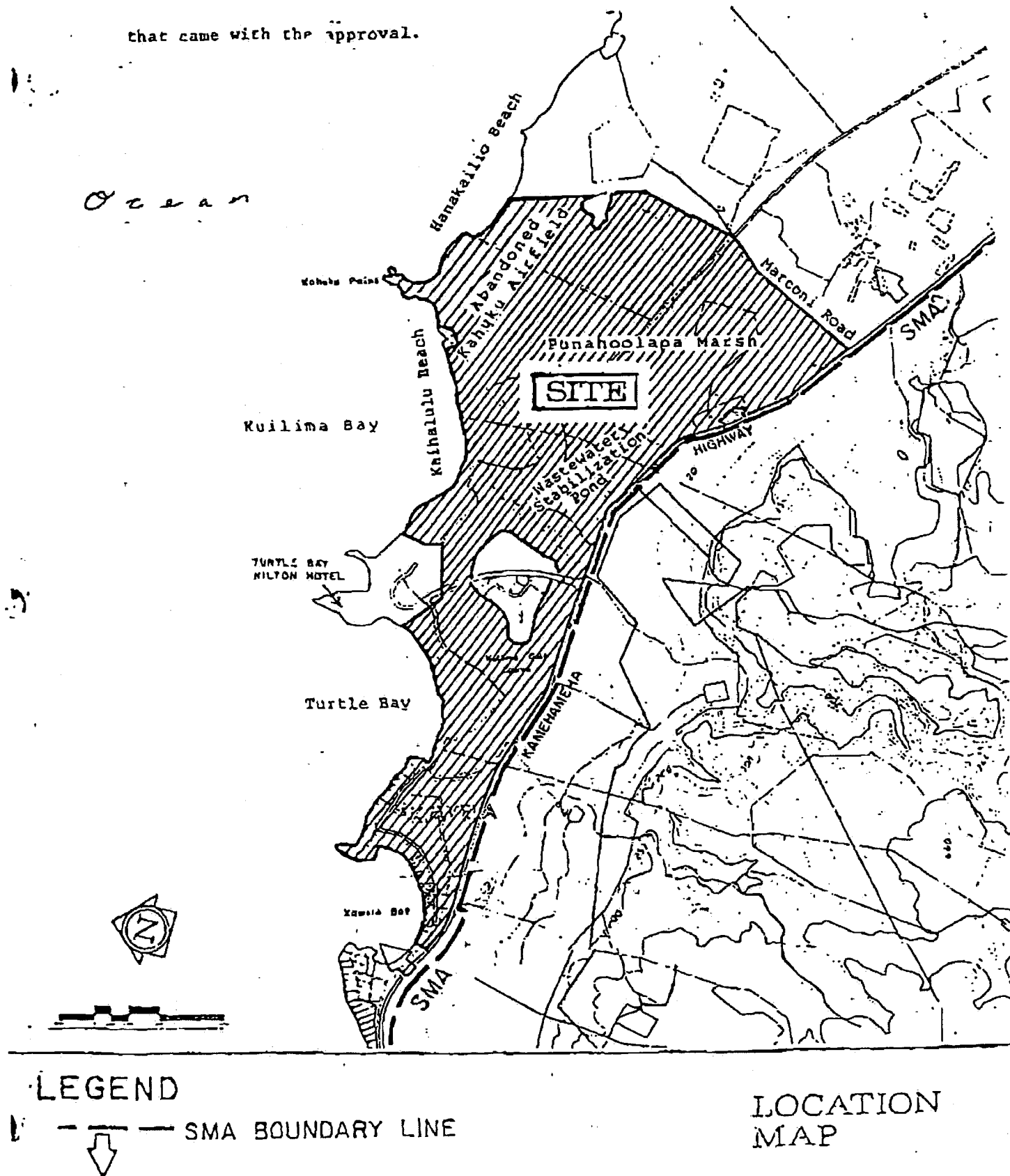


FIGURE 1