

December 02, 2022

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Daniel E. Orodener
Executive Officer
State of Hawaii Land Use Commission
Department of Business, Economic Development & Tourism
State Office Tower
Leiopapa A Kamehameha Building
235 South Beretania Street Room 406
Honolulu, HI 96813

Re: Annual Compliance Report for Special Use Permit – Docket No. SP21-411 AES West O'ahu Solar, LLC

Dear Mr. Orodener,

Pursuant to Condition No. 11 in the Land Use Commission Decision & Order ("Order") in Docket No. SP21-411, attached is the annual compliance report for the AES West O'ahu Solar, LLC project ("Project").

As detailed in the attached report, the Project complies with the conditions set forth in the Order, effective June 24, 2021.

Please contact us if there are any questions or concerns.

Sincerely,

Rob Cooper

Rob Cooper
Authorized Representative
AES West Oahu Solar, LLC
282 Century Place, Suite 2000
Louisville, CO 80027
P: 720-496-5068
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AES West O'ahu Solar, LLC

2022 Annual Report – Special Use Permit Compliance (SP21-411)

#	Condition	Petitioner Response
1	<p>The Applicant shall develop and operate the facility, including the implementation of measures to mitigate potential impacts of the Project, in substantial compliance with the representations made to the Planning Commission and the LUC as reflected in this Decision and Order. Such mitigation measures include, but are not limited to, the use of temporary and permanent Best Management Practices ("BMPs") to ensure that the development and operation of the facility does not result in an increase in stormwater runoff that adversely impacts downstream properties. Failure to so develop the Petition Area may result in revocation of the SP.</p>	<p>The Project has obtained necessary governmental approvals to begin construction.</p> <p>Stormwater retention drawings and Best Management Practices ("BMPs") have been approved by the City & County of Honolulu Civil Engineering Branch.</p> <p>Construction has commenced and the Project is at 100% completion for site clearing, grading and mechanical solar panel installation, and at 40% completion for substation construction.</p> <p>The Project is in substantial compliance with the representations made to the Planning Commission and the LUC upon receipt of the required governmental approvals.</p>
2	<p>Usable lands of the Petition Area, as required under Condition No. 5a below, shall be made available for compatible agricultural use at a lease rate that is at least 50 percent below the fair market rent for comparable properties, as long as the Project is in operation. Compatible agricultural operations shall be established, or Applicant shall be actively seeking to have such operations established, within six months of the start of commercial power generation (referred to as the "initial six-month period"). Extensions to this deadline may be granted by the Director of the DPP for unforeseen circumstances that were beyond the control of the Applicant.</p>	<p>The Project has commenced construction and is at 100% completion for site clearing, grading and mechanical solar panel installation, and at 40% completion for substation construction. Once in operation, compatible agricultural activities will be established in compliance with this condition.</p>
3	<p>If at any time during the term of the SUP, no compatible agricultural operations exist on the usable lands of the Petition Area for six months after the initial six-month period (referred to as the "subsequent six-</p>	<p>The Project has commenced construction and is at 100% completion for site clearing, grading and mechanical solar panel installation, and at 40% completion for substation construction.</p>



	<p>month periods"), the Applicant shall notify the Planning Commission and the Director of the DPP in writing within 30 days of the end of any subsequent six-month periods. If requested by the Planning Commission, the Applicant shall attend a meeting of the Planning Commission and submit a report to the Planning Commission detailing the Applicant's actual and reasonable efforts to actively seek the establishment of compatible agricultural operations on the usable lands of the Petition Area. The Planning Commission shall determine whether probable cause exists to re-evaluate the SUP and to hold a hearing pursuant to Section 2-49 of the Rules of the Planning Commission. Extension to any subsequent six-month period's deadlines may be granted by the Planning Commission for unforeseen circumstances that were beyond the control of the Applicant.</p>	<p>Once in operation, compatible agricultural activities will be established in compliance with this condition. If agricultural operations do not exist or lapse in the specified time frame, AES will notify the Planning Commission and the Director of DPP as specified in this condition.</p>
4	<p>This SUP shall be valid for a period of 29 years from the date of the LUC's Decision and Order approving the SUP, subject to further extensions upon a timely request for extension filed with the Planning Commission at least 120 days prior to the SUP's expiration, and with the approval of the Land Use Commission.</p>	<p>The Special Use Permit is effective as of June 24, 2021. No request for extension is contemplated at this time.</p>
5	<p>The Applicant, its assignees, or the landowner, shall cause the decommissioning of the Project at the Applicant's, assignee's, or owner's expense by removing all of the equipment related to the solar energy facility within 12 months of the conclusion of Project operation, or its useful life, and the restoration of the disturbed earth to substantially the same physical condition as existed prior to the development of the SEF.</p>	<p>AES will decommission the Project within 12 months of the conclusion of Project operation, or its useful life, in accordance with the requirements of this condition.</p>
6	<p>The Applicant shall submit for review and obtain the approval of the following from the Director of the DPP, prior to any</p>	<p>By letter dated August 31, 2021, the DPP found the information provided by AES to fulfill the intent of Conditions 6a and 6b.</p>

	<p>subdivision action or the issuance of a grading or building permit:</p> <p>a. A site plan showing the minimum land area to be made available for compatible agricultural use.</p> <p>b. An alternative design plan(s) that reduces the visual appearance of the Project on native Hawaiian cultural resources and public viewpoints.</p> <p>Alternatives to be considered include, but not limited to, colored SEF infrastructure such as colored photovoltaic (PV) panels and their supporting posts and frames, any energy storage units painted to blend with the existing environment, avoidance of the complete removal of groundcover vegetation, additional screening and landscaping, including tall trees, in select areas, and/or a combination of various recommendations set forth by the cultural practitioner Ms. Lynette Paglinawan, or her representative, and by the United States Bureau of Land Management (BLM) publication or most recent updates to the publication entitled, Best Management Practices for Reducing Visual Impacts of Renewable Energy Facilities on BLM-Administered Lands.</p>	
7	<p>As mitigation for impacts to cultural resources, Petitioner shall coordinate with UH West O'ahu to provide cultural orientation and education to AES and its contractors associated with this Project, prior to construction.</p>	<p>By letter dated October 22, 2021, University of Hawai'i West O'ahu affirmed AES and UHWO coordinated to provide cultural orientation and education to AES and its contractors associated with the Project.</p>
8	<p>Prior to the close of the building permit for the SEF, the Applicant shall submit to the DPP proof of financial security to decommission the Project and restore the Petition Area to substantially the same physical condition as existed prior to the development of the Project. Such proof may include, but not be limited to, a posted letter of credit, performance bond, escrow account, or similar mechanism from a creditworthy financial institution. This shall be in favor of the owner of the</p>	<p>In accordance with the executed Agreement to Grant Easement between AES and University of Hawai'i (as amended), AES shall provide a financial security (such as a security deposit or letter of credit) in the amount of the estimated cost of decommissioning, dismantling, removing the SEF and restoring the land.</p> <p>The security shall be posted before close of the building permit for the SEF in accordance with this condition, and will be</p>

	land subject to the SUP, in the amount estimated by the Applicant to decommission the Project at the time of building permit closure. Said security shall remain in place for the duration of the operation of the Project. Evidence of same shall be provided to the Director of the DPP on an annual basis.	held for the duration of the Project with evidence provided to the Director of the DPP on an annual basis.
9	The Applicant shall comply with the recommendations of the U.S. Fish and Wildlife Service ("USFWS") and the State Department of Land and Natural Resources, Division of Forestry and Wildlife ("DOFAW") regarding the protection of endangered Hawaiian hoary bat and endangered and threatened Hawaiian water bird and shorebird species at the Petition Area.	Please see below for responses to the sub-parts of this condition.
9a	No trees or shrubs greater than 15 feet tall shall be disturbed, trimmed or removed during the Hawaiian hoary bat birthing and pupping season (June 1 through September 15).	Grubbing and grading activities are completed, and the Project was in compliance with this condition. Trees or shrubs greater than 15 feet tall were cleared before June 1. This requirement has also been included in the wildlife education and orientation program (see response to Condition 9c).
9b	Any fences that are erected as part of the Project shall not have barbed wire to prevent entanglements of the Hawaiian hoary bat.	The Project is in compliance with this condition. This requirement has also been included in the wildlife education and orientation program (see response to Condition 9c).
9c	A wildlife education and observation program (WEOP) shall be implemented for all construction and regular on-site-staff. Staff shall be trained to identify listed species that may be found on-site (including Hawaiian hoary bat, pueo, Hawaiian seabirds and waterbirds) and to take appropriate steps if these species are observed. If a federally-or state-listed species is observed to be impacted by the Project, a systematic post-construction monitoring program shall be developed and implemented.	By letter dated November 9, 2021, Tetra Tech provided wildlife education and orientation program materials, which was included in AES' Site Orientation and Operations Plan (SOP) for all construction and regular on-site staff. All construction and on-site staff have attested to compliance with the program requirements.

9d	Speed limits shall be established and enforced within the Project area and along the access road.	Speed limits are posted, and the Project is in compliance with this condition. This requirement has also been included in the wildlife education and orientation program (see response to Condition 9c).
9e	Construction activities shall be restricted to daylight hours as much as possible during the seabird peak fallout period (September 15-December 15) to avoid the use of nighttime lighting that could attract seabirds.	Construction activities are in progress and nighttime construction is avoided to be in compliance with this condition. This requirement has also been included in the wildlife education and orientation program (see response to Condition 9c).
9f	Should nighttime construction be required during the seabird fallout period, a biological monitor shall be present in the construction area from approximately one half hour before sunset to one half hour after sunrise to watch for the presence of seabirds. Should a seabird (or other listed species) be observed and appear to be affected by the lighting, the monitor shall notify the construction manager to reduce or turn off construction lighting until the individual(s) move out of the area.	Construction activities are in progress and nighttime construction is avoided to be in compliance with this condition. This requirement has also been included in the wildlife education and orientation program (see response to Condition 9c).
9g	Any on-site lighting shall be fully shielded, triggered by motion detector, and fitted with light bulbs having a correlated color temperature of four thousand Kelvin or less, to the extent possible. Lighting shall also be directed away from the solar arrays to minimize the potential for reflection and shall only be used when necessary.	Construction has commenced and the Project is in compliance with this requirement. This requirement has also been included in the wildlife education and orientation program (see response to Condition 9c).
9h	Construction of overhead lines shall be minimized to reduce the collision risk for seabird species.	Overhead lines have been minimized to the extent possible.
9i	Prior to clearing vegetation within the Project area, pre-construction pueo surveys shall be conducted by a qualified biologist following the Pueo Project survey protocol. If a ground nest or an owl nesting on the ground is observed, an approximately 50-foot buffer shall be established and marked in the field. In accordance with existing protocol for UH West O'ahu, a designated UH West O'ahu representative shall be contacted	<p>A preconstruction pueo survey based on the Pueo Project protocol was conducted on the evenings of December 9 and December 23, 2021. Transect surveys were conducted on December 21 and December 22, 2021. No pueo were detected at the Project.</p> <p>Due to construction delays, additional supplemental preconstruction pueo survey based on the Pueo Project protocol was conducted on the evenings of March 3</p>

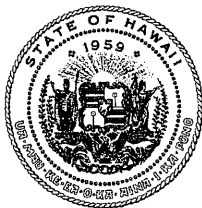
	immediately, and that representative shall provide notification to DOFAW. No vegetation clearing shall occur until pueo nesting ceases.	and March 18, 2022. Transect surveys were conducted on March 23 and March 24, 2022. No pueo were detected at the Project. The Project is in compliance with the requirements of this condition.
9j	If a live pueo is observed on-site by Project staff, all activities within 50 feet of the bird shall cease, and the bird shall not be approached.	Construction has commenced and the Project is in compliance with this condition. No live pueo have been observed on-site. This requirement has also been included in the wildlife education and orientation program (see response to Condition 9c).
9k	No rodent baiting shall occur as part of the Project to prevent secondary poisoning from toxins in pueo prey.	Construction has commenced and the Project is in compliance with this condition. This requirement has also been included in the wildlife education and orientation program (see response to Condition 9c).
9l	No surface water features shall be created by the Project during construction or operation to avoid attracting waterbirds to areas with sub-optimal habitat.	Construction has commenced and the Project is in compliance with this condition. This requirement has also been included in the wildlife education and orientation program (see response to Condition 9c).
10	The Applicant shall establish the Project within two years of the date of the LUC's Decision and Order approving the SUP. Requests for extension of this deadline shall be submitted to the Director of the DPP prior to the expiration of the deadline. The Land Use Commission shall be informed and receive a copy of any request for extension of this deadline. The Planning Commission may grant an extension to the deadline to establish the Project due to unforeseen circumstances that were beyond the control of the Applicant.	The Special Use Permit is effective as of June 24, 2021. No request for extension is contemplated at this time.
11	On or before December 31 of each year that the SUP is in effect, the Applicant or its successor shall file an annual report to the DPP, the State Office of Planning, and the Land Use Commission that	This report shall be updated and submitted to the DPP, State Office of Planning and LUC on an annual basis to demonstrate compliance with conditions of the SUP.

	demonstrates the Applicant's compliance with conditions of the SUP.	
12	Major modifications to: (1) The Project plans, including but not limited to significant increases in the number of PV panels; (2) Amendments to the conditions of approval; (3) Significant expansions of the approved area; or (4) Change in uses stated herein, shall be subject to the review and approval of the Planning Commission and the LUC. Minor modifications including minor additions to accessory uses and structures, and: new incidental uses and structures in the approved area are subject to review and approval by the Director of the DPP.	There have been no major modifications to the Project plans including but not limited to significant increases in the number of PV panels, amendments to the conditions of approval, significant expansions of the approved area, or changes in uses stated herein.
13	The Applicant and/or landowner shall notify the Director of the DPP of: a. Any change or transfer of licensee on the property; b. Any change in uses on the property; c. Termination of any uses on the property; and/or d. Transfer in ownership of the property.	There have been no change or transfer in licensee of the property, change in uses on the property, termination of any uses on the property, or transfer in ownership of the property.
14	Enforcement of the conditions of the SUP shall be pursuant to the Rules of the Planning Commission, including the issuance of an order to show cause as to the reason the SUP should not be revoked if the Planning Commission has reason to believe that there has been a failure to perform the conditions imposed herein.	There has been no failure to perform the conditions imposed by the Special Use Permit.
15	Previously Unidentified Burials and Archaeological/Historic Sites. In the event that historic or archaeological resources, including human skeletal remains, are found and/or identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the State Historic Preservation Division (SHPD) shall be contacted immediately as required by HRS Chapter	Construction has commenced and the Project is in compliance with this condition. To date, no human burials or previously unidentified archaeological/historic sites have been found or identified during construction activities. This requirement has also been included in the Archaeological Monitoring Plan that was submitted to the State Historic Preservation Division (SHPD) on

	<p>6E and its applicable rules. Without limitation to any condition found herein, if any burials or archaeological or historic sites or artifacts not previously identified in studies referenced to in these Findings of Fact and Conclusions of Law are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigation measures have been implemented to its satisfaction.</p>	<p>May 11, 2021 (HICRIS #2020PR32397, Submission No M4PG8G3C9W4W).</p>
<p>16</p>	<p>Archaeological/Historic Sites. Petitioner shall adhere to mitigation commitments as specified in the SHPD letter dated January 4, 2021 or as modified by SHPD:</p> <ul style="list-style-type: none"> a. Avoidance of adverse impacts to SIHP Site 50-80-08-5593 Feature 2 (2A through 2E) within the project area; b. Historic American Engineering Record (HAER) documentation of SIHP Site 50-80-08-5593 Feature 2; c. Incorporation of the portion of SIHP Site 20-80-09-2268 within and immediately adjacent to the project area into an Addendum to the existing Ditch Historic Context Study (Mason Architects, Inc. 2018); and d. Data Recovery in the form of archaeological monitoring in the immediate vicinity of "Pump Camp 5." Prior to any ground disturbance or construction, Petitioner shall comply with all interim and/or permanent mitigation and preservation measures recommended and approved by the SHPD. Petitioner shall confirm in writing to the LUC that the SHPD has found Petitioner's preservation mitigation commitments to be acceptable and has determined that any required historic preservation measures have been successfully implemented. The SHPD shall be notified at the initiation of the Project. 	<p>Please see response to each subpart of the mitigation commitments specified in the SHPD letters dated January 4, 2021 and December 21, 2021:</p> <ul style="list-style-type: none"> a. Avoidance of adverse impacts to SIHP Site 50-80-08-5593 Feature 2 (2A through 2E) within the project area: Project has been designed to avoid Features 2A, 2B, 2C. By letter dated Mar 10, 2021, Cultural Surveys Hawaii on behalf of AES, submitted a request to the SHPD for approval of alternative mitigation measures for 2D and 2E. By email dated April 30, 2021, SHPD concurred with the proposed mitigation commitments for 2D and 2E. This approval is formalized in the SHPD letter dated December 21, 2021. b. Historic American Engineering Record (HAER) documentation of SIHP Site 50-80-08-5593 Feature 2: HAER documentation was accepted by US National Park Service and was subsequently submitted to SHPD on October 1, 2021. SHPD's acceptance of the HAER documentation is detailed in SHPD letter dated December 21, 2021. c. Incorporation of the portion of SIHP Site 20-80-09-2268 within and immediately adjacent to the project area into an Addendum to the existing Ditch Historic Context Study (Mason Architects, Inc.

		<p>2018): Addendum to Thematic Historic Context Study: Irrigation Ditches In Hawaii was submitted to SHPD on September 7, 2021. SHPD's acceptance of the addendum is detailed in SHPD letter dated December 21, 2021.</p> <p>d. Data Recovery in the form of archaeological monitoring in the immediate vicinity of "Pump Camp 5.": Archeological monitoring took place during construction in the area of Pump Camp 5 as stated in the Archaeological Monitoring Plan.</p> <p>The Archeological Monitoring Plan was approved and SHPD has found the preservation mitigation commitments to be acceptable and have determined that required historic preservation commitments have been successfully implemented. Please see attached approval letter from SHPD dated December 21, 2021. By email dated March 31, 2022, SHPD was notified of project initiation.</p>
17	<p>Petitioner shall employ archaeological monitors for Pump Camp 5 feature. Petitioner shall submit an archaeological monitoring plan for ground disturbing activities to the SHPD for its review and acceptance or approval prior to project initiation. Data obtained from the archaeological monitoring plan shall be provided to the SHPD upon the completion of the monitoring of the Project.</p>	<p>An Archaeological Monitoring Plan was submitted to the State Historic Preservation Division (SHPD) on May 11, 2021 (HICRIS #2020PR32397, Submission No M4PG8G3C9W4W) and was approved by SHPD on December 21, 2021.</p>

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

December 21, 2021

Dean Uchida, Director
Department of Planning and Permitting
City and County of Honolulu
One Main Plaza Building
650 South King Street
Honolulu, Hawaii 96813
Dean.Uchida@honolulu.gov

Dear Dean Uchida:

**SUBJECT: HRS Chapter 6E-42 Historic Preservation Review
Special Use Permit (SUP) Application File No. 2020/SUP-6
AES West Oahu Solar Project
Archaeological Monitoring Plan
Interim Protection Measures Implementation Report
Historic American Engineering Record for Pump Station 5 and Pump 5 Irrigation Ditch
Pump-Supplied Irrigation Ditches (Addendum to Thematic Historic Context Study:
Irrigation Ditches in Hawai'i)
Honouliuli Ahupua'a, 'Ewa District, Island of O'ahu
TMK: (1) 9-2-002:007 por.**

This letter provides the State Historic Preservation Division's (SHPD's) review of the subject permit application and the draft documents titled, *Archaeological Monitoring Plan for the AES West O'ahu Solar Project, Honouliuli Ahupua'a, 'Ewa District, O'ahu, TMK: (1) 9-2-002:007 (por.)* (Belluomini and Shideler, May 2021) and *Interim Protection Measures Implementation Report for the AES West O'ahu Sola Project Addressing SIHP # 50-80-08-5593 Features 2D and 2E, Honouliuli Ahupua'a, 'Ewa District, O'ahu, TMK: (1) 9-2-002:007 por.* (Welser and Hammatt, August 2021). Additionally, SHPD received a draft addendum to the Waiahole Ditch Historic Context Study (Mason Architects, Inc. 2018), titled *Appendix A: Pump-Supplied Irrigation Ditches (Addendum to Thematic Historic Context Study: Irrigation Ditches in Hawaii)* (MASON 2021). Lastly, the submittal included a letter dated October 1, 2021 from the United States Department of the Interior, National Parks Service (NPS) accepting the Historic American Engineering Record documentation of Oahu Sugar Company, Pump Station 5 and Pump 5 Irrigation Ditch (HAER HI-160).

The proposed project consists of construction and operation of an approximately 12.5 Mega-Watt (MW) ground-mounted solar photovoltaic system, coupled with a 50 MWh battery energy storage system and related interconnection and ancillary facilities. Specifically, it includes the following major components: 1) solar photovoltaic system, 2) battery energy storage system, 3) substation and interconnection equipment, 4) a network of electrical wiring and collector lines, and 5) access roads and fencing. In addition to these facilities, the project area would be made available for compatible agricultural activities.

In 1998, Scientific Consultant Services, Inc. (Dega et al. 1998) completed an archaeological inventory survey (AIS) of the project area. Two historic properties were documented: Site 50-80-08-5593 (Historic irrigation system and plantation infrastructure) and Site 50-80-09-2268 (Waiahole Ditch System). SHPD reviewed the AIS and indicated the two sites had been adequately documented and thus were "no longer significant" and determined that the project would result in "no effect" on "significant historic sites" (September 1, 1998; Log No. 22156, Doc. No. 9808EJ23). The AIS (Dega et al. 1998) was accepted in a letter dated February 3, 1999; Log No. 22959, Doc. No. 9901EJ28).

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

IN REPLY REFER TO:
Project No.: 2020PR32397
Doc. No.: 2112SCH01
Archaeology, Architecture

Due to the passage of time and the new project, Cultural Surveys Hawai'i, Inc. (CSH; Welser et al. 2020) completed a second AIS for the project area which was reviewed and accepted by SHPD in a letter dated January 4, 2021 (Project No. 2020PR32397, Log No. 2020.00290, Doc. No. 2101SCH01). Welser et al. (2020) further documented Site 50-80-08-5593 and Site 50-80-09-2268 and concurred with Dega et al. (1998) that Site 50-80-08-5593 is significant under Criteria a and d. Various studies have assessed Site 50-80-09-2268 as significant under Criteria a, c, and d. However, in the current project area the remnant sections are significant only under Criterion d. Based on the CSH (Welser et al. 2020) AIS findings, **SHPD agreed** with a project effect determination of "Effect, with agreed upon mitigation commitments" and the following mitigation commitments (Project No. 2020PR32397, Log No 2020.00290, Doc. No. 2101SCH01):

1. Avoidance of adverse impacts to the designated features of SIHP Site 50-80-08-5593 Feature 2 (2A through 2E) within the project area;
2. Historic American Engineering Record (HAER) documentation of SIHP Site 50-80-08-5593 Feature 2;
3. Incorporation of the portion of Site 20-80-09-2268 within the project area into an existing Addendum to the Waiahole Ditch Historic Context Study (Mason Architects, Inc. 2018); and
4. Data Recovery in the form of archaeological monitoring in the immediate vicinity of Pump Camp 5.

Following acceptance of the AIS it was determined that Site 50-80-08-5593 Features 2D and 2E occur within the footprint of a proposed solar array and battery pad and that reconfiguring was not cost effective and would decrease power production. Thus, SHPD and CSH consulted regarding additional mitigation measures (Email correspondence between David Shideler [CSH] and Samantha Hemenway [SHPD], April 29, 2021; Letter from Scott Belluomini [CSH] to Susan Lebo [SHPD], August 30, 2021). **SHPD agreed** to the following mitigation measures for Features 2D and 2E:

1. Installation of interim protection measures in the form of temporary fencing around each feature prior to any land disturbance in the vicinity, with documentation of the installation of the protective measures submitted to SHPD. These protective measures would remain in place until such time as an Addendum to the existing Ditch Historic Context Study and HAER documentation of the historic property have been completed;
2. Inclusion of these features in the Addendum to the existing Ditch Historic Context Study (Mason Architects, Inc.), as appropriate;
3. Inclusion of these features in the HAER documentation of the historic property; and
4. Further documentation would occur during archaeological monitoring (focused on the neighboring location of the former "Pump Camp 5") of the grading activity that will result in the removal of these two features, with this documentation included in the archaeological monitoring report.

CSH prepared the archaeological monitoring plan (AMP) in support of the current project. The AMP (Belluomini and Shideler, May 2021) stipulates the following monitoring procedures:

- A pre-construction briefing will be conducted prior to construction activities to ensure all construction personnel are fully informed regarding the need for archaeological monitoring and the monitoring provisions detailed in the AMP;
- Archaeological monitoring will include a combination of "on-site" and "on-call" monitoring. The area of on-site monitoring is the area of Pump Camp 5 and the location of Site 50-880-08-5593 Features 2D and 2E. On-call monitoring will occur in the remainder of the project area;
- In the event of a potential historic property being identified, the archaeological monitor has the authority to temporarily halt all activity in the area to record archaeological information for cultural deposits;
- In the event that non-burial historic properties are identified, the archaeological monitor shall protect the find from further disturbance until the find can be adequately assessed and documented in consultation with SHPD, and in accordance with HAR §13-279-5 and HAR §13-280;
- If human remains are identified, work will cease in the vicinity and the find shall be secured, and provisions outlined within the Hawaii Revised Statutes (HRS) §6E-43 and HAR §13-300-40, and any SHPD directives, shall be followed; and

- Documentation of non-burial cultural deposits may include recording stratigraphy using USDA soil descriptions, GPS data collection, recordation of feature contents through excavation or sampling of features, screening of features, representative scaled profile drawings, photo documentation, and appropriate laboratory analyses of collected samples and artifacts;
- Final curation of collected items shall be determined in consultation with the landowner and the SHPD; and lastly
- Any deviation from these provisions shall occur only with written concurrence from the SHPD.

According to the Interim Protection Measures Implementation Report (Welser and Hammatt, August 2021), CSH archaeologists installed the interim protection measures for SIHP Site 50-80-08-5593, Feature 2D and 2E on July 30, 2021. Per HAR §13-277-5, a protective barrier of high visibility, orange web “event fencing” was installed surrounding each feature to demarcate the limits of construction activity. Surrounding Feature 2D, eight posts were hand-driven into the ground to support the 4-foot-tall “event fencing” surrounding the feature. The barrier measures 12 m long and 6 m wide. Surrounding Feature 2E, four posts were hand-driven into the ground to support the fencing surrounding the feature. This barrier measures 3.5 m long and 3 m wide. The locations of both fence barriers were recorded using a hand-held GPS unit. The fencing was placed prior to construction activities and will remain in place until architectural recordation is complete.

SHPD hereby notifies the DPP that the permitting process may continue. The following mitigation documents are accepted:

1. The Interim Protection Measures (IPM) Implementation Report (Welser and Hammatt, August 2021) for SIHP Site 50-80-08-5593, Feature 2D and 2E provides adequate verification of the required implementation of interim protection measures for the subject historic properties.
2. The AMP (Belluomini and Shideler, May 2021) meets the minimum requirements of HAR §13-279-4. **It is accepted.**
3. Per HAR §13-284-9, **SHPD accepts** the Addendum to the thematic historic context study titled, *Pump-Supplied Irrigation Ditches (Addendum to Thematic Historic Context Study: Irrigation Ditches in Hawaii)*, prepared by Mason Architects, Inc (September 2021).
4. SHPD received a letter dated October 1, 2021 from the National Park Service’s Heritage Documentation Programs (HABS/HAER/HALS) acknowledging receipt and acceptance of the HAER documentation of Oahu Sugar Company, Pump Station 5 and Pump 5 Irrigation Ditch (HAER HI-160). **It is accepted.**

Please send one hard copy each of the AMP and the IPM Implementation Report, clearly marked FINAL, along with a copy of this letter to the Kapolei SHPD office, attention SHPD Library. Please also upload a text-searchable PDF copy of the AMP and IMP Implementation Report to HICRIS Project 2020PR32397 using the Project Supplement option, and send a PDF copy of each to Lehua.K.Souares@hawaii.gov

SHPD requests to receive written notification via email and HICRIS at the initiation of archaeological monitoring. Within 90 days of completion of archaeological monitoring field work, SHPD looks forward to receiving an archaeological monitoring report (AMR) meeting the requirements of HAR §13-279-5. When completed, please submit the draft AMR and associated review fee to our office via HICRIS to Project 2020PR32397 using the Project Supplement option.

Please contact Julia Flauaus, Architectural Historian, at julia.flauaus@hawaii.gov for matters involving architectural resources, and Samantha Hemenway, O’ahu Island Archaeologist, at Samantha.Hemenway@hawaii.gov for questions regarding archaeological resources or this letter.

Dean Uchida
December 21, 2021
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Aloha,
Susan A. Lebo

Signed For
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