



Why the Kuilima Development Company (“KDC”) Boundary Reclassification Should Not Be Revoked For Failure To Perform Conditions, Representations and Commitments., and it requests a hearing on its Motion of the earliest possible time.

**I. Introduction.**

In 1986, KDC obtained from the LUC a reclassification of 236 acres in Kahuku (“Property”) from the Agricultural District to the Urban District, as part of the larger Turtle Bay resort expansion project. A true and correct copy of the Findings of Fact, Conclusions of Law and Decision and Order, filed March 27, 1986, is attached as Exhibit “A.” Subsequently, KDC abandoned the project, and work that was to have been completed in the 1990s was not even begun, let alone been completed. To date, numerous of the conditions, representations and commitments made by KDC to the LUC have been breached or ignored. And now the developer of the Property is pursuing a completely different project from that approved in 1986.

Defend Oahu Coalition first filed its OSC Motion in 2008, however by 2010 the LUC had not acted on the motion amid representations by the Developer that an anticipated Hawaii Supreme Court decision might impact the case. Since 2010, there have been significant changes which sharply refocus the need for the LUC to issue an order to show cause why the land should not revert to the Agricultural district<sup>1</sup>, pending finalization of plans by KDC or its successor (collectively “Developer”) for the Property and submission of a new reclassification petition. These significant changes include:

1. The Hawaii Supreme Court’s decision in *Unite Here! Local 5 v. City and County of Honolulu*, which in 2010 was the Developer’s excuse for being

---

<sup>1</sup> The Department of Agriculture ALISH classification classifies 25% of the Property as “prime agricultural land” and the balance either “other important agricultural land” or “unclassified.” See Exhibit “A” at FOF No. 10.

unable to commit to any deadlines at the last LUC meeting on which matter was on the agenda. The case has now been decided and supports reversion.

2. Since 2010, the LUC has at least twice exercised its authority to revert due to failure to fulfill conditions, representations and commitments, on far less egregious facts than in this case. This too supports reversion.
3. The Developer of Turtle Bay has recently issued a Draft Supplemental Environmental Impact Statement, indicating that it intends to proceed with a project that is completely different from that which was proposed to and approved by the LUC in 1986. Reversion is needed until the Developer seeks LUC approval for its new project.

As described below, the Developer has failed to comply with the representations, conditions and commitments made to the LUC in 1986, and therefore the Property should revert to the Agricultural District until and unless the Developer comes forward with a new boundary reclassification petition for its newly proposed use.

## **II. Breached Representations, Commitments and Conditions.**

On the Property the Petitioner sought to develop a golf course, 1,000 resort condominium units, a public park, a private park and a stable. *See* Exhibit “A” at FOF No. 13. “Petitioner proposes to start constructing the first phase of condominiums on the Property by 1988 after obtaining all necessary government approvals.” FOF No. 18. Construction of the first phase of condominiums was not started in 1988, nor by 2013. Declaration of Timothy Vandever (“Vandever Decl.”).

Because of the anticipated need for housing caused by the Project, “Petitioner proposes to provide affordable housing units to accommodate additional housing demand by

developing a number of units equal to ten percent of the proposed units to be developed within the Property or elsewhere off the Resort in Kahuku.” FOF No. 58. There are not 100 affordable housing units, or any affordable housing units, either on or off the Property.

The proposed uses on the Property were integrally tied to the off-site development of three full-service hotels: “Petitioner’s proposed development of the Property will support the development of three new full-service hotels and the expansion of the current Turtle Bay Hilton and Country Club for a total of 1,450 new units. Development of full-service hotels will provide new employment opportunities for the area.” FOF No. 59. There are neither three new full-service hotels, nor the promised employment that would accompany them.

Regarding timing, under the incremental districting requirements, “Petitioner proposes to complete substantial portions of the infrastructure described in Finding of Fact No. 17<sup>2</sup>, as well as 315 of the proposed 1,000 resort condominium units within five years of Commission’s approval and to complete the entire Resort development by 1996.” FOF No. 60 (emphasis added). Not only were 315 of the 1,000 units not completed by 1991, nor the entire Project completed by 1996, but not none of the units have even been started by 2013.

Thus, based on the foregoing representations, the LUC granted the reclassification of the Property subject to certain conditions, including:

1. “The Petitioner shall develop full-service hotels on lands outside of the Property as designated in Petitioner’s Master Plan for the Kuilima Resort in order to ensure employment opportunities for North Shore Residents.” The

---

<sup>2</sup> The infrastructure described in FOF No. 17 includes “sewage treatment plant, improvements to portions of Kamehameha Highway fronting the resort, drainage improvements, internal roadway, wells, water distribution system, electrical/telephone lines, improvement of Punahoolapa Marsh, improvement of existing golf course, new golf course, hotel along Kawela Bay, commercial area, building pads for condominium sites and a stable.” FOF No. 17.

full service hotels have not been built and the promised employment opportunities have not materialized; Condition No. 1 has been violated.

2. "Petitioner shall provide housing opportunities for low and moderate income Hawaii residents and employees employed at the Kuilima Resort by constructing and offering for sale or rent... a number of residential units, not less than ten percent of the number of resort condominium units to be developed on the Property." i.e., 1,000 resort condominium units. None of the affordable housing units have been constructed and Condition No. 2 has been violated.
3. "Petitioner shall fund the design and construction of improvements to Kamehameha Highway... including fully channelized intersections at Marconi Road, Kuilima Drive and West Kuilima Drive." There are no intersection improvements; Condition No. 3 has been violated.
7. "The Petitioner shall insure free public access and parking for parks and rights-of-way to the shoreline. Continuous pedestrian access along the shoreline of the proposed Kuilima Resort Expansion shall also be assured by the Petitioner." There are neither free public parks or parking at the shoreline, nor continuous pedestrian access along the shoreline; Condition No. 7 has been violated.

*See Exhibit "A" at Conditions 1, 2, 3 and 7.*

### **III. Legal Standard**

"Any party or interested person may file a motion with the commission requesting issuance of an order to show cause upon a showing that there has been a failure to perform a

condition, representation, or commitment on the part of the petitioner.” Haw. Admin. R. §15-15-93(a). Further, “Whenever the commission shall have reason to believe that there has been a failure to perform according to the conditions imposed, or the representations or commitments made by the petitioner, the commission shall issue and serve upon the party or person bound by the conditions, representations, or commitments, an order to show cause why the property should not revert to its former land use classification or be changed to a more appropriate classification.” *Id.* at 93(b).

**IV. Required Information Under §15-15-93.**

**A. Interest of Movant.**

As indicated in the attached Affidavit of Timothy Vandever, Defend Oahu Coalition, is a non-profit Hawaii corporation organized on August 23, 2006. Its members include residents of the North Shore and Kahuku, who live, work, travel and play on and around the Property.

**B. Reasons for Filing Motion.**

The Motion is being filed because the Developer has not complied with the above-mentioned representations, commitments and conditions, and because the Developer is now proposing a completely different project from that approved by the LUC in 1986.

**C. Description and Map of Property.**

The Property is located at Kahuku, near the northernmost point of Oahu. The Property’s boundaries are: to the south, Kamehameha Highway; to the east, Marconi Road; to the

north, the coastline Conservation District; and to the west, the existing Turtle Bay Resort and the Punahoolapa Marsh.<sup>3</sup> A map of the Property is attached to Exhibit "A."

**D. Conditions, Representations, Commitments Not Performed.**

The Conditions, Representations and Commitments not performed by the Developer are FOF Nos. 13, 18, 58, 59 and 60, and Condition Nos. 1, 2, 3 and 7, as stated in Section II, above.

**E. Facts Supported by Affidavit.**

The facts supporting Defend Oahu Coalition's belief that the representations, commitments and conditions have not been performed or satisfied are as stated in Section II, above, and contained in the Declaration of Timothy Vandever.

**F. Specific Relief Requested.**

Defend Oahu Coalition requests a hearing on this Motion and that the LUC issue an order to show cause why the Property should not revert to the Agricultural district, and thereafter revert the Property to the Agricultural District.

**V. New Developments Since 2010.**

Defend Oahu Coalition filed its original motion for order to show cause in 2008, and the LUC held several hearings but it did not take action. Just prior to the last hearing on February 4, 2010, the Developer filed a brief explaining why the LUC should refrain from acting on the OSC Motion:

[Developer] initiated discussions with the State Office of Planning ("OP") in an effort to ... establish reasonable timeframes and goals for the future development of the petition area and overall project area... However, on or about October 15, 2009 the Hawaii Supreme Court ... issued its notice that it will hear oral arguments

---

<sup>3</sup> The Property that was the subject of the original Petition is TMK Nos. 5-6-03: 37, 43, portion of 40, portion of 41, portion of 42 and portion of 44, 5-7-01: portion of 33.

regarding [Developer's] environmental impact statement ("EIS") for the turtle bay project.... The uncertainty of the Courts [sic] decision makes it extremely difficult for [Developer] to commit to any development deadlines at this time.

Respondent Kuilima Resort Company's Supplemental Reply Memorandum, filed February 1, 2009, at 4.

Since the LUC last considered whether to issue an order to show cause, the Hawaii Supreme Court has spoken. In *Unite Here! Local 5 v. City and County of Honolulu*, 123 Hawaii 150, 231 P.3d 423 (2010), the Supreme Court held that the Developer's 1985 EIS was inadequate because the Developer had changed the Project's timing from that disclosed in the EIS. In fact, the Hawaii Supreme Court rejected as "absurd" the very contention that the Developer made to the LUC concerning the absence of specific deadlines:

Under Kuilima's ... interpretation of the applicable rules and circumstances, because no specific deadline was established for the project's completion, *the 1985 EIS would remain valid in perpetuity and no SEIS could ever be required, so long as no substantive changes to the design of the project were made.*

*Unite Here! Local 5*, 123 Hawaii at 179, 231 P.3d 452 (emphasis in original). Just as there were explicit and implicit deadlines in the EIS, there are explicit and implicit deadlines in the LUC reclassification.

As indicated in Section II, above, the Developer represented to the LUC that the resort condominiums on the Property would be commenced by 1988 and totally complete by 1996. Likewise, the LUC Rules in effect at the time also required that "Petitioners requesting amendments to District Boundaries shall make substantial progress in the development of the area redistricted to the new use approved within a period specified by the Commission not to exceed five (5) years from the date of approval of the boundary change. The Commission may act to reclassify the land to an appropriate District classification upon failure to perform within



the specified period according to representations made to the Commission”. Haw. Admin. R. §6-1. Thus, both the Developer’s representations, reflected in the FOFs, as well as the underlying rule, requires “substantial progress” within 5 years of the reclassification, or by 1991. That did not occur in this case, and none of the 1,000 resort condominiums, nor the 100+ affordable housing units, were constructed on the Property, either by 1991 or by 2013.

Secondly, Defend Oahu Coalition asked the LUC in 2008 to issue an order to show cause for the reversion of the Property to the Agricultural District, the LUC has on at least two other occasions enforced the disregard of representations, commitments and conditions. In the *Bridge Aina Lea* matter, A87-617, the LUC reverted land to the Agricultural District when the developer failed to construct the affordable housing in the amount and at the times represented to the LUC. Likewise, in the *Ka’ono’ulu Ranch* matter, A94-706, the LUC found that the developer had violated several of the conditions on its project. It is imperative that the LUC continue to hold petitioners to their word, and to revert when a petitioner fails to comply with representations, commitments or conditions.

Finally and most significantly, since the original OSC Motion, the Developer has proposed a completely different project for the entire Turtle Bay Resort, including on the 236-acre Property. In late 2012, the Developer issued a Supplemental Environmental Impact Statement (“SEIS”), which was required by the Hawaii Supreme Court in the *Unite Here! Local 5* decision. The SEIS describes a completely different project from that represented to and approved by the LUC in the 1986 D&O. For instance, the Developer is not proposing to build three full service off-site hotels to provide the employment opportunities as represented to the LUC in 1985, but rather is proposing two hotels that may be condo-hotel or time-share, which are not a full service hotels. The Developer is also proposing to replace the 1,000 resort





5. A true and correct copy of the Findings of Fact, Conclusions of Law and Decision and Order is attached as Exhibit "A."

6. Construction of the first phase of condominiums was not started in 1988, nor was it started by 2013.

7. There are not 100 affordable housing units, or any affordable housing units, either on or off the Property.

8. There are neither three new full-service hotels, nor the promised employment that would accompany them.

9. Not only were 315 of the 1,000 units not completed by 1991, nor the entire Project completed by 1996, but not none of the units have even been started by 2013.

10. A true and correct copy of the, Draft Supplemental Environmental Impact Statement for Turtle Bay Resort Expansion, dated November 2012, Executive Summary, attached as Exhibit "B."

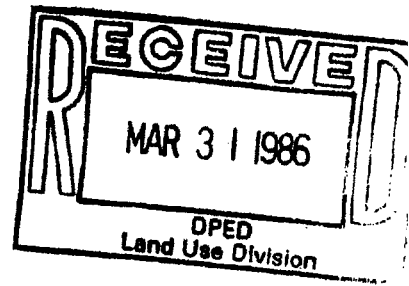
I declare under penalty of perjury under the laws of the State of Hawaii that the foregoing is true and correct.

DATED THIS 12<sup>th</sup> day of June, 2013, at Honolulu, Hawaii.

  
TIMOTHY VANDEVEER

5450

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII



In the Matter of the Petition of )  
KUILIMA DEVELOPMENT COMPANY )  
To Amend the Agricultural Land Use )  
District Boundary into the Urban )  
Land Use District for approximately )  
236 acres at Kahuku, Koolauloa, )  
Oahu, Hawaii, Tax Map Key Nos.: )  
5-6-03: 37, 41, 42, 43, 44 and )  
portion 40, 5-7-01: portion 17 and )  
portion 33 )

DOCKET NO. A85-595  
KUILIMA DEVELOPMENT  
COMPANY

This is to certify that this is a true and correct  
copy of the Decision and Order on file in the office  
of the State Land Use Commission, Honolulu Hawaii.  
MAR 27 1986 by [Signature]  
Date Executive Officer

FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
DECISION AND ORDER

2013 JUN 18 A 8:56  
LAND USE COMMISSION  
STATE OF HAWAII

cc: EK

**EXHIBIT A**

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
KUILIMA DEVELOPMENT COMPANY )  
To Amend the Agricultural Land Use )  
District Boundary into the Urban )  
Land Use District for approximately )  
236 acres at Kahuku, Koolauloa, )  
Oahu, Hawaii, Tax Map Key Nos.: )  
5-6-03: 37, 43, portion of 40, )  
portion of 41, portion of 42, )  
and portion of 44, 5-7-01: )  
portion of 33 )

DOCKET NO. A85-595  
KUILIMA DEVELOPMENT  
COMPANY

FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND DECISION AND ORDER

Kuilima Development Company, a Hawaii general partnership, (hereinafter referred to as "Petitioner") filed this Petition on June 14, 1985, and amended this Petition on July 11, 1985 and on October 7, 1985, pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules of Practice and Procedure of the Land Use Commission, State of Hawaii, to amend the land use district boundary of approximately 236 acres of land situate at Kahuku, Koolauloa, County of Honolulu, State of Hawaii, Oahu Tax Map Key Nos.: 5-6-03: 37, 43, portion of 40, portion of 41, portion of 42 and portion of 44, 5-7-01: portion of 33 (hereinafter referred to as the "Property"), from the Agricultural District to the Urban District for resort and golf course uses. The Land Use Commission (hereinafter referred to

as the "Commission"), having heard and examined the testimony, evidence, argument of counsel, the proposed findings of fact and conclusions of law, presented at the hearing, hereby makes the following findings of fact and conclusions of law, and decision and order:

PROCEDURAL MATTERS

1. The Commission conducted the hearing on the Petition on October 16, 1985, pursuant to notice published in the Honolulu Star-Bulletin on September 3, 1985.

2. Abe Kealoha, Raymond Ako, James Zane, Millie Keawe, and Guy Nakamoto testified as public witnesses on October 16, 1985.

3. The Commission received no petitions to intervene.

DESCRIPTION OF THE PROPERTY

4. The Property is located at Kahuku, near the northernmost point of the island of Oahu. The Property's boundaries are: to the south, Kamehameha Highway; to the east, Marconi Road (also known as the Kahuku Airport Road); to the north, the shoreside Conservation District; and to the west, the existing Turtle Bay Hilton and Country Club, also known as the Kuilima Resort, and the Punahoolapa Marsh.

5. Most of the Property is vacant. Sand dunes and the abandoned Kahuku airfield are located on the makai side of the Property.

Approximately 138 acres of the Property are leased by four farmers on a month-to-month basis but only 20 acres of the

Property is in active crop production.

6. Petitioner, a wholly-owned subsidiary of Prudential Insurance Company of America, owns approximately 225 acres of the Property and leases from the Trustees Under the Will and of the Estate of James Campbell ("Campbell Estate"), the balance of 11 acres. Campbell Estate has consented to the Petition for boundary amendment.

7. A majority of the Property is flat with an elevation ranging between five to ten feet above sea level. Rainfall in the area, including the Property, averages approximately 40 inches annually.

8. The Land Study Bureau's "Detailed Land Classification - Island of Oahu" classifies most of the soils within the Property as "C" and "E". Eighty-one acres adjacent to Kamehameha Highway are classified as "A" and "B".

9. The United States Department of Agriculture's Soil Conservation Service Soil Survey Report for the island of Oahu identifies four soil series within the Property: Pearl Harbor, Jaucas, Waialua and Kaena.

The Pearl Harbor (Ph) soils are very poorly drained on nearly level coastal plains. They developed in alluvium overlying organic material. In a representative profile the surface layer is very dark gray, mottled clay about 12 inches thick. The subsoil is very dark gray and very grayish-brown, mottled clay that has angular and subangular blocky structure. The substratum is muck or peat. The soil is neutral in the



surface layer and mildly to moderately alkaline in the subsoil. Permeability is very slow. Runoff is very slow to ponded, and the erosion hazard is no more than slight. These soils are appropriate for taro, sugarcane, and pasture. The natural vegetation consists of cattails, mangrove trees, California grass, and sedges.

The Jaucas Series, 0 to 15 percent slopes (JaC) consists of excessively drained, calcareous soils that occur as narrow strips on coastal plains, adjacent to the ocean. They developed in wind- and water-deposited sand from coral and seashells. Jaucas sand, 0 to 15 percent slopes, in most places does not exceed 7 percent slope. In a representative profile the soil is single grain, pale brown, to very pale brown, sandy, and more than 60 inches deep. In many places the surface layer is dark brown as a result of accumulation of organic matter and alluvium. The soil is neutral to moderately alkaline throughout the profile. Permeability is rapid, and runoff is very slow to slow. The hazard of water erosion is slight, but wind erosion is a severe hazard where vegetation has been removed. These soils are appropriate for pasture, sugarcane, truck crops, alfalfa, recreational areas, wildlife habitat, and urban development.

The Waialua Series, 0 to 3 percent slopes (WkA) and 3 to 8 percent slopes (WkB), consists of moderately well drained soils on alluvial fans. These soils developed in alluvium, weathered from basic igneous rock. They are nearly level to

steep. Waialua silty clay, 0 to 3 percent slopes, is located on smooth coastal plains. In a representative profile the surface layer is dark reddish-brown silty clay about 12 inches thick. The subsoil, about 265 inches thick, is dark reddish-brown and reddish-brown silty clay that has subangular blocky structure. The substratum is dark reddish-brown, mottled silty clay. The soil is neutral in the surface layer and slightly acid in the subsoil. Permeability is moderate. Runoff is slow, and the erosion hazard is no more than slight. Waialua silty clay, 3 to 8 percent slopes, exhibits slow runoff and slight erosion hazard. Waialua soils are appropriate for sugarcane, truck crops, orchards, and pasture. The natural vegetation is swollen fingergrass, koa haole, and uhaloa.

Kaena Series consists of very deep, poorly drained soils on alluvial fans and talus slopes. These soils developed in alluvium and colluvium from basic igneous material. They are gently sloping to steep and are commonly stony. In a representative profile of the surface layer of Kaena clay, 2 to 6 percent slopes (KaB), the soil is very dark gray clay about 10 inches thick with few or no stones. The next layer is 36 to more than 48 inches thick and is dark-gray and dark grayish-brown clay that has prismatic structure. It is underlaid by highly weathered gravel. The soil is very sticky and very plastic, and is mottled. It is slightly acid to neutral. Runoff is slow, and the erosion hazard is slight.

This soil is appropriate for sugarcane, truck crops, pasture, and urban development.

10. The Department of Agriculture in its Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system classifies approximately 25 percent of the south-mauka corner of the Property as "prime agricultural land", and the central portion and the south-west corner as "other important agricultural land". The remaining balance in the makai portion of the Property is not classified.

11. The Federal Insurance Administration in its Flood Insurance Rate Map for Oahu indicates that the makai portion of the Property is subject to the 100-year tsunami inundation with approximate inundation ranging between 6 and 18 feet above sea level. Portions of the Property are designated Zone "AH" indicating areas of 100-year shallow flooding with depths between 1 and 3 feet above sea level. The 100-year flood has a one percent chance of being equaled or exceeded in any given year.

12. The Property surrounds Punahoolapa Marsh which is not part of this Petition for Urban classification and will remain in the Agricultural District.

#### PROPOSAL FOR DEVELOPMENT

13. Petitioner proposes to develop the Property as part of the Kuilima Resort Expansion area (hereinafter referred to as the "Resort"). The Resort will be a low density resort development and include two activity areas - the western

portion consisting of hotels and a commercial complex, and the eastern portion consisting of low density residential and recreational uses. The Resort will include the following uses:

KUILIMA RESORT EXPANSION

Property

<u>Land Use</u>	<u>Acres</u>	<u>Units</u>
Golf Course (portion)	132	
Resort Condominium Units	78	1,000
Public Beach Park (portion)	10	
Private Park	6	
Stable	<u>10</u>	
Subtotal	236	<u>1,000</u>

Existing Urban District Proposed for Development

<u>Land Use</u>	<u>Acres</u>	<u>Units</u>
Hotels (3 new, one for expansion)	69	1,450
Resort Condominiums	59.2	1,063
Public Parks	31.8	
Private Park	2	
Commercial	9	
Golf Course (portion)	62	
Club House	<u>5</u>	
Subtotal	<u>238</u>	<u>2,513</u>
TOTAL	474	3,513

14. Petitioner proposes to preserve Punahoolapa Marsh, in accordance with the U.S. Fish and Wildlife Service's recommendations, by constructing a moat and chain link fence around the marsh to improve drainage, opening additional waterways and creating new islands within the waterways. Petitioner will also provide a six-acre park adjacent to the marsh to provide an "area for the public to observe the animals within the marsh".

15. Petitioner proposes to develop the following off-site improvements: one production water well, one standby well, a new reservoir, new distribution lines and a wastewater treatment plant.

16. Petitioner estimates the total infrastructure costs for all resort improvements, in 1984 dollars, to be approximately \$82,000,000.00 of which the first phase of development would be approximately \$32,000,000.00.

---

Petitioner estimates that \$5,224,000.00 would be needed to fund construction of off-site infrastructure improvements for the Property.

17. Petitioner proposes to include the following improvements in the first phase: sewage treatment plant, improvement of portions of Kamehameha Highway fronting the resort, drainage improvements, internal roadway, wells, water distribution system, electrical/telephone lines, improvement of Punahoolapa Marsh, improvement of existing golf course, new

golf course, hotel along Kawela Bay, commercial area, building pads for condominium sites and a stable.

18. Petitioner proposes to start constructing the first phase condominiums on the Property by 1988 after obtaining all necessary governmental approvals.

PETITIONER'S FINANCIAL CAPABILITY  
TO UNDERTAKE THE PROPOSED DEVELOPMENT

19. Petitioner's balance sheet as of September 30, 1984, list total assets and total liabilities of \$18,511,552.00 and a net worth of \$18,511,552.00. Petitioner is a wholly-owned subsidiary of Prudential Insurance Company of America whose balance sheet as of December 31, 1983, lists total assets and total liabilities of \$72,249,000,000.00 and a net worth of \$72,249,000,000.00.

STATE AND COUNTY PLANS AND PROGRAMS

20. The Property is classified Agricultural on the State Land Use Commission's Official Land Use District Boundary Map 0-7.

21. The City and County of Honolulu ("County") Koolauloa Development Plan Land Use Map designates the Property as Golf Course, Resort, Park and Agriculture.

22. County zoning ordinance map designates the Property in P-1 Preservation and AG-1 Agriculture.

23. A portion of the Property along the coast is in the County's Special Management Area.

NEED FOR THE PROPOSED DEVELOPMENT

24. Petitioner's marketing consultant, the Hallstrom Appraisal Group, Inc., ("Hallstrom") forecasts a demand for a total of 59,700 resort units on Oahu by the year 2000 which is a 21,000 resort unit increase over current island totals. Hallstrom anticipates the Resort could absorb between 5,000 and 6,000 resort units.

Hallstrom also indicated the demand for resort condominiums at the Resort will exceed demand at other resort destinations because: lack of proximate competing inventory; Oahu's recognition as a visitor destination area; and a low sales price.

Petitioner believes that these condominiums can be sold at a rate of 90 to 200 units annually.

25. Hallstrom projects that major destination resorts which currently have a twenty percent share of Hawaii's total resort units (approximately 12,405 hotel and condominium units) will increase that share to 37.56% or 40,000 units by the year 2000.

26. Petitioner believes the Kuilima Resort area needs to achieve a "critical mass" in order to be a successful destination resort area, and that the 1,000 resort condominium units proposed for the Property will play an important part in attaining critical mass and in a successfully marketing of the proposed Resort development.

27. Petitioner anticipates the proposed Resort could generate approximately 2,600 jobs on site and approximately 6,300 job opportunities on an island-wide basis.

28. Petitioner projects that when completed, the proposed Resort would generate net revenues of approximately \$3,600,000.00 annually mainly from excise and income taxes.

29. Petitioner proposes to develop 3,500 resort units in the Resort which is below the 5,000 to 6,000 resort units Hallstrom forecasted could be supported in the area.

30. The State Tourism Functional Plan Technical Reference Document and the County General Plan designate the Kuilima area as an appropriate area for accommodating the growing visitor industry. The County's 1985 Koolauloa Development Plan plans for 4,000 additional resort units within the Kuilima Resort area.

#### IMPACT UPON RESOURCES OF THE AREA

##### Agriculture

31. Petitioner's agricultural economist, Dr. Frank Scott, Jr., prepared an agricultural feasibility study for the Property. Dr. Scott concluded that no adverse impacts on agriculture would result from redistricting the Property from the Agricultural to the Urban District, except for the displacement of four farmers who currently have month-to-month lease agreements.

Petitioner is working closely with the farmers presently occupying the Property, and proposes to assist them



in relocating to Campbell Estate or Castle & Cooke, Inc. lands in Central Oahu.

#### Flora and Fauna

32. Earthwatch conducted vegetation surveys in 1978 and 1984 for the proposed Resort and observed no listed or proposed endangered or threatened plant species on the Property or in the remainder of the Resort.

33. Dr. Andrew J. Berger surveyed the entire Kuilima Resort area and observed four endangered waterbirds: Koloa or Hawaiian Duck, Hawaiian gallinule or 'Aloe 'Ula, Hawaiian coot or 'Alae Ke'oke'O, and the Hawaiian stilt or Ae'O in the Punahoolapa Marsh.

34. Petitioner proposes to improve the marsh to enhance the habitat for the endangered waterbirds as described in Finding of Fact No. 14. The Department of Land and Natural Resources ("DLNR") recommended that the Petitioner carry out improvements to Punahoolapa Marsh in accordance with recommendations of the U. S. Fish and Wildlife Service and the DLNR.

#### Archaeological/Historical Resources

35. Bishop Museum conducted a surface reconnaissance survey of the Property in 1977 and Dr. Paul Rosendahl conducted a subsurface reconnaissance survey of the Property in 1984 and identified both prehistoric and historic-period occupation remains.

The more significant remains are located along the coast. Dr. Rosendahl recommends that sites F4-14 and T-1, located along the coastal stretches of Kahuku Point, require immediate attention to prevent further destruction by sand vehicles.

36. Petitioner will coordinate work with the State Historic Preservation Office to protect sites F4-14 and T-1 from further disturbance and conduct intensive archaeological testing on other sites as recommended by Dr. Rosendahl in his study "Subsurface Archaeological Reconnaissance Survey Kuilima Resort Expansion Project" dated November 1984.

#### Recreational Resources

37. Petitioner proposes to use approximately 158 acres of the Property for active and passive recreational uses, including a 132 acre golf course, a 10-acre stable, a 6-acre nature park and 10 acres for a public beach park (portion of a 37-acre public park).

Petitioner has agreed to set all buildings back at least 180 feet from the shoreline and to omit construction in the area 100 to 300 feet from the shoreline.

Petitioner will dedicate a 4.8-acre park at Kawela Bay to the County and provide a 2-acre privately owned park to be open to the public outside of the Property but within the Resort, for additional public recreational resources.

38. Petitioner proposes to provide five public rights-of-way to the shoreline with 15 free public parking

stalls at each right of way to encourage public access to the shoreline and park usage. In addition, Petitioner will dedicate a continuous pedestrian access along the shoreline of the proposed Resort for public recreational use.

39. The County Department of Parks and Recreation has accepted Petitioner's proposal for recreational resource improvements.

#### Noise

40. Petitioner's proposed Resort will involve land clearing, site preparation, construction of infrastructure and buildings and landscaping. Petitioner does not anticipate to exceed allowable noise levels after the construction phase is completed.

#### Air Quality

41. Petitioner will conform to the County grading ordinance and State and Federal guidelines in mitigating adverse impacts on air quality during construction. Petitioner anticipates long term impacts from increased emissions from increased vehicular traffic and expects that air pollutant concentrations will be within allowable air quality standards.

### ADEQUACY OF PUBLIC SERVICES AND FACILITIES

#### Water Services

42. Petitioner's proposed Resort will generate a demand for approximately 2.982 million gallons of water per day (MGD) upon completion with approximately 0.756 MGD to be

generated by the Property. The Kuilima Resort water system presently includes a 2.0 million gallon reservoir on lands mauka of Kamehameha Highway.

43. Petitioner proposes to develop the Opana (Kawela) Well field by constructing one production well and one standby well to meet Kuilima Resort's potable water requirements. In the event that water withdrawal from the Opana (Kawela) Well field nears capacity, Petitioner will develop the Opana wells situated north of Waialeale. Petitioner will construct a second 1.0 MGD reservoir adjacent to the existing 2.0 MGD reservoir when required. Petitioner has obtained a commitment from Campbell Estate to draw 3 to 4 MGD from the Waialeale Aquifer subject to availability and State and County approvals.

#### Wastewater

44. Petitioner proposes to develop and dedicate to the County a 1.3 MGD capacity wastewater treatment plant mauka of Kamehameha Highway to provide secondary treatment of wastewater from the Kuilima Resort.

Petitioner's proposed sewer system will consist of gravity sewers and a lift station to convey the wastewater to a pump station, which will pump wastewater to the treatment plant.

45. Petitioner proposes to rechlorinate and filter effluent for irrigating the golf courses.

#### Storm Drainage

46. Surface runoff from the Property, areas within the proposed Resort and areas across Kamehameha Highway, drains

into the Punahoelapa Marsh. Petitioner anticipates that increased drainage will flow through the marsh and drain into the shorewaters by way of the 100-foot drainage swale shown on Petitioner's Resort Master Plan Exhibit 1, Figure 1.

47. DLNR recommends that the Petitioner be required to monitor coastal resource conditions at the west and east main drains during development and during subsequent resort/residential operation to minimize the impact of development on shorewaters and marine ecosystems.

#### Flood Hazard

48. Petitioner proposes to develop portions of the Resort within the Federal Insurance Administration-designated flood plain in accordance with County and National Flood Insurance Program flood hazard ordinances and requirements. A portion of the Resort is within Zone V24 and is proposed for park (P-2) to be dedicated to the County.

---

49. Petitioner will construct habitable floors of the proposed resort condominium units at least 5 feet above the finished grade of the golf course to mitigate potential flood hazards to occupants and property.

#### Traffic and Highway Facilities

50. Kamehameha Highway, a two-lane two-way undivided state highway, provides access to the Property. Petitioner's traffic consultant, Austin, Tsutsumi, & Associates, Inc. ("ATA"), concludes that the greatest increase in traffic caused

by the proposed Resort will occur near Kahuku. However, the total peak period traffic will be below the highway's capacity for the year 2000 and the proposed Resort will have minimal impact on highway traffic in Hauula.

51. Petitioner proposes to construct a left-turn lane on Kamehameha Highway at Kuilima Drive; construct fully channelized intersections on Kamehameha Highway at the proposed West Kuilima Drive and the existing Marconi Road; and install traffic signals on the highway at all of these intersections in order to mitigate the impact of traffic entering and leaving the proposed Resort.

52. ATA recommended construction of regional improvements, which Petitioner believes is a governmental responsibility and not that of any single developer, to include: construction of the Haleiwa Bypass Road, improvements to Kamehameha Highway between the proposed Haleiwa Bypass and Kaaawa, and improvements to Kamehameha Highway at Waimea Bay.

---

#### Schools

53. The Department of Education (DOE) indicated that Kahuku High and Elementary school is operating at or beyond capacity. The DOE is in the process of updating the master plan for this school. The DOE indicated that additional facilities are needed and will require expansion in the near future.

### Health Care Services

54. Kahuku Hospital offers 24-hour comprehensive medical, surgical and intensive care, as well as long-term skilled nursing and childbirth services.

### Electrical/Telephone Services

55. Commercial electrical power and telephone services are available at the existing resort. Petitioner will extend service to the Property and the rest of the Resort through underground ducts to be linked to overhead service on Kamehameha Highway.

### Fire and Police Protection Services

56. The County provides fire protection to the Property from Sunset Beach and Kahuku Fire Stations located along Kamehameha Highway approximately three miles from the Property.

Honolulu Police Department through its Kaneohe District Headquarters provides police protection to the Property.

### Solid Waste Disposal

57. Petitioner proposes to hire private collection companies to collect and dispose solid waste at public or private landfills.

### Employee Housing

58. Petitioner anticipates that the proposed development will add to an existing demand for residential housing in the region since some of its employees may require housing.

Petitioner proposes to provide affordable housing units to accommodate additional housing demand by developing a number of units equal to ten percent of the proposed units to be developed within the Property or elsewhere off the Resort in Kahuku.

Petitioner also proposes to implement other mitigation measures including an employee housing information pool and job training activities to maximize employment among current residents, thus reducing in-migration and additional housing needs. Petitioner proposes to organize the Kuilima Development Company North Shore Career Training Corp. to do vocational counseling and job training by offering management training programs and creating scholarship opportunities.

CONFORMANCE TO STATE LAND USE DISTRICT REGULATIONS

59. Petitioner's proposed development conforms to Part II, Section 2-2, "Standards for Determining District Boundaries" as follows:

Petitioner's proposed development is contiguous to the Urban District and is part of the Resort which Petitioner believes is needed to provide the appropriate mix of resort uses in attaining critical mass in order to be a successful resort destination.

Petitioner's proposed development conforms to the County General Plan, the



Koolauloa Development Plan and the State  
Tourism Functional Plan Technical Reference  
Document which identifies the area  
surrounding the Turtle Bay Hilton and Country  
Club as an area designated for resort  
development.

Petitioner's proposed development of the  
Property will support the development of  
three new full-service hotels and the  
expansion of the current Turtle Bay Hilton  
and Country Club for a total of 1,450 new  
units. Development of full-service hotels  
will provide new employment opportunities for  
the area.

Public services and facilities are  
available or can be made available to service  
the Property. Petitioner will develop  
additional water sources and a sewage  
treatment plant to meet anticipated demand  
and will fund traffic improvements as may be  
required by State and County agencies.  
Petitioner will also dedicate two parks  
within the Resort area to the County, provide  
free access to five public rights-of-way, and  
maintain two private parks for public use.

INCREMENTAL DISTRICTING

60. Petitioner proposes to complete substantial portions of the infrastructure as described in Finding of Fact No. 17 as well as 315 of the proposed 1,000 resort condominium units within five years of Commission's approval and to complete the entire Resort development by 1996.

CONFORMANCE WITH THE HAWAII STATE PLAN

61. Petitioner's proposed development generally conforms with the following objectives, policies and Priority Directions of the Hawaii State Plan:

Objectives and Policies

Section 226-5(b)(4) "Promote increased opportunities for Hawaii's people to pursue their socio-economic aspirations throughout the islands."

Petitioner will participate in efforts to maximize employment benefits for the people of the Koolauloa and North Shore regions.

---

Section 226-5(a)(1) "Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaii's people."

Section 226-6(b)(9) "Encourage labor-intensive activities that are economically satisfying."

Section 226-6(b)(11) "Promote economic activities, especially those which benefit areas with substantial unemployment problems."

Section 226-6(b)(14) "Encourage businesses that have favorable financial multiplier effects within Hawaii's economy."

When fully developed, the labor-intensive, resort development within the Property will provide employment and new business opportunities (to service the Resort development) for the Koolauloa and North Shore areas.

Section 226-8(b)(3) "Improve the quality of existing visitor destination areas."  
Petitioner's proposed resort expansion is needed to enhance the resort use of the area and add those uses needed to create a successful major destination area.

Section 226-23(b)(4) "Promote the recreational and educational potential of natural resources having scenic, open space, cultural, historical, geological, or biological values."

Section 226-23(b)(5) "Ensure opportunities for everyone to use and enjoy Hawaii's recreational resources."

Section 226-105(1) "Preserve and improve shoreline open spaces and scenic resources."

Section 226-105(2) "Seek to utilize Hawaii's limited land resources wisely in order to insure the protection of the environment and the availability of the shoreline, conservation lands and other limited resources for future generations."

Petitioner proposes to improve Punahoolapa Marsh into a wildlife park with pedestrian rights-of-way and public parking.

Petitioner will also dedicate two parks within the Resort area to the County, provide free access to five public rights-of-way, and maintain two private parks for public use.

Section 226-104(c)(7) "Seek participation from the private sector for the cost of building infrastructure, utilities, and open spaces."

Petitioner will develop additional water sources and a sewage treatment plant to meet anticipated demand and will fund traffic improvements as may be required by State and County agencies.

CONFORMANCE TO THE HAWAII  
COASTAL ZONE MANAGEMENT PROGRAM

62. Petitioner's proposed development conforms to the following objectives of the Hawaii Coastal Zone Management Program as follows:

1. "Provide coastal recreational opportunities accessible to the public."

Petitioner's proposed development will not alter the recreational activities normally associated with the shoreline makai of the Property, such as surfing, throw net fishing, pole and line fishing, and spear fishing. The dedication of park space to the County will assure unimpeded access along the shoreline and from areas mauka.

---

2. "Protect, preserve, and, where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture."

Dr. Rosendahl has located one site, T-1, which partially extends into the Property and has recommended intensive survey and testing of the site in order to determine and document its nature and significance. Petitioner intends to implement this

recommendation by dedicating area T-1 to the County as a beach park.

3. "Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources."

Petitioner believes that the proposed condominium structures within the Property will not significantly alter views towards the ocean since the building heights will be lower than the tops of the existing ironwood trees.

4. "Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems."

Petitioner will not construct within the waters makai of the Property and will not allow point discharge of treated or untreated wastewater directly into offshore waters.

5. "Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence."

Petitioner will not construct habitable spaces below the Federal Insurance Administration's 100-year tsunami/flood elevation contour.

#### RULING ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact submitted by the Petitioner or the other parties not adopted by the Commission herein, or rejected by clear contrary findings of fact herein, are hereby denied and rejected.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, as amended, and the Rules of Practice and Procedure and District Regulations of the State Land Use Commission, the Commission finds upon a preponderance of evidence that the reclassification of the Property, which is the subject of the Petition, Docket No. A85-595 by Kuilima Development Company, consisting of approximately 236 acres of land from the Agricultural District to the Urban District at Kahuku, Koolauloa, Oahu, Hawaii, Oahu Tax Map Key Nos.: 5-6-03: 37, 43, portion of 40, portion of 41, portion of 42, and portion of 44, 5-7-01: portion of 33, for resort and golf course uses, subject to the conditions stated in the Order, conforms to the standards established in the State Land Use District Regulations, is reasonable and non-violative of Section 205-2, Hawaii Revised Statutes, and the Hawaii State Plan, as set forth in Chapter 226, Hawaii Revised Statutes.

---

ORDER

IT IS HEREBY ORDERED that the Property being the subject of this Docket No. A85-595 by Kuilima Development Company, consisting of approximately 236 acres, situate at Kahuku, Koolauloa, Oahu, and identified as Oahu Tax Map Key Nos.: 5-6-03: 37, 43, portion of 40, portion of 41, portion of 42, and portion of 44, 5-7-01: portion of 33, and approximately identified on Exhibit A attached hereto and incorporated by

reference herein, shall be and the same is hereby reclassified from the Agricultural District to the Urban District and the State Land Use District Boundaries are amended accordingly subject to the following conditions:

1. The Petitioner shall develop full-service hotels on lands outside of the Property as designated in Petitioner's Master Plan for the Kuilima Resort in order to ensure employment opportunities for North Shore Residents.

2. Petitioner shall provide housing opportunities for low and moderate income Hawaii residents and employees employed at the Kuilima Resort by constructing and offering for sale or rent, on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority and the City and County of Honolulu, within or without the Property, a number of residential units, not less than ten percent of the number of resort condominium residential units to be developed on the Property to residents of Hawaii and employees employed at the Kuilima Resort of low and moderate income as determined by the Hawaii Housing Authority or the City and County of Honolulu from time to time, or by contributing to the development of such housing without the Property. The preferential residential units shall be offered for sale or rent at prices not exceeding prices that enable such purchasers or including bargaining unit employees of the Petitioner or the full service hotels at the Kuilima Resort to qualify for and obtain State

assisted financing, i.e. Act 105 or Hula Mae or federally insured or assisted financing, i.e. FHA, Section 245 Program, intended to encourage home ownership by low and moderate income families.

3. Petitioner shall fund the design and construction of improvements to Kamehameha Highway for the Kuilima Resort Expansion as required by the State Department of Transportation, including fully channelized intersections at Marconi Road, Kuilima Drive and West Kuilima Drive. Petitioner shall also assist the State Department of Transportation in its attempt to acquire a 50-foot right-of-way for widening Kamehameha Highway parallel to the boundary of the Kuilima Resort Expansion.

4. Petitioner shall develop additional water sources and related infrastructure to accommodate the water demand of the Kuilima Resort Expansion.

---

5. Petitioner shall assist the U.S. Fish and Wildlife Service and the Department of Land and Natural Resources in their activities to improve Punahoolapa Marsh.

6. Petitioner shall take such measures as required by the State Historic Preservation Office to protect archaeological sites F4-14 and T-1 from further disturbance and to monitor construction activities. Should any archaeological resources be discovered during the project's development, the Petitioner shall comply with directives of the State Historic Preservation Office.



7. The Petitioner shall insure free public access and parking for parks and rights-of-way to the shoreline.

Continuous pedestrian access along the shoreline of the proposed Kuilima Resort Expansion shall also be assured by the Petitioner. Petitioner shall dedicate approximately 10 acres of land to the City and County of Honolulu for park purposes.

8. The Petitioner shall develop and operate a private sewage treatment plant and related infrastructure to accommodate the sewage demand of the Kuilima Resort Expansion.

9. The Petitioner shall establish a monitoring program of the coastal resource conditions at the East and West drains and their effects upon offshore waters and marine ecosystems in conjunction with and under the direction of the Department of Land and Natural Resources.

The Commission may fully or partially release these conditions as to all or any portion of the Property upon timely motion and the provision of adequate assurance of satisfaction of the conditions by Petitioner.

DOCKET NO. A85-595 - KUILIMA DEVELOPMENT COMPANY

Done at Honolulu, Hawaii, this 27th day of March  
1986, per motions on January 15, 1986 and March 11, 1986.

LAND USE COMMISSION  
STATE OF HAWAII

By *T. Tacbian*  
TEOFILO PHIL TACBIAN  
Chairman and Commissioner

By *Frederick P. Whittemore*  
FREDERICK P. WHITTEMORE  
Vice Chairman and Commissioner

By *Richard B. F. Choy*  
RICHARD B. F. CHOY  
Commissioner

By *Robert S. Tamaye*  
ROBERT S. TAMAYE  
Commissioner

By *Winona E. Rubin*  
WINONA E. RUBIN  
Commissioner

By *Lawrence F. Chun*  
LAWRENCE F. CHUN  
Commissioner

DOCKET NO. A85-595 - KUILIMA DEVELOPMENT COMPANY

By William W. Yuen  
WILLIAM W. L. YUEN  
Commissioner


By Everett L. Cuskaden  
EVERETT L. CUSKADEN  
Commissioner

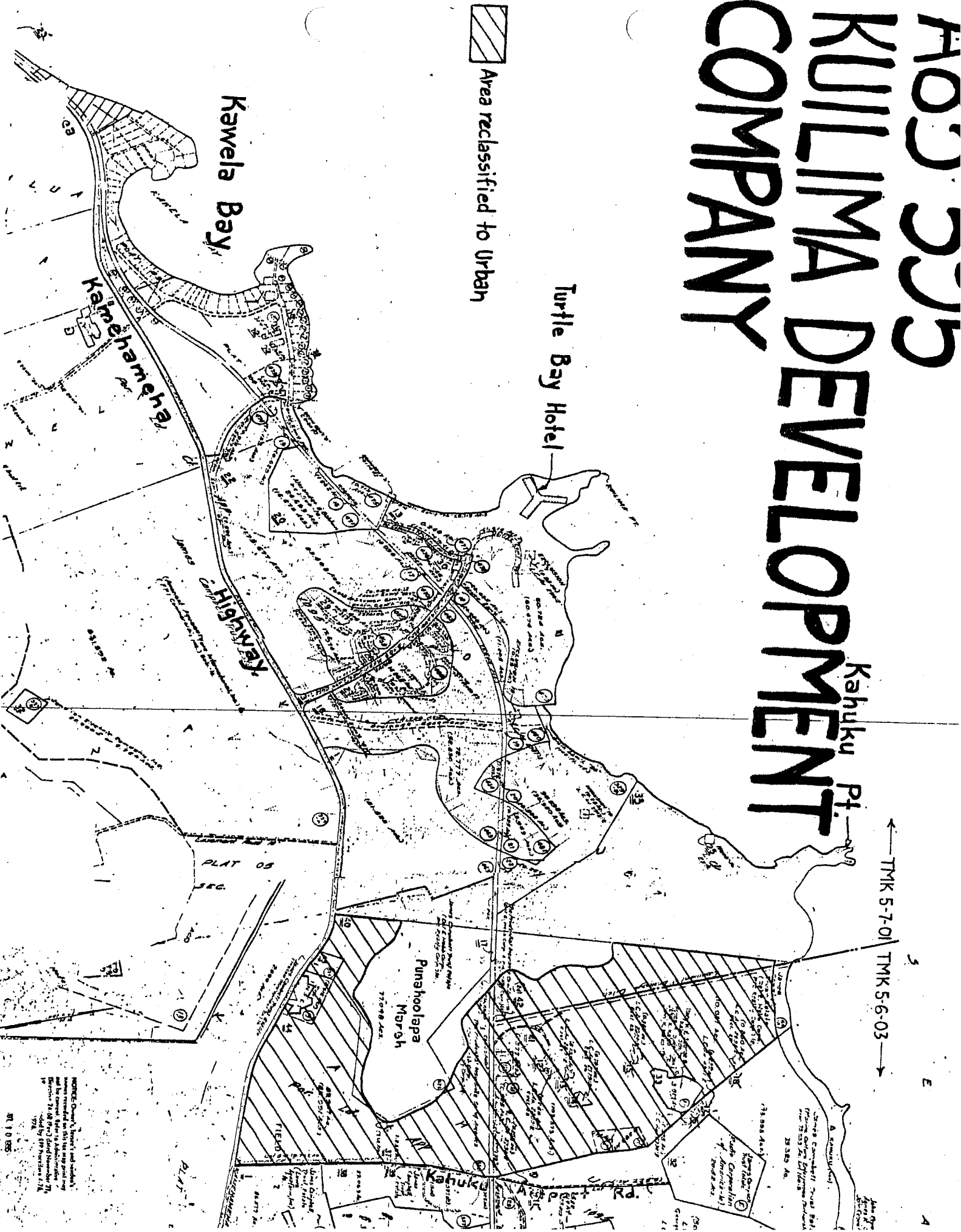
By Toru Suzuki  
TORU SUZUKI  
Commissioner

# HOO 555 KUILIMA DEVELOPMENT COMPANY

Kahuku Pt.

← TMK 5-7-01 TMK 5-6-03 →

 Area reclassified to Urban



Kawela Bay

Turtle Bay Hotel

PLAT 05  
SEC.

Punahoolapa  
Marsh  
73,000 AC.

Kahuku

NOTES: Owner, Applicant, and holder of any interest in this map are hereby notified that the Commission on Land Use and Planning, Department of Planning and Economic Development, State of Hawaii, has approved this map for recording on 10/10/95. The Commission's approval is based on the information provided by the applicant and holder of any interest in this map. The Commission does not warrant the accuracy of the information provided by the applicant and holder of any interest in this map. The Commission's approval is based on the information provided by the applicant and holder of any interest in this map. The Commission does not warrant the accuracy of the information provided by the applicant and holder of any interest in this map.

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
KUILIMA DEVELOPMENT COMPANY )  
To Amend the Agricultural Land Use )  
District Boundary into the Urban )  
Land Use District for approximately )  
236 acres at Kahuku, Koolauloa, )  
Oahu, Hawaii, Tax Map Key Nos.: )  
5-6-03: 37, 41, 42, 43, 44 and )  
portion 40, 5-7-01: portion 17 and )  
portion 33 )

DOCKET NO. A85-595  
KUILIMA DEVELOPMENT  
COMPANY

CERTIFICATE OF SERVICE

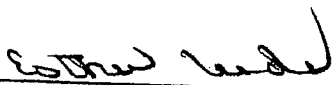
I hereby certify that a copy of the Land Use Commission Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

KENT M. KEITH, Director  
Department of Planning and Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

DONALD A. CLEGG, Chief Planning Officer  
Department of General Planning  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

ROY Y. TAKEYAMA  
JAN NAOE SULLIVAN  
Attorneys for Petitioner  
1188 Bishop Street, Suite 3404  
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 27th day of March 1986.

  
ESTHER UEDA  
Executive Officer

FILE COPY

NOV 23 2012

# LEE SICHTER LLC

45024 MALULANI STREET #1, KANEHOHE, HAWAII 96744  
PH. (808) 382-3836; FAX. (808) 234-0872; WEB. [WWW.LEESICHTER.COM](http://WWW.LEESICHTER.COM)

November 7, 2012

Mr. Gary Hooser  
Office of Environmental Quality Control  
State of Hawai'i  
235 S. Beretania Street, Room 702  
Honolulu, Hawai'i 96813

Mr. Jiro Sumada, Acting Director  
Department of Planning and Permitting  
City and County of Honolulu  
650 S. King Street, 7<sup>th</sup> Floor  
Honolulu, Hawai'i 96813

Dear Mr. Hooser and Mr. Sumada:

**Simultaneous Filing of  
Draft Supplemental Environmental Impact Statement  
For Turtle Bay Resort Expansion**

On behalf of Turtle Bay Resort, LLC, I hereby transmit the documents package for the Draft Supplemental Environmental Impact Statement (SEIS) for the proposed Turtle Bay Resort Expansion project. The proposed action is situated on property identified as TMK 5-6-003:por.1, por. 3, por. 10, por. 17, por. 26, 33, 40-42, 44, 46, 48, 49; 5-7-001:1, 16, 17, 20, 22, 30, 31, 33; 5-7-003:72; and 5-7-006:1, 2, 22, 23. It is located in the district of Ko`olau Loa on the island of O`ahu.

I request that a Notice of Availability for Public Comment be published for 45 days in the next available edition of the Environmental Notice (November 23, 2012). The Draft SEIS includes copies of all written comments received during the early consultation process and during the 30-day public consultation period for the EA/Supplemental EISPN.

Also enclosed is a distribution list for verification of OEQC under Section 11-200, Hawai'i Administrative Rules. Upon receiving verification from OEQC (along with the bulletin proof of the notice containing the pertinent details for commenters), we will make the Draft SEIS and bulletin proof available to those so indicated on the distribution list so that they will have the full 45-day statutory period to review and comment on the Draft SEIS.

Finally, enclosed for OEQC are a completed OEQC Publication Form, two printed copies of the Draft SEIS, an Adobe Acrobat PDF file of the same, and an electronic copy of the publication form in MS Word. Simultaneous with this letter, we have submitted the summary of the action in a text file by electronic email to the OEQC.

OFC OF ENVIRONMENTAL QUALITY CONTROL  
NOV -8 12 8:53

RECEIVED

2013 JUL 18 8:56

LAND USE COMMISSION  
STATE OF HAWAII

Enclosed for DPP are a completed OEQC Publication Form, three (3) printed copies of the Draft SEIS, and eight (8) copies of the PDF file of the same.

If you have any questions or require any additional information, please call me at 382-3836.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Lee Sichter', written over a horizontal line.

Lee Sichter  
Lee Sichter LLC

Enclosures

**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:** November 7, 2010

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

**Type of Document:** Supplemental Draft Supplemental EIS

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

**Type of Document:** Draft Supplemental EIS

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

**Consultant:** Lee Sichter LLC  
**Address:** 45024 Malulani Street #1  
**City, State, Zip:** Kane'ohe, Hawai'i 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, Hawai'i 96813  
**Contact and Phone:** Ms. Sharon Nishiura, (808) 768-8031

**Island Affected by Action:** O`ahu  
**TMK:** 5-6-003:por.1, por. 3, por. 10, por. 17, por. 26, 33, 40-42, 44, 46, 48, 49; 5-7-001:1, 16, 17, 20, 22, 30, 31, 33; 5-7-003:72; 5-7-006:1, 2, 22, 23

**Street Address:** Turtle Bay Resort, 57-091 Kamehameha Highway, Kahuku, Hawai'i 96731

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

**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 new 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. At build out, the Proposed Action will generate over 1,500 on-going operational jobs on-site. 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.

**Form Preparer:** Lee Sichter LLC  
Address: 45024 Malulani Street #1  
City, State, Zip: Kane`ohe, Hawai`i 96744  
Contact and Phone: Lee Sichter, (808) 382-3836

DISTRIBUTION LIST  
FOR TURTLE BAY DRAFT SUPPLEMENTAL EIS

Copies of the Draft SEIS (either in printed or digital format) will be submitted to the following agencies, organizations, and general public for review, as required by the OEQC. Please note that in an effort to save paper, we have advised all consulted parties that the Draft SEIS will also be available on a website entitled [www.turtlebayseis.com](http://www.turtlebayseis.com)

In addition to the parties listed below, all parties who submitted substantive comments on the EA/SEISPN will be notified prior to the publication date that the Draft SEIS will be available on the aforementioned website, and they will also be given the option of receiving a printed copy of the document or an electronic copy on a compact disc.

Federal Agencies

Department of the Interior, Geological Survey, Pacific Islands Water Science Center  
Department of the Interior, Fish and Wildlife Service  
Department of Commerce, National Marine Fisheries Service  
Department of Interior, National Parks Service  
Department of Agriculture, National Resources Conservation Service  
Department of Transportation, Federal Aviation Administration  
Department of Transportation, Federal Transit Administration  
Commander, 14<sup>th</sup> Coast Guard District, U.S. Coast Guard

State Agencies

Office of Environmental Quality Control  
Department of Agriculture  
Department of Accounting and General Services  
Department of Business, Economic Development and Tourism  
DBEDT Research Division Library  
DBEDT Strategic Industries Division  
DBEDT Office of Planning  
Department of Defense  
Department of Education, Hawaii State Library, Hawaii Documents Center  
Kaimuki Regional Library  
Kane`ohe Regional Library  
Pearl City Regional Library  
Hawaii Kai Regional Library  
Hilo Regional Library  
Kahului Regional Library  
Lihu`e Regional Library  
Kahuku Public & School Library  
Waialua Public Library  
Waialua Public Library  
Kaneohe Public Library

Department of Hawaiian Home Lands  
Department of Health, Environmental Health Administration  
Department of Land and Natural Resources  
DLNR – Historic Preservation Division  
Department of Transportation  
Office of Hawaiian Affairs  
University of Hawaii, Thomas H. Hamilton Library  
University of Hawaii, Edwin H. Mo`okini Library  
University of Hawaii, Maui College Library  
University of Hawaii, Kaua`i Community College Library  
University of Hawaii, West Oahu Library  
University of Hawaii, Water Resources Research Center  
University of Hawaii, Environmental Center  
Legislative Reference Bureau

State Elected Officials

United States Senator Daniel K. Inouye  
United States Senator Daniel Akaka  
United States Representative Collene Hanabusa  
United States Representative Mazie Hirono  
Governor Neil Abercrombie  
Senator Donovan Dela Cruz  
Senator Clayton Hee  
Representative Gil Riviere  
Representative Jessica Wooley

City and County of Honolulu

Department of Planning and Permitting (Accepting Authority)  
Board of Water Supply  
Department of Customer Services  
Department of Design and Construction  
Department of Environmental Services  
Department of Facility Maintenance  
Department of Parks and Recreation  
Department of Transportation Services

City and County of Honolulu Elected Officials

Council Chairman Ernest Martin  
North Shore Neighborhood Board #27  
Ko`olauloa Neighborhood Board #28

News Media

Honolulu Star Advertiser  
Hawai`i Tribune Herald  
West Hawai`i Today  
The Garden Isle

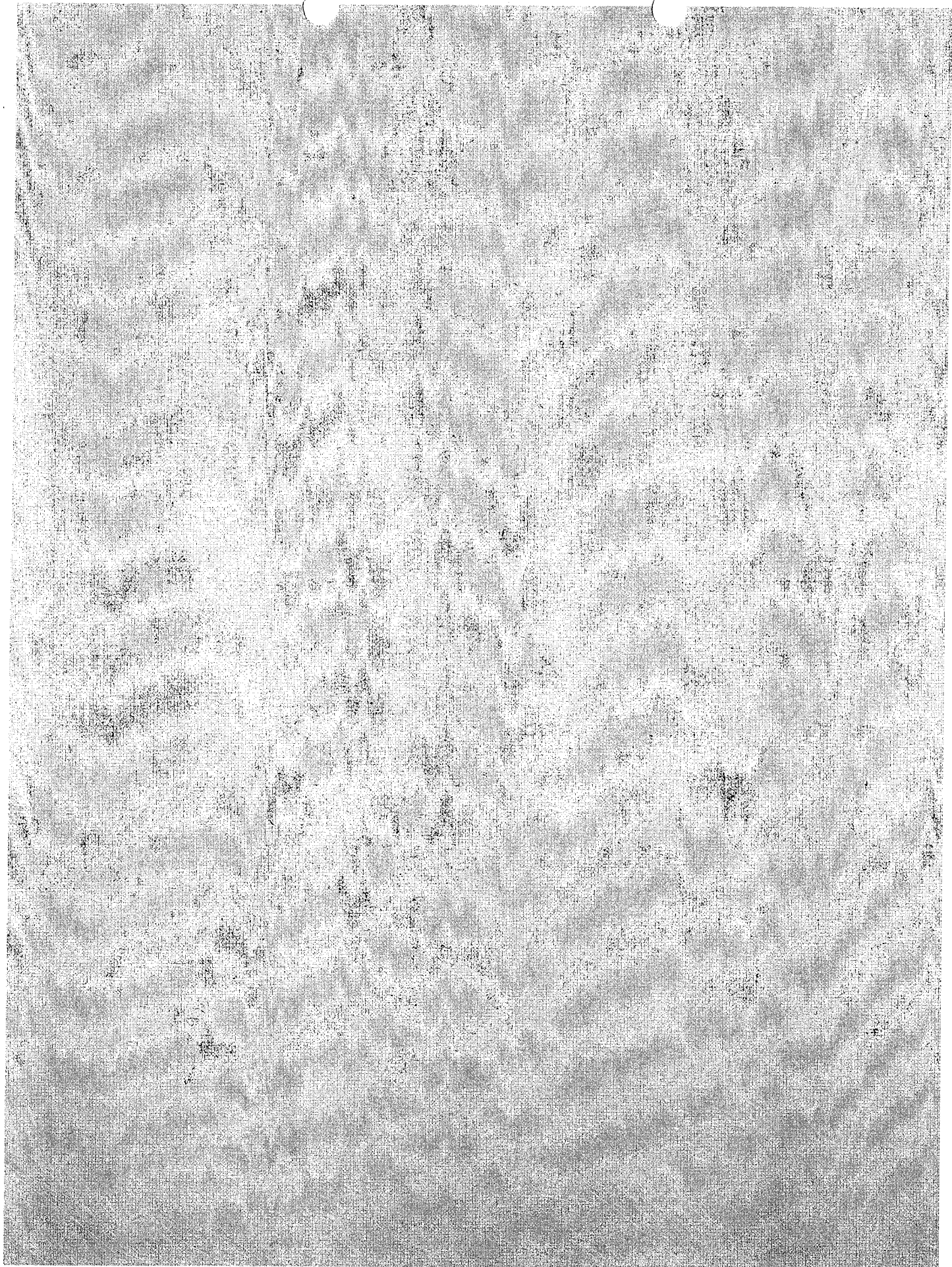
Maui News  
Moloka'i Dispatch

Public Interest Groups

Defend O`ahu Coalition  
Ko`olauloa North Shore Coalition

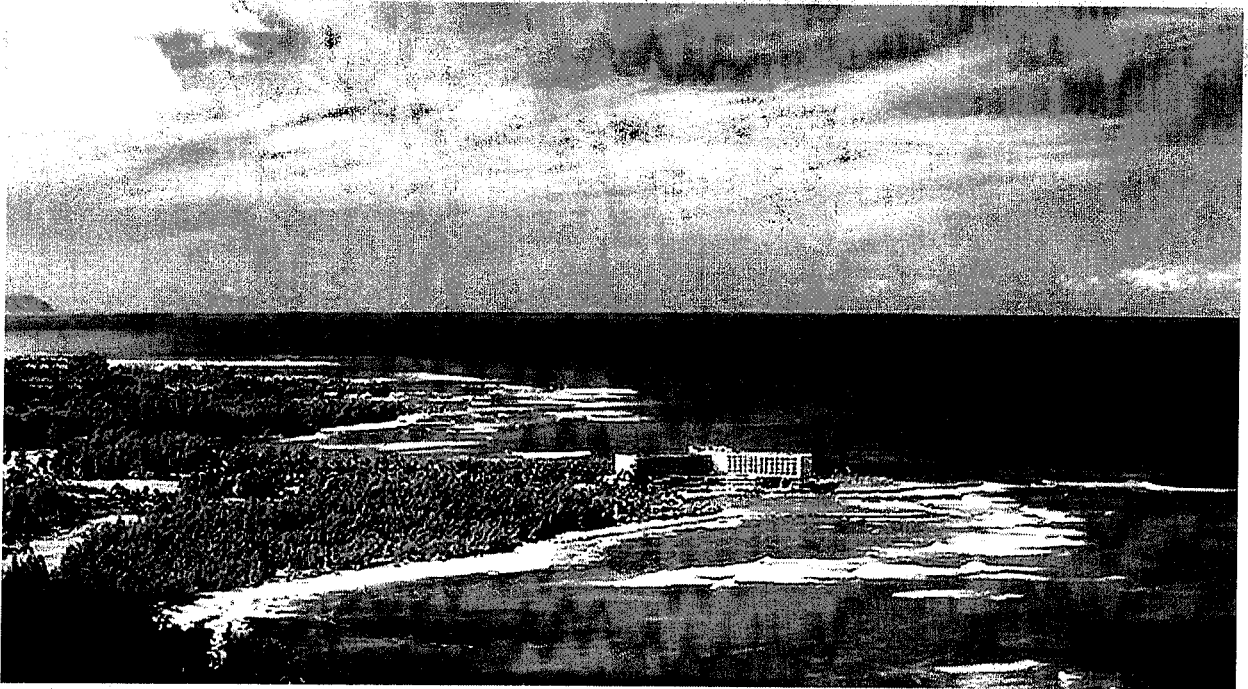
General Public

D. Ward  
Banksy (no last name provided)  
Star Harthern  
Steve Wolf  
Amy Chiang  
Carl Jerry Vasconcellos  
Karen Turner  
Linda Shea  
Joseph Grassadonia  
Angela (no last name provided)  
Bill Sager  
Bart Smith  
Pamela Sue  
Mary Bilger  
Bill Quinlan  
Scott Langford  
Mark Mead  
Milica Barjaktarovic  
Edward J. Jones  
Madeline Neely  
F. Black  
Jill Voeks  
Bea Coffee  
Sara (no last name provided)  
Friends of Hauula  
Joan Koff  
Marilyn Cole  
Neil Freeman  
Joy Silver  
David Druz  
Jeffrey Mironov  
Everett Magnuson  
Maria Pacheco  
Scott Langford  
William Barrera



**Draft Supplemental Environmental Impact Statement for**

**TURTLE BAY RESORT EXPANSION**



*Portions of Ahupua'a O 'Ōpana-Kawela, Ahupua'a O Hanaka'oe, and  
Ahupua'a O Kahuku, Kō'olau Loa District, Island of O'ahu*

This document is prepared pursuant to Chapter 343, Hawai'i Revised Statutes as amended,  
and Hawai'i Administrative Rules Chapter 200 of Title 11, Department of Health  
(environmental impact statement rules).

This document and all other ancillary documents were prepared under my direction.

*Drew Stotesbury, CEO, Turtle Bay Resort, LLC*

*Nov 2, 2012*

*Date*

THIS PAGE INTENTIONALLY LEFT BLANK

Lucky Cole  
Jean and Mark Martinson  
John Ritter  
Eric Burton  
Gil Riviere  
Keep the North Shore Country  
Tim Tybuszewski  
Kent Fonoimoana  
Raymond Beatty  
Barbara Fisher  
Stanley May  
Mark Manley  
Meleana Judd  
Mike and Kathy Mociun  
Bob Leinau  
Choon James  
Nancy and Mike McGovern  
Kelly Viszolay  
Brian Emmons  
Nick Denzer  
Tinker Blomfield  
Aukai Ferguson  
James O'Shea  
Timothy Vanderveer  
Henry Matson  
Nick Marck  
Bob Comeau  
Andrea Anixt  
Angela Huntemer



Paul Nelson  
Beth Hyams  
Adrian Izweriw  
Mary Jo Buell  
Emilia Perry  
Tait Duryea  
Edie Claire  
Kathleen Pahinui  
Maxwell Brick  
Kainalu Hecomovich  
Karen Banes  
Elizabeth Nelson  
Lynette Gehring  
Odin Hill  
Susan Cortes  
Matt Kester  
Garid (no last name provided)  
Edward J. Jones  
Sandy McClanahan  
Randy Ching (Sierra Club)  
Julie Cooke  
Bonnie Corrigan  
Sean Ginella  
DeeDee Letts  
Nancy McGovern  
Justin Parker  
Rob Barreca  
Paul Nelson  
Jess Snow  
Creighton Mattoon  
Cathleen Mattoon  
Mike Dixon  
Karen Turner  
Everett Magnuson  
Michael Schwinn  
Ann Palacios  
Elaine Hornal  
Carl Higgins  
Priscilla Magallanes  
Jason (no last name provided)  
Linda Shea  
Paul and Judy Nelson  
Sarah Cadiz (First Hawn Bank)

**EXECUTIVE SUMMARY:**

**INTRODUCTION**

This Supplemental Environmental Impact Statement (SEIS) is being prepared pursuant to and in accordance with the requirements of Hawaii Revised Statutes, Chapter 343; Hawaii Administrative Rules, Chapter 11-200; and the ruling of the Hawaii Supreme Court in Unite HERE Local 5 et. al. v City and County of Honolulu and Kuilima Resort Company, Civil No. 06-1-0265 (2010). It is intended to supplement the 1985 Kuilima Revised Final EIS (hereinafter, “the 1985 EIS”).

The Court decision was rendered just after a change of ownership of the Resort. Before beginning preparation of the SEIS, the new owners of the resort, Turtle Bay Resort, LLC, (TBR) initiated an extensive public outreach program for the purpose listening to the community’s concerns and vision for the Resort. They also sought to identify key elements of a development plan for the resort that would reflect a balance of needs of the community, the investors and the environment. TBR also retained an expert team of local consultants to help prepare a new Comprehensive Plan for its properties. After a year of meeting with elected officials, agencies, private organizations, members of the general public, and *kūpuna* (elders); and as the result of extensive master planning efforts; the owners decided to significantly reduce the size, scope and area of the proposed resort expansion. The resulting efforts of the project team resulted in the formulation of the Proposed Action.

Because the 1985 EIS was limited to an analysis of the lands proposed for resort expansion (and did not include the existing hotel, condominium apartments, or mauka agricultural lands), the project team determined that the required SEIS would need to replicate the scope of the original document. Therefore, the Proposed Action, which is the subject of this SEIS is limited to the general area addressed in the 1985 document and now referred to as the SEIS Lands.

The SEIS enhances the 1985 EIS by recommending a more culturally sensitive approach and practical sustainable development and guidelines. The approach developed by the project team to inform the planning and development of the Proposed Action is called *Tomorrow’s Ahupua’a*, which is detailed in the Striving for Sustainability document attached as Appendix A. *Tomorrow’s Ahupua’a* provides a cultural framework for the resort expansion that embraces traditional Hawaiian principles of land stewardship. It acknowledges cultural traditions, evaluates their applicability to contemporary environmental, socio-political, and economic objectives, and recommends a detailed program (guidelines) for expanding the Resort in a manner that strives to be more environmentally sustainable and culturally sensitive.

TBR’s preferred alternative, hereinafter the Proposed Action, in the SEIS substantially reduces the scope, density and area of the resort expansion. The SEIS also includes a Cultural Impact Assessment and an updated Supplemental Archaeological Inventory Survey.

Draft Supplemental Environmental Impact Statement for

## TURTLE BAY RESORT EXPANSION



*Portions of Ahupua'a O 'Opāna-Kawela, Ahupua'a O Hanaka'oe, and  
Ahupua'a O Kahuku, Koolau Loa District, Island of O'ahu*

**Volume One of Four**

## **Brief Overview of the SEIS**

The SEIS consists of four volumes. The first volume contains the following (in addition to this Executive Summary and a Glossary of Terms):

- **Chapter One – Statement of Purpose and Need:** This chapter states the purpose of the Proposed Action and the reasons that is needed. It also presents introductory information about the SEIS and the site of the Proposed Action.
- **Chapter Two – Environmental Setting:** This chapter presents the existing conditions at the resort; establishing a baseline against which the impacts resulting from the Proposed Action, and defined alternatives, can be evaluated. In support of the cultural orientation embraced in the new plan for the resort expansion, the baseline setting is presented and oriented in a manner that corresponds to the traditional Hawaiian land divisions associated with the SEIS Lands. The environmental setting is divided into two categories;
  - 1) the natural environment, and
  - 2) the human environment.
- **Chapter Three – Proposed Action:** This chapter describes in detail, the elements of the proposed resort expansion that constitute the Proposed Action.
- **Chapter Four – Alternatives:** This chapter presents an extensive discussion of the alternate development programs that were considered as part of the project team's extensive planning process that resulted in the formulation of the Proposed Action.
- **Chapter Five – Probable Impacts and Mitigation Measures:** This chapter discusses the impacts that will result from the implementation of the Proposed Action, in the same sequence as the baseline information was presented in Chapter Two. The discussion of impacts is divided into two categories;
  - 1) the natural environment, and
  - 2) the human environment.

The chapter also identifies measures proposed to mitigate significant impacts.

- **Chapter Six – Contextual Issues:** This chapter discusses the relationship of the Proposed Action to the governmental programs, policies, land use approvals, and regulations that would guide its implementation. It also addresses several aspects of environmental assessment that are proscribed by Chapter 343.
- **Chapter Seven – Preparation and References:** This chapter discloses who prepared the SEIS and also identifies the reference material used in the analysis.

**Volume Two contains the following:**

- **Chapter Eight – Public Outreach:** By law, an EIS is required to include all substantive written comments received during official comment periods, and the project team’s written response to each comment. This chapter contains all the written comments received after the publication of the SEIS Preparation Notice and responses to them. It also contains written comments received at an Open House sponsored by TBR and responses to them. The chapter begins with a discussion of public outreach. An extensive proactive community engagement process conducted by the new TBR management team sought to understand community aspirations, concerns and build relationship with the community. A deliberate attempt was made by the TBR project team to initiate a request with the various stakeholders to genuinely “listen” to not only their concerns but their vision for their community in general and TBR in particular. The TBR project team and owners committed to and listened to the community before proposing any specific plan. Input from the community influenced the TBR project team in their substantial revisions to the Master Plan to incorporate a more culturally sensitive approach to land stewardship and consequently substantially reduced density and increased public benefits. This chapter also discloses how the SEIS was distributed for review.

**Volumes Three and Four contain the following:**

- **Appendices:** The SEIS contains copies of all technical documents and detail of *Tomorrow’s Ahupua’a* as a cultural approach to a higher level of sustainability that were prepared by the project team as part of the environmental assessment process. Following are the appendices included in the Volume 3 of the SEIS:
  - A. A Cultural Approach to Sustainability
  - B. Unilateral Agreement
  - C. Draft Supplemental Archaeological Inventory Survey
  - D. Cultural Impact Assessment
  - E. Marine Resources Impact Analysis

Following are the appendices included in Volume Four of the SEIS:

- F. Flora and Fauna Impact Analysis
- G. Supplemental Archaeological Inventory Survey Plan
- H. Socio-Economic Impact Analysis
- I. Traffic Impact Analysis Report
- J. Air Impact Analysis
- K. Noise Impact Analysis
- L. Cultural and Natural Resources Management Plan
- M. Trip Generation Survey Report

## **Summary of the Proposed Action**

In accordance with *Tomorrow's Ahupua'a*, the Proposed Action identifies three primary land areas within the SEIS Lands, based on historic and cultural Hawaiian land divisions:

1. Ahupua'a O 'Opana-Kawela – at the western part of the resort property and fronting Kawela Bay
2. Ahupua'a O Hanaka'oe – in the middle of the resort property and fronting both Turtle Bay and Kuilima Cove.
3. Ahupua'a O Kahuku – at the eastern part of the resort property, including the Palmer golf course, fronting Kuilima Bay, and the Punaho'olapa Marsh.

The Proposed Action represents an over 60% percent density reduction from the original expansion project that was granted land use and zoning approvals in 1986. (see Figure ES-1)

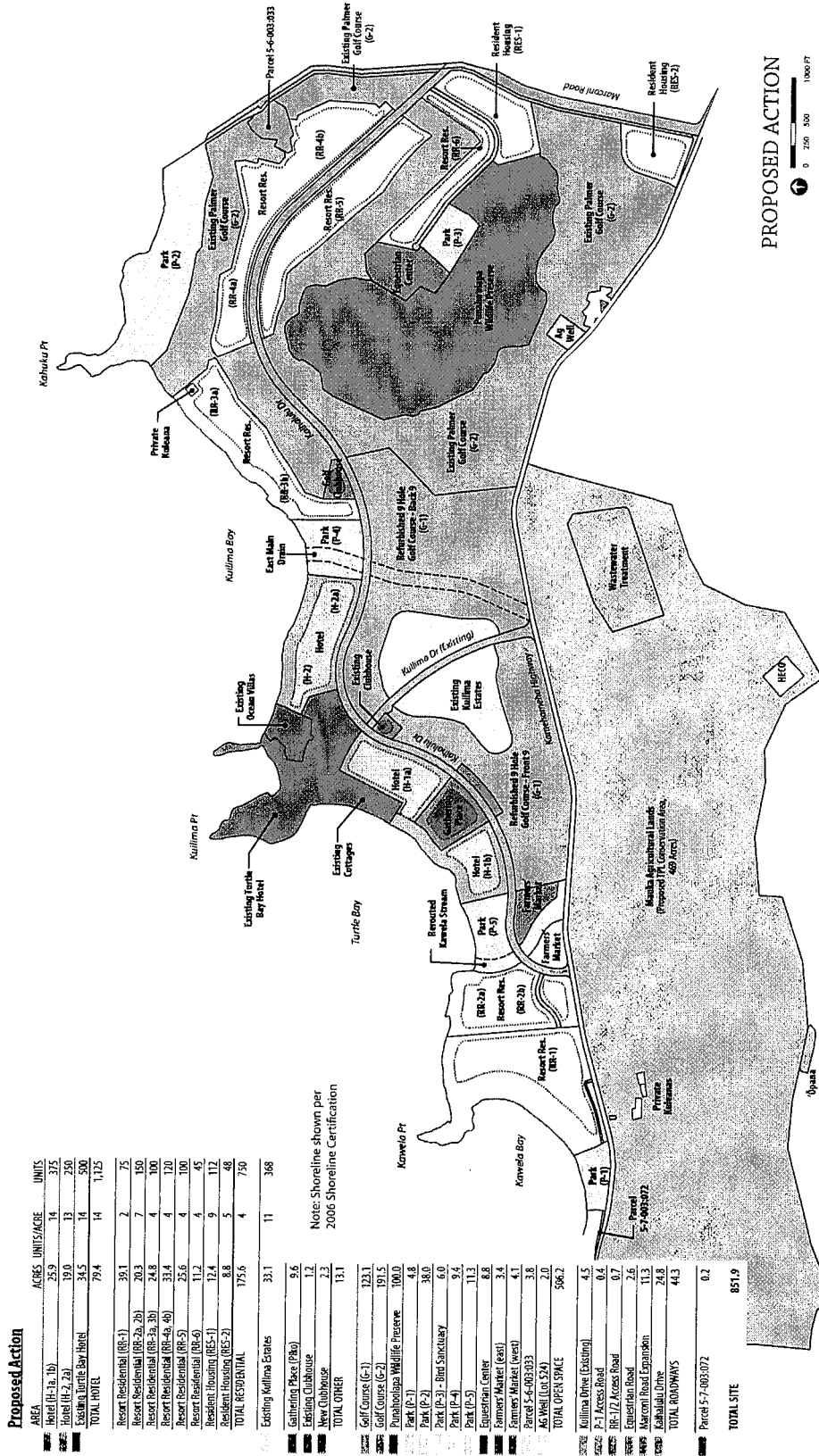
Consistent with the historic uses of the Ahupua'a of Hanaka'oe, the Proposed Action concentrates hotels and higher density development in the resort's existing core area. It specifically proposes two (2) new hotel sites and a new community Gathering Place in proximity to the existing Turtle Bay Hotel. This is a substantial reduction from the five (5) hotel sites contemplated in the 1985 EIS. Further, the Proposed Action provides for 625 new hotel units, rather than the 2,500 new hotel units in the original plan – a 75% reduction.

Pursuant to numerous considerations, including community input, the oceanfront sites originally proposed in 1985 for hotel development in Ahupua'a O 'Opana-Kawela (to the west) and Ahupua'a O Kahuku (to the east) have been reprogrammed to much lower densities and resort-residential use. At 'Opana-Kawela, density will be reduced by over 75% percent of what is allowable under existing zoning. Similarly, Ahupua'a O Kahuku is planned for 160 affordable Community Housing over 170% increase over the requirement and resort-residential development with 65% less density than is allowed under existing entitlements. The result is the concentration of development in the central core of the SEIS Lands and the general preservation of a rural character to the east and west. By implementing generous shoreline setbacks, this development concept also provides wide, unencumbered public access to the entire shoreline.

The Proposed Action includes the following:

- Two (2) new full-service hotels with a combined total of 625 units. The hotels may be operated as time-share or traditional service hotels;
- 590 new resort-residential units, consisting of a combination of multi-family and single-family units;
- 160 Community Housing units in excess of the 59 units required that will be priced to be affordable to residents of the Ko'olau Loa/North Shore region;
- Approximately 73 acres of park area distributed among five parks;
- A total of 12 new public shoreline access ways;

Figure ES-1:



**Proposed Action**

AREA	ACRES	UNITS/ACRE	UNITS
Hotel (H-1a, 1b)	25.9	14	375
Hotel (H-2, 2b)	19.0	13	250
Existing Turtle Bay Hotel	34.5	14	500
<b>TOTAL HOTEL</b>	<b>79.4</b>	<b>14</b>	<b>1,125</b>
Resort Residences (RR-1)	39.1	2	75
Resort Residences (RR-2a, 2b)	20.3	7	150
Resort Residences (RR-3a, 3b)	24.8	4	100
Resort Residences (RR-4a, 4b)	33.4	4	120
Resort Residences (RR-5)	25.6	4	100
Resort Residences (RR-6)	11.2	4	45
Resident Housing (RES-1)	12.4	9	112
Resident Housing (RES-2)	8.8	5	48
<b>TOTAL RESIDENTIAL</b>	<b>175.6</b>	<b>4</b>	<b>730</b>
Existing Kaula Estates	33.1	11	368

Note: Shoreline shown per 2006 Shoreline Certification

Gathering Place (P10)	9.6
Existing Clubhouse	1.2
New Clubhouse	2.3
<b>TOTAL OTHER</b>	<b>13.1</b>
Golf Course (G-1)	123.1
Golf Course (G-2)	191.5
Punaohohione Wildlife Preserve	100.0
Park (P-1)	4.8
Park (P-2)	38.0
Park (P-3) - Bird Sanctuary	6.0
Park (P-4)	9.4
Park (P-5)	11.3
Equestrian Center	8.8
Emmer's Market (west)	3.4
Emmer's Market (west)	4.1
Parcel 5-6-003-033	3.8
AG WAH (Lot 524)	2.0
<b>TOTAL OPEN SPACE</b>	<b>598.2</b>
Kaula Drive (Existing)	4.5
P-1 Access Road	0.4
RR-1/2 Access Road	0.7
Emmer's Road	2.1
Marconi Road Extension	11.2
Kaula Drive	24.2
<b>TOTAL ROADWAYS</b>	<b>44.3</b>
Parcel 5-7-003-072	0.1
<b>TOTAL SITE</b>	<b>851.9</b>

**PROPOSED ACTION**



TURTLE BAY RESORT MASTER PLAN  
07.31.2012 |

- An approximate 100-acre Punaho'olapa Marsh wildlife preserve;
- Shoreline setbacks in excess of minimum requirements and ranging from 150 feet to 300 feet and resulting in a combined total of approximately 42 acres of setback area;
- A new resort entrance near Kawela Bay and a new lateral roadway (tentatively named Kaihalulu Drive) extending the length of the resort generally parallel to the shoreline;
- Improvements to Marconi Road and the eventual signalization of all three resort's intersections with Kamehameha Highway (Kaihalulu, Kuilima and Marconi);
- The renovation of the Fazio Golf Course to be combined with the existing Palmer Golf Course to create a 27-hole golf complex, with a new Golf Clubhouse;
- A new Equestrian Center to replace the existing facility;
- A network of interior pedestrian paths and equestrian trails;
- A Farmers' Market; and
- A new low-density commercial resort center called The Gathering Place, which will also host guests and regional visitors.

### **Understanding the Property**

The efforts that have been undertaken to produce this SEIS embrace the concept of *Tomorrow's Ahupua'a*. The SEIS presents new and updated studies of the resort property, including marine resource assessment; near shore water quality analysis; flora and fauna inventories; new social, economic, and cultural impact studies; a supplemental archaeological inventory survey; and report on a cultural approach to sustainability. Together, these new and updated studies form the basis for evaluating the probable impacts of the Proposed Action on the environment.

### **Summary of the Anticipated Impacts of the Proposed Action and Recommended Mitigation Measures**

The following table summarizes the impacts discussed in the SEIS that would likely result from implementation of the Proposed Action. Significant beneficial and adverse impacts are indicated in boldface type. Wherever impacts are identified, measures to mitigate them are recommended. However, it should be noted that the Proposed Action itself is a highly mitigated alternative to implementing the full build out of the resort expansion as allowable under existing land use and zoning approvals.



**Table ES-1: Summary of Impacts and Measures to Mitigate Them**

Subject Area	Nature of Potential Impact	Recommended Mitigation
<b><i>The Natural Environment</i></b>		
Topography	N	
Soils	I	Comply with regulatory standards, implement BMPs
Vegetation	I	Re-landscape areas with native plants where appropriate
Fauna	N	
Avifauna	SA	Employ BMPs for golf course operations, shield night lighting
Hawaiian Hoary Bats	N	
Groundwater	I	Use treated effluent to supplement irrigation demand thereby reducing need for non-potable water
Drainage	SB	Restore Kawela Stream alignment to improve water quality in Kawela Bay and address potential for flooding
Marine Water Quality	SB	Restore Kawela Stream to its original alignment to improve water quality in Kawela Bay
Marine Biota (general)	I	Employ a public education program to educate fishermen, address fishing practices, and consider the creation of a Marine Life Conservation District at Kawela Bay
Sea Turtles	I	Employ a public education program to increase awareness
Hawaiian Monk Seals	I	Employ a public education program to increase awareness
Views	I	Utilize setbacks and architectural design to minimize visual impacts of new development
Air Quality	N	
<b><i>The Human Environment</i></b>		
Traffic	SA	Provide traffic improvements at major intersections in accordance with DOT & DTS requirements and employ Transportation Demand Management (TDM) strategies in the resort community to reduce auto traffic. The developer will work in coordination with the State DOT to determine its fair share of contributions to regional traffic improvements that may result from implementing the Proposed Action
Noise	A	Use walls, berms, or air conditioning to mitigate noise impacts on residences within 65 LDN noise contour at Kamehameha Highway
Archaeological Resources	SA	Implement treatments recommended in Supplemental Archaeological Inventory Survey upon its approval by SHPD
Cultural Resources	SA	Implement the cultural protocols of <i>Tomorrow's Ahupua'a</i> including proposed Cultural & Natural Resource Management Plan

Agricultural Resources	N	Not applicable to SEIS Lands, but the Applicant is working with Trust for Public Lands to preserve 470 acres of agricultural land in perpetuity on mauka side of Kamehameha Hwy
Population Growth	I	The Proposed Action mitigates population impacts
Employment and Wages	<b>SB</b>	8,746 new construction jobs through 2025, and 1,981 new direct and indirect operational jobs from 2025 on
Fiscal Effects	<b>SB</b>	\$160 million in net revenue to State and \$45 million in net revenue to City and County of Honolulu through 2025
Housing	<b>SB</b>	160 new Community Housing units
Education Facilities	N	
Health Care Facilities	N	
Recreation Facilities	<b>SB</b>	Proposed Action includes new parks, 12 new public shoreline accesses and shoreline path connecting these areas
Public Safety Services	N	
Disaster Preparedness	N	
Wastewater	N	
Solid Waste	I	Offset increased volume with reuse/recycle program
Water Use	<b>SB</b>	At completion of the Proposed Action, the resort will require approximately 1.2 million gallons per day of potable water. However, the water will be provided by the resort's existing well system and nearly 800,000 gallons per day of excess water will be contributed to the Board of Water Supply's regional distribution system for the benefit of the residents of Ko'olau Loa
Utilities	I	Reduce electrical demand by constructing to LEED standards and implementing energy efficiency protocols

**Cumulative and Secondary Impacts**

Through 2025, the Proposed Action will create a cumulative total of 8,746 construction jobs. Of this total, 5,482 will be indirect and induced jobs, which are defined as jobs that are supported when construction firms buy materials and services locally. Wages generated from indirect and induced jobs are estimated to be \$35.5 million annually from 2025 on. Wages resulting from off-site visitor spending are estimated at \$18.4 million from 2025 on.

As the result of the Proposed Action, primary population growth in the Ko'olau Loa/North Shore (KNS) region is forecast to include 951 regional residents and 2,206 visitors by 2025. As nearly all the resort's future workers will likely come from the KNS region, the Proposed Action is not anticipated to generate significant secondary population growth. New household formation in the region is estimated to be between 83 and 167 households as the result of the Proposed Action.

The anticipated population growth is anticipated to generate from 49 to 123 new K-12 school enrollments to 2025, and 8 to 20 new preschool enrollments. It is estimated that the population increase will create demand for nine new acute care beds and one new emergency medical

services staff position by 2025, as well as 5 new police patrol officer positions and 3 fire operation positions. No new public safety facilities are forecast to be required.

The cumulative increase in traffic volume on Kamehameha Highway in the vicinity of the resort is forecast to increase about 64% by the year 2025 during the morning peak hour and by about 42% during the afternoon peak hour. However, this increase in traffic volume will not change the Level of Service (LOS) on Kamehameha Highway, which today is rated at “E”, and will remain at “E” in 2025 when the Proposed Action is targeted for completion.

### **Alternatives Considered**

An extensive evaluation of project alternatives resulted in the identification of three (3) reasonable alternative development plans for the proposed resort expansion:

- **Full-Build Out Alternative:** This alternative would entail expansion of the resort in compliance with existing land use and zoning approvals. Under this alternative, the resort is permitted to construct 2,500 new hotel units, 910 new resort-residential units, and 90 affordable housing units together with appurtenant infrastructure and amenities as provided for in a Unilateral Agreement that runs with the land. The alternative includes the existing golf courses and an equestrian facility.
- **Resort Residential Only Alternative:** This alternative limits expansion of the resort to 500 new resort residential units, with no new hotel development.
- **Conservation Partner Alternative:** Under this alternative, most of the coastal areas in Ahupua`a O `Ōpana-Kawela and Ahupua`a O Kahuku would be preserved in open space: development would be focused in Ahupua`a O Hanaka`oe around the existing hotel and on property presently occupied by the Fazio Golf Course (which would be closed). Resort expansion would be limited to two (2) new hotels containing a total of 440 units, 252 resort-residential units, and 48 affordable housing units, together with appurtenant infrastructure and amenities as allowable under law. Implementation of this alternative would require the participation of a third party to provide economic consideration to compensate for the legally entitled reduced development density.

### **Unresolved Issues**

Seven unresolved issues have been identified at the time the Draft SEIS (DSEIS) is being published. They include the following:

**Affordable Housing Program:** At the time of the writing of the DSEIS, a specific program has not been prepared that details the manner in which the affordable housing program will be implemented in terms of financing options, restrictions on use, buy-back provisions, etc. Prior to the commencement of the Proposed Action, TBR plans to work with the Department of Planning and Permitting and Hawaii Housing, Finance, and Development Corporation to finalize an acceptable program.

**Kuilima Wastewater Treatment Plan Upgrade:** At the time of the writing of the DSEIS, TBR plans to upgrade the treatment process to improve the quality of wastewater effluent to R-1 quality so that it may be used within certain portions of the SEIS Lands. Prior to the commencement of the Proposed Action, TBR plans to determine the final feasibility and how best to implement this upgrade once volume capacity requirements correlate with proximate site development.

**Conservation Easement:** A conservation easement has been proposed to protect the long-term use of the resort's agricultural lands mauka of Kamehameha Highway. While these lands are not within the SEIS Lands, they are an integral part of the resort's Comprehensive Plan and the concept of *Tomorrow's Ahupua'a*. At the time of the writing of the DSEIS, TBR has signed a Letter of Intent with the Trust for Public Lands ("TPL") concerning the creation of a conservation easement relative to certain agricultural lands situated outside the SEIS Lands, on the mauka side of Kamehameha Highway; however, there are a number of steps in this process which remain to be completed in order to close this transaction, including obtaining an appropriate appraisal of these mauka agricultural lands and finalizing the conservation easement document. TBR hopes to close the conservation easement transaction with TPL by the end of the 1<sup>st</sup> quarter 2013 and in any event prior to the commencement of the Proposed Action.

**Mauka Storm Water Drainage Retention/Detention:** At the time of the writing of the DSEIS, TBR is working with its civil engineering team on a long-term storm water management plan including retention and detention strategies on the *mauka* agricultural lands owned by Turtle Bay Mauka, LLC situated on the *mauka* side of Kamehameha Highway. Implementation of this long-term plan is intended to reduce runoff after significant storm events, some of which affect levels of near shore turbidity. However at this time it has not yet been determined whether these proposed plans are technically and or financially feasible or supported by regulatory agencies. Prior to the restoration of Kawela Stream to its West Main Drain alignment as contemplated in the Proposed Action, TBR plans to work through design, feasibility, and construction issues related to this long-term plan.

**City and County Zoning District Boundary Amendments:** At the time of the writing of the DSEIS, it has not been determined whether the implementation of the Proposed Action will require adjustments to be made to the boundary lines of any existing zoning district. If, and to the extent such adjustments do become necessary, TBR will apply for administrative zoning district boundary amendments.

**Implementation of a Marine Life Conservation District at Kawela Bay:** As presented in the DSEIS, the creation of an advisory council is recommended to assist the resort in addressing issues that will affect users of the coastal resources for recreational purposes. The resort's Unilateral Agreement requires that best efforts be made to promote the creation of a Marine Life Conservation District (MLCD) at Kawela. But to do so will require broad-based input from the community. Therefore the issues of if and how to implement a MLCD are not yet resolved. TBR plans to encourage community input prior to development of proximate parcels to Kawela Bay.

**Critical Habitat for Hawaiian Monk Seals:** At the time of the writing of the DSEIS, a proposal to designate all or a portion of waters of the main Hawaiian Islands as a critical habitat is under consideration by the National Marine Fisheries Service (NMFS). The potential impact that such a designation by the federal government may have upon the Resort is unknown and, therefore, the matter is unresolved. The NMFS has extended the deadline for comments on the proposal indefinitely and it is not known when the agency may eventually act on the proposal.

**Compatibility with Land Use Plans and Policies**

As it is implemented, the Proposed Action will be reasonably compatible with all existing land use plans and policies. Table ES-4 at the end of this Executive Summary summarizes how the Draft SEIS addresses the content requirements of Section 11-200, Hawaii Administrative Rules.

**Figure ES-2: Compatibility of the Proposed Action with Land Use Policies and Plans**

<b>Land Use Policy or Plan</b>	<b>Status</b>
FEMA National Flood Insurance Program	Will conform
Hawaii State Plan (Chapter 226)	Compatible to applicable goals/objectives
State Functional Plans	Compatible to applicable goals/objectives
State Ocean Resources Management Plan	Compatible
State of Hawaii Water Plan	Compatible
Ko`olau Loa Watershed Management Plan	Compatible
State of Hawaii Historic Preservation Act	Will conform
O`ahu General Plan	Compatible
Ko`olau Loa Sustainable Communities Development Plan	Compatible
Revised Ko`olau Loa Sustainable Communities Development Plan	Compatible
Complete Streets	Compatible
Hawaii Coastal Zone Management Program	Compatible
Special Management Area Ordinance	Compatible
Hawaii Environmental Protection Act	Compatible

### **Required Permits and/or Approvals**

The SEIS Lands are contained within the State Urban District. No adjustments to the State Land Use district are anticipated.

The SEIS Lands were zoned for resort development in the mid-1980s. As discussed above, at the time of the writing of the DSEIS, it has not been determined whether the implementation of the Proposed Action will require adjustments to be made to the boundary lines of any existing zoning district. If, and to the extent such adjustments do become necessary, TBR will apply for administrative zoning district boundary amendments.

The Resort is operating under an existing Special Management Area (SMA) Use Permit granted by the Honolulu City Council in 1986 pursuant to Resolution No. 86-308. The Proposed Action may require a minor modification to the existing SMA Use Permit to address the fact that the Proposed Action represents a change to the resort's original master plan.

Implementation of the Proposed Action will require a National Pollution Discharge Elimination System (NDPES) permit approval from the State Department of Health to grade property in excess of one (1) acre, and grading and building permits from the City and County of Honolulu's Building Department.

Restoration activities at Punahōolapa Marsh will require approvals from the U. S. Army Corps of Engineers and the Hawai'i State Department of Health.

If the restoration of Kawela Stream to its original alignment is implemented as a measure to mitigate regional drainage impacts on the near shore waters of Kawela Bay, approvals from the U. S. Army Corps of Engineers and the Hawai'i State Department of Health will be required.

A Joint Development Agreement will also need to be approved by the City and County of Honolulu.

### **Comparative Summary of Alternatives**

Table ES-3 presents a comparative quantitative summary of the Proposed Action and the Alternatives. All information is projected from 2014 through the year 2025.

**Figure ES-3: Comparative Quantitative Summary of Proposed Action and Alternatives**

	<b>Proposed Action</b>	<b>Full Build-Out Alternative</b>	<b>Resort Residential Alternative</b>	<b>Conservation Partner Alternative</b>
Total Construction Spending	\$770 million	\$1,370 million	\$429 million	\$370 million
Total Direct Construction Workforce	3,263	5,491	1,843	1,554
Total Indirect/Induced Jobs	5,482	9,225	3,096	2,611
On-Site Jobs at Build Out	1,539	4,598	91	963
Total Daytime Population	4,401	10,380	2,223	3,284
Total Statewide Tax Related Construction Revenue	\$73 million	\$125 million	\$52 million	\$35 million
Total County Tax Related Construction Revenue	\$5 million	\$8 million	\$3 million	\$2 million
Total Statewide Visitor Spending	\$121 million	\$855 million	\$35 million	\$66 million
Total County Visitor Spending	\$5 million	\$39 million	\$1 million	\$3 million
Total Real Property Tax Revenue	\$50 million	\$411 million	\$31 million	\$31 million
New Community Housing	160 units	90 units	46 units	48 units
Total Potable Water Use	1.2 mgd	1.78 mgd	691,000 gpd	756 gpd
Total Wastewater Generated	598,000 gpd	886,000 gpd	395,000 gpd	405,000 gpd

**GLOSSARY:**

**TERMS, ABBREVIATIONS and ACRONYMS**

1985 EIS	1985 Kuilima Revised Final Environmental Impact Statement.
AAQS	Ambient Air Quality Standards.
ACE	United States Army Corps of Engineers (also referred to as ‘the Corps’ or ‘COE’).
ACHP	Advisory Council on Historic Preservation.
ACS	American Community Survey (annual survey of a sample of the population). The ACS may be reported in annual, three-year, and five-year increments, with smaller areas reported for the longer periods. ACS data in this report comes from the 2006-2010 surveys. The ACS includes the “long-form” data sets that had been gathered from a sample of the population in the decennial census before 2010.
AIS	Archaeological Inventory Survey.
ALISH	Agricultural Lands of Importance to the State of Hawai‘i; a mapping system used by the State to classify productivity in agricultural lands.
BCH	Belt Collins Hawaii.
BMP	Best Management Practices.
BPBM	Bernice Pauahi Bishop Museum.
BTP	Burial Treatment Plan.
BWS	Board of Water Supply, City and County of Honolulu.
BYUH	Brigham Young University – Hawaii.
CCH	City and County of Honolulu.
CDP	Census Designated Place.
Cfs	Cubic feet per second.
Chapter 343	Chapter of the Hawai‘i Revised Statutes that addresses environmental assessment.
CIA	Cultural Impact Assessment.
Cm	Centimeter.
CNRMP	Cultural and Natural Resource Management Plan.
Community Housing	Housing units to built in compliance with the Unilateral Agreement to provide affordable housing opportunities at the resort.
Comprehensive Plan	Master Plan for the entire Turtle Bay Resort property, including lands located on the south side of Kamehameha Highway that are not part of the supplemental environmental impact statement.
CSH	Cultural Surveys Hawaii.
CT	Census Tract.
DI	Direct and indirect (in Input-Output Analysis).
DII	Direct, indirect and induced (in Input-Output Analysis).
dBA	A-weighted decibal, a unit of sound measurement.



DBEDT	Hawai'i State Department of Business, Economic Development and Tourism.
DLNR	Hawai'i State Department of Land and Natural Resources.
DNL	Day-night average sound level, also referred to as Ldn.
DOD	United States Department of Defense.
DOE	Hawai'i State Department of Education.
DOH	Hawai'i State Department of Health.
DOT	Hawai'i State Department of Transportation.
DPP	City and County of Honolulu Department of Planning and Permitting.
DRP	Data Recovery Plan.
EIS	Environmental Impact Statement.
Equestrian Center	The stables, corrals, and appurtenant facilities that will provide horse-related activities at the resort.
ESA	Endangered Species Act.
Golf Clubhouse	The clubhouse facility serving the Fazio and Palmer Golf Courses.
Gathering Place	A commercial area proposed to be used as an entertainment venue.
Farmer's Market	A commercial area proposed to be used for the sale of farm produce and products.
HAR	Hawai'i Administrative Rules.
HECO	Hawaiian Electric Company.
HEPA	Hawai'i Environmental Protection Act
HFD	Honolulu Fire Department.
HPD	Honolulu Police Department.
HRS	Hawai'i Revised Statutes, as amended.
°F	Degrees Fahrenheit.
FAA	Federal Aviation Administration.
FHA	Federal Housing Administration.
FEMA	Federal Emergency Management Agency.
FIT	Free and Independent Traveler, a term used in the hospitality industry to denote a visitor who is not part of group tour.
FP	Fibropapillomatosis, a debilitating tumor disease of the skin and internal organs of green sea turtles.
FT	Full-time (used for full-time resort residents, treated as Hawai'i residents).
GIS	Global Information System.
GPD	Gallons per day.
GPM	Gallons per minute.
GPS	Global Positioning System.
HUD	Federal Department of Housing and Urban Development.
KDC	Kuilima Development Company.
KNS	Ko'olau Loa/North Shore combined area (corresponding to the City's Development Plan Areas of the same names.
KNSA	Ko'olauloa North Shore Strategic Alliance.
KNSSPC	Kuilima/North Shore Strategy Planning Committee.

KSCP	Koʻolau Loa Sustainable Communities Plan.
Kuilima EIS	1985 Kuilima Revised Final Environmental Impact Statement, prepared for the Kuilima Resort Expansion project in 1985 by Group 70 (aka “1985 EIS”).
Kuilima Estates	Kuilima Estates East and Kuilima Estates West.
Kuilima Hotel	The original hotel developed at Kuilima Resort, now known as the Turtle Bay Hotel.
KV or kV	Kilo-volt.
LCA	Land Commission Award, a land title originally granted by the Kingdom of Hawai‘i.
LEED	Leadership in Energy and Environmental Design.
M	Meter
MGD	Million gallons per day.
MHI	Main Hawaiian Islands.
MLCD	Marine Life Conservation District.
MOA	Memorandum of Agreement.
MSL	Mean sea level.
MW	Mega-watt.
M/yr	Meters per year.
N	Nitrogen.
NMFS	National Marine Fisheries Service.
NWHI	Northwestern Hawaiian Islands.
NW-SE	Northwest-Southeast, refers to the directional alignment of an aircraft runway.
NTU	Nephelometric Turbidity Units, named after the device used to measure turbidity in water.
NWS	National Weather Service.
Oaktree Capitol	The former owner of the Turtle Bay Resort.
OEQC	State of Hawai‘i Office of Environmental Quality Control.
OHA	State of Hawai‘i Office of Hawaiian Affairs.
OIBC	O‘ahu Island Burial Council.
OR&L	O‘ahu Railway and Land Company.
PCC	Polynesian Cultural Center.
PPM	Parts per million.
PM	Particulate matter.
Property	The term “the property” refers to all the lands owned by Turtle Bay Resort.
Proposed Action	The development activities within the SEIS Lands that are the subject of the SEIS.
PT	Part-time (used for part-time residents and second homeowners, treated as visitors to Hawai‘i in economic analyses).

Revised Master Plan	The current revision of the master plan first discussed in the 1985 EIS. The Revised Master Plan is distinguished from the Comprehensive Master Plan in that the former focuses on the existing hotel and the surrounding grounds that are used by resort guests and visitors, while the latter is an expanded version of the plan that also includes the agricultural lands on the mauka side of Kamehameha Highway, and Kuilima Estates.
SAIS	Supplemental Archaeological Inventory Survey.
RFEIS	Revised Final EIS – another term for the Kuilima EIS.
SCP	Sustainable Communities Plan. The City and County of Honolulu recognizes seven regional planning areas: two Development Plan areas and five SCP areas.
SCS	U. S. Soil Conservation Service.
SF	Square feet.
SIA	Socio-economic impact assessment.
SEIS	Supplemental environmental impact statement.
SEIS lands	Land area covered by the SEIS for Turtle Bay Resort; smaller than the TBR landholdings, but also including portions of right-of-way along Marconi Road (aka, the Project Area).
SEISPN	Supplemental Environmental Impact Statement Preparation Notice. For Turtle Bay, the SEISPN was prepared by Lee Sichter LLC and published via the Environmental Notice on August 23, 2011.
SHPD	State Historic Preservation Division of the State of Hawai`I Department of Land and Natural Resources.
SIHP	State Inventory of Historic Places.
SLUC	Hawai`i State Land Use Commission (also referred to as LUC).
SMA	Special Management Area.
SPS	Sewage pump station.
TBR	Turtle Bay Resort, LLC.
TBR Project Team	The staff of TBR and the consultants who were retained for the purpose of preparing the SEIS.
TheBus	Municipal bus service operated by the City and County of Honolulu.
The Resort	The Turtle Bay Resort.
TMK	Tax Map Key, the method of land mapping employed by the State of Hawai`i and the City and County of Honolulu for the purposes or real property assessment.
TP	Total phosphorus.
UA	Unilateral Agreement (an instrument of conditional approval signed by the developer, in connection with the approved zoning ordinance adopted by the City and County of Honolulu for the Kuilima Resort, now known as the Turtle Bay Resort. The Kuilima UA (No. 86-99) was recorded with the Bureau of Conveyance in September 1986, meaning that its requirements are tied to the land, regardless of who owns the property.

UIC	Underground injection control.
Ug/l	Micrograms per liter: equal to one millionth of a gram.
U.S.	United States.
USFWS	United States Fish & Wildlife Service.
USGS	United States Geological Survey.
VA	Federal Veterans Administration.
v/c	Volume-to-capacity ratio.
WCA	Waialua Community Association.
WW II	World War Two (also World War II).
WWTP	Wastewater treatment plant.

### **GLOSSARY OF HAWAIIAN WORDS**

<i>‘a‘ama</i>	A large, black, edible crab
<i>ahu</i>	alter
<i>ahupua‘a</i>	land division usually extending from the uplands to the sea
<i>‘āina</i>	land, earth; elder sibling; root meaning: that which feeds
<i>‘aki‘aki</i>	seashore rush grass; a coarse grass growing on sandy beaches
<i>‘akoko</i>	Endemic shrubs and trees with jointed stems, opposite leaves, and milky sap. Buds and leaves of one species were chewed for debility
<i>akua</i>	God, goddess, spirit, ghost, devil, image, idol, corpse
<i>ali‘i</i>	chief
<i>ali ‘i ‘ai moku</i>	lower chief
<i>ali ‘i nui</i>	high chief
<i>‘ama‘ama</i>	striped mullet
<i>‘anae</i>	mullet
<i>‘au or ‘aukai</i>	swimming
<i>‘aumakua</i>	family or personal gods, deified ancestors who might assume the shape of plants, animals, or other natural phenomena
<i>‘auwai</i>	irrigation systems for the lo‘i
<i>‘āweoweo</i>	bigeye, glasseye fish
<i>‘Ewa</i>	Place name west of Honolulu, used as a direction term
<i>ha‘aha‘a</i>	humility
<i>hala</i>	pandanus; sin or fault
<i>hālau</i>	meeting house for hula instruction
<i>hānai</i>	traditional Hawaiian practice of adoption
<i>Hanaka‘ilio</i>	work [of] the dog
<i>hā‘uke‘uke</i>	An edible variety of sea urchin
<i>Haumea</i>	Earth
<i>he‘e</i>	octopus
<i>he‘e nalu</i>	to ride a surfboard; surfing

<i>he'e wa'a</i>	canoe racing
<i>heiau</i>	pre-Christian place of worship, shrine; religious temples
<i>heiheiau</i>	ancient sport of competitive swimming
<i>hihimanu</i>	stingray
<i>hilina'i</i>	trustful
<i>hō'ailona</i>	symbol or sign
<i>hō'ihī</i>	respectful
<i>honu</i>	sea turtle
<i>hō'olapa</i>	ridge
<i>hō'omau</i>	continuity
<i>ʻilioholoikauaua</i>	seal
<i>iwi kūpuna</i>	human burial remains; burials
<i>kaha nalu</i>	body surfing
<i>kahawai</i>	streams
<i>kahu</i>	spiritual guide
<i>kahuna</i>	priest
<i>kahuna lā'au lapa'au</i>	herbal medicine healer
<i>Kahuku</i>	the projection
<i>kai</i>	ocean
<i>kaiiulu</i>	local community
<i>Kalakala</i>	rough or craggy
<i>kālai ki'i</i>	wood carving
<i>kalo</i>	taro
<i>kama'āina</i>	native born
<i>kānaka</i>	Human being, man, person, individual; younger sibling
<i>kānāwai</i>	laws
<i>kapu</i>	laws or restrictions; prohibitions
<i>Kawela</i>	the heat
<i>kinolau</i>	body-form
<i>kō</i>	sugarcane
<i>koa</i>	a valuable lumber tree
<i>koa haole</i>	a common roadside shrub or small tree
<i>konohiki</i>	land manager
<i>kukui</i>	candlenut tree; large tree in the spurge family bearing nuts containing white, oily kernels which were formally used for light
<i>kula</i>	plains
<i>kuleana</i>	responsibility, privilege, obligation
<i>kupuna</i>	grandparent, ancestor, relative or close friend of grandparent's generation; ancestors
<i>kūpuna</i>	plural of kupuna; elders
<i>lā'au</i>	Medicine, medicinal drug, medication
<i>lā'au lapa'au</i>	herbal healing

<i>lānai</i>	porch
<i>lapa'au</i>	herbal healing; Medical practice; to treat with medicine, heal, cure
<i>lauhala</i>	pandanus leaves
<i>lei</i>	garland, wreath; necklace of flowers
<i>limu</i>	seaweed
<i>lo'i</i>	taro pond-fields
<i>lo'i kalo</i>	taro terraces
<i>lū'au</i>	Young taro tops; Hawaiian feast
<i>mahalo</i>	appreciation
<i>mai'a</i>	banana
<i>makahiki</i>	ancient festival
<i>makai</i>	towards the ocean
<i>mākia</i>	purposeful
<i>mālama</i>	take care of, preserve, protect, save or maintain
<i>mālama 'āina</i>	to care for the land
<i>mālama i na iwi kupuna</i>	care for ancestral remains/bones
<i>mana</i>	supernatural or divine power, miraculous power, spiritual power
<i>mana'o</i>	thoughts or wisdom
<i>ma'u</i>	Same as <i>'ama'u</i> , a native genus of ferns
<i>mauka</i>	upland, towards the mountain
<i>mauka-makai</i>	upland to ocean
<i>moku</i>	regional; land district
<i>mokupuni</i>	islands
<i>mō'olelo</i>	stories
<i>nā iwi</i>	ancestral bones
<i>nā kūpuna</i>	plural of kupuna
<i>naupaka kahakai</i>	succulent shrub found on coasts
<i>niu</i>	coconut
<i>noni</i>	the Indian mulberry
<i>nō'ono'o</i>	thoughtful
<i>ōhana</i>	family, relative, kin group
<i>ōhelo kai</i>	a shrub
<i>ōlelo</i>	Language; statement
<i>ōlelo no'eau</i>	Proverb, wise saying, traditional saying
<i>ono</i>	wahoo
<i>ō'ō</i>	digging stick
<i>ō'opu</i>	General name for fishes included in the families Eleotridae, Gobiidae, and Blennidae
<i>ōpa</i>	the squeeze
<i>ōpelu</i>	mackerel scad, a highly prized fish
<i>pa'akai</i>	sea salt
<i>pae'āina</i>	archipelago

<i>papa he'e nalu</i>	surboard
<i>pāpio</i>	a fish
<i>pōhaku</i>	Rock, stone
<i>pono</i>	consistency, balanced, righteous
<i>pua'a</i>	Pig
<i>pule</i>	prayer, incantation, blessing, grace
<i>Punamāno</i>	shark spring
<i>puna pa'akai</i>	brackish spring
<i>'uala</i>	sweet potato
<i>'uhane</i>	spirit
<i>'ula'ula</i>	A native variety of taro
<i>'ulu</i>	breadfruit
<i>wai</i>	fresh water
<i>Wakiu</i>	northwest wind sound
<i>Wauke</i>	paper mulberry
<i>wiliwili</i>	Hawaiian leguminous tree

#### **DIACRITICAL GUIDE FOR PLACE NAMES**

'Ewa  
Hanaka'ilio  
Hanaka'oe  
Hau'ula  
Hawai'i  
Ka'a'awa  
Kāne'ohe  
Ko'olau  
Ko'olau Loa when referring to the location  
Ko'olauloa when referring to Hawaiian Civic Club or Neighborhood Board  
Ko 'Olina  
Lā'ie  
Mokulē'ia  
O'ahu  
'Ō'io  
'Ōpana  
Punaho'olapa  
Pūpūkea  
Waikikī

**Figure ES-4: Content Checklist**

SEIS Compliance	11-200-17 Content requirements for Draft EIS (applicable to SEIS per 11-200-28)	
	A	The Draft EIS shall contain at a minimum the information contained in this section (11-200-17)
Exec. Summ.	B	Summary Sheet with the following
Exec. Summ.	1	Brief description of the Proposed Action
Exec. Summ.	2	Significant beneficial/adverse/cumulative/secondary impacts
Exec. Summ.	3	Proposed mitigation measures
Exec. Summ.	4	Alternatives considered
Exec. Summ.	5	Unresolved issues
Exec. Summ.	6	Compatibility with land use plans/policies; listing of permits/approvals
TOC	C	Table of Contents
Chap. One, Sec. A	D	Statement of Purpose/Need for the Proposed Action
Chap. Three, Sec. B	E	Project Description with enough detail to evaluate environmental impacts
Figures 1-6, 2-22 & 2-23	1	Detailed map (USGS topo, FIRM, or floodway boundary)
Chap. Two, Sec. A	2	Statement of objectives
Chap. Three, Sec. B	3	General description of action's characteristics:
Chap. Three, Sec. B.2, B.3 & B.4	a	technical
Chap. Three, Sec. B.2, B.3 & B.4	b	social
Chap. Three & Sec. B.2, B.3 & B.4	c	environmental
Chap. Three, Sec. B.10	4	Use of public funds or lands for the action
Chap. Three, Sec. B.11	5	Phasing and timing of the action
Chap. Three, Sec. B.2, B.3 & B.4	6	Summary technical data, diagrams etc. for evaluation of potential impacts
Chap. One, Sec. G & Chap. Two, Sec. B	7	Historic perspective
Chap. Four	F	Rigorous exploration and objective evaluation of alternatives
Chap. Four, Sec. A.3.c	1	No action
Chap. Four, Sec. B.3	2	Different nature with similar benefits and different environmental impacts
Chap. Four, Sec. A	3	Alternate designs or details
Chap. Four, Sec. A.3.b	4	Postponing the action
Chap. Four, Sec. A.2	5	Alternative locations
Chap. Four, Sec. C	6	Comparative evaluation of benefits, costs, risks of reasonable alternatives
Chap. Two	G	Existing environmental setting
Chap. Two	1	Local
Chap. Two, Sec. E.1, E.7 & E.8	3	Rare or unique environmental resources
Chap. Two, Sec. F.3.a	4	Related projects in area contributing to possible cumulative effect
Chap. Two, Sec. F.3.d	5	Area's population/growth characteristics & assumptions used to justify the action
Chap. Two, Sec. F.3.j(2) & j.(3)	6	Secondary population/growth characteristics
Chap. Six	H	Relationship of Proposed Action to land use plans, policies and controls
Chap. Six	1	For conflicts, extent to which conflict has been reconciled and reasons for proceeding
Chap. Three, Sec. B.12	2	List of necessary approvals and status of each
Chap. Five	I	Statement of probable impacts
Chap. Five	1	Consideration of all phases
Exec. Summ. & Chapter Five, Sec. B.6.c	2	Direct/indirect
Exec. Summ. & Chap. Five, Sec. D	3	Interrelationships and cumulative impacts of Action and other related projects
Chap. Five, Sec. D.	4	Secondary impacts
Chap. Five, Sec. B.6.a	5	Estimated population impacts
Chap. Five, Sec. B	6	Effects of population change
Chap. Five, Sec. A.5, A.6, A.9 & B.2	7	Direct or indirect sources of pollution
Chap. Five, Sec. G	J	Relationship between local short-term uses of environment and maintenance/enhancement of long-term productivity
Chap. Six, Sec. C.1	1	Trade-offs/short-term & long-term gains/losses
Chap. Six, Sec. C.2	2	Extent to which Proposed Action forecloses future options
Chap. Six, Sec. C.3	3	Narrows range of beneficial uses
Chap. Six, Sec. C.4	4	Poses long-term risks to health and safety
Chap. Six, Sec. C.6	5	Environmentally significant consequences
Chap. Five, Sec. F & Chap. Six, Sec. D.6	K	Irreversible/irretrievable commitments of resources
Chap. Six, Sec. D.1	1	Unavoidable impacts
Chap. Six, Sec. D.2	2	Use of non-renewable resources
Chap. Six, Sec. D.3	3	Curtails range of beneficial uses
Chap. Six, Sec. D.4	4	Possibility of environmental accidents resulting from any phase of Proposed Action
Chap. Six, Sec. D.5	5	Loss/destruction of natural/cultural resources
Chap. Five, Sec. E	L	All probable adverse environmental effects that cannot be avoided
Chap. Five, Sec. G	1	Rationale for proceeding with Action, notwithstanding, adverse effects



**TURTLE BAY RESORT:** Draft Supplemental Environmental Impact Statement • November 2012

SEIS Compliance	11-200-17 Content requirements for Draft EIS (applicable to SEIS per 11-200-28)		
Chap. Six, Sec. E		2	Other governmental policies that offset adverse environmental effects
Chap. Four, Sec. C		3	Ability of reasonable alternatives to achieve countervailing benefits to avoid adverse effects
Chap. Five	M		Mitigation measures
Chap. Five		1	Basis for determining mitigations reduce impacts to insignificant levels
Chap. Five		2	Timing of mitigations/commitments to assuring mitigation
Chap. Six, Sec. F	N	1	Summarize unresolved issues
Chap. Six, Sec. F		2	How they will be resolved prior to implementing action or overriding reasons for proceeding without resolution
Chap. Eight	O	1	Consulted parties
Chap. Seven		2	Disclosure of preparers
Chap. Eight	P	1	Reproduction of all substantive comments and responses
Chap. Eight, Sec. B		2	List of parties consulted who had no comments

THIS PAGE INTENTIONALLY LEFT BLANK

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

To Amend the Agricultural Land Use District ) Docket No. A85-595  
Boundary to Reclassify Approximately 236 )  
Acres Located at Kahuku, Koolauloa, County of ) **CERTIFICATE OF SERVICE**  
Honolulu, State of Hawai'i, to the Urban Use )  
District )  
)  
)  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this date, a true and correct copy of the foregoing document was duly served upon the following parties by delivering same to their last known address as follows:

SHARON V. LOVEJOY, ESQ.  
WIL K. YAMAMOTO, ESQ.  
SHYLA P. Y. COCKETT, ESQ.  
Starn, O'Toole, Marcus & Fisher  
Pacific Guardian Center, Makai Tower  
733 Bishop Street, Suite 1900  
Honolulu, Hawaii 96813

and

BENJAMIN M. MATSUBARA, ESQ.  
CURTIS T. TABATA, ESQ.  
WYETH M. MATSUBARA  
Matsubara - Kotake  
888 Mililani Street, Eighth Floor  
Honolulu, Hawaii 96813

Attorneys for Respondent  
KUILIMA RESORT COMPANY

BRYAN C. YEE, ESQ.  
DEBORAH DAY EMERSON, ESQ.  
Deputy Attorneys General  
Department of Attorney General  
425 Queen Street  
Honolulu, Hawaii 96813

Attorneys for THE OFFICE OF PLANNING

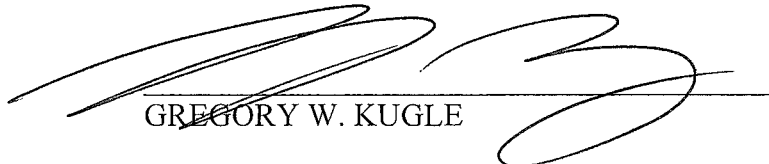
MR. GEORGE ATTA  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawaii 96813

DONNA LEONG, ESQ.  
Department of the Corporation Counsel  
Honolulu Hale  
530 S. King Street, Room 110  
Honolulu, Hawaii 96813

MR. JESSE SOUKI  
Office of Planning, State of Hawaii  
235 South Beretania Street, Sixth Floor  
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, JUN 18 2013

**DAMON KEY LEONG KUPCHAK HASTERT**

  
GREGORY W. KUGLE

Attorney for DEFEND OAHU COALITION