

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawaii**

180-Day Exp. Date: January 24, 2026

January 12, 2026

Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii

REGARDING: Conservation District Use Application (CDUA) OA-3985 for the Waimea Valley Economic Resiliency Project.

APPLICANT: Hiipaka LLC (a sub-entity of Hiilei Aloha LLC which is a sub-entity of the State of Hawaii Office of Hawaiian Affairs)

AGENT: Tessa Munekiyo Ng of Munekiyo Hiraga

LOCATION: 59-864 Kamehameha Hwy, Waimea, Waiialua, Oahu

TAX MAP KEYS: (1) 6-1-002:002 & (1) 6-1-002:005

AREA OF PARCELS: Parcel 002: 1,794.57-acres (78,171,591 square feet)
Parcel 005: 3.75-acres (163,350 square feet)

USE: Approximately 34,849 square feet of proposed expansion or renovations (Visitor Center, Community Resource Center, Pavilion, Traditional Hawaiian Hale, and Rockfall Mitigation)

SUBZONE: Limited Subzone

EXHIBITS:

1. Location Maps
2. Conservation District Subzone Map
3. Flood Zone Map
4. SHPD Determination Letter & MOA
5. Project Site Photos
6. Proposed Construction Plans
7. CCH SMA Major Permit

SUMMARY

Hiipaka LLC, a sub-entity of the State of Hawaii Office of Hawaiian Affairs (OHA), is proposing to conduct several improvements within Waimea Valley via the proposed Waimea Valley Economic Resiliency Project. Proposed land uses primarily involve the demolition, renovation, and proposed expansion of existing structures at Waimea Valley noted as the proposed Visitor Center Enhancement, Community Resource Center Reconstruction, and (Pikake) Pavilion Enhancement and Expansion. New proposed structures or features include the construction of a Traditional Hawaiian Hale to host school groups for cultural and educational purposes, and the installation of rockfall fencing adjacent and upslope of the Community Resource Center.

Description of Area / Current Use (Exhibits 1 & 2)

The project site is within Waimea Valley, an ahupuaa on the north shore of Oahu that lies within the Limited and General Subzones of the State Land Use Conservation District. It is bounded by the City and County of Honolulu Waimea Bay Beach Park and Kamehameha Highway to the West, the valley wall or ridge and Pupukea-Paumalu Homesteads and Forest Reserve to the North, the Kawaihoa Forest Reserve and Koolau mountain range to the East, and the southern valley wall or ridge and Kamehameha Schools' agricultural lands and Kawaihoa to the South.

The majority of Waimea Valley is located within Tax Map Key (TMK): (1) 6-1-002:002, it also includes lands within smaller parcels identified as TMKs: (1) 6-1-002:003, 005, 013, and 017. The proposed action(s) appear to be limited to TMKs: (1) 6-1-002:002 and 005 and the portions of Waimea Valley that lie in the Limited Subzone.

Waimea Valley – Background/History

On March 24, 1972, the Board of Land and Natural Resources (Board) approved the Bishop Corporation's Conservation District Use Permit (CDUP): OA-243 for the recreational use of an 8.6-acre area together with utility improvements.

On April 14, 1972, the Board approved CDUP: OA-244 for drainage improvements that included the construction of 2 culverts and a concrete ford crossing over Elehaha stream before it joins Kamananui stream.

On February 19, 1975, the Board in their findings of fact and decision and order approves CDUA OA-591 for the concept of the Master Plan for recreational use of Waimea Valley and to designate 1,800-acres at Waimea for park purposes. The Master Plan included infrastructure improvements, road realignment, additional parking areas, arboretum facilities, restaurant use, trails and picnic sites and other proposed future improvements as indicated on a Master Plan.

Over the next approximately 25-years, the Board and the Department reviewed and approved several park or park-related improvements to Waimea Valley. These included the 1981 Supplemental EIS and its Waimea Arboretum and Botanical Gardens, Wildlife Preserve and Rare Birds and Animals, Hawaiian Historical Sites; amendment to CDUP: OA-591 for park expansion that included expansion of the Sewage Treatment Plant, Restaurant Dining expansion, a Tram Depot Refreshment Center, and a new Dining Pavilion; the 1989 Master Plan for Waimea Valley Park; future/proposed elements of the 1989 Master Plan such as the Security Gatehouse, General

Store, Administrative Office, and Maintenance Building; and emergency repairs and mitigations measures due to heavy rains during the winter of 1990/1991.

In the early 2000's, the City and County of Honolulu proceeded with a condemnation process to purchase the Waimea Valley property (or properties) as the landowner at that time was proposing to sell the land and a proposed plan to subdivide and build luxury homes within the Valley. By the summer of 2006, Waimea Valley was purchased by a consortium that included the Office of Hawaiian Affairs (OHA), the City and County of Honolulu, the Department of Land and Natural Resources, and the U.S. Army. Title was passed to OHA with the City and State retaining conservation easements over Waimea Valley. In 2007, OHA announced the formation of Hiilei Aloha LLC which subsequently created the nonprofit subsidiary Hiipaka LLC (the current applicant) that would run the daily operations and oversee management of Waimea Valley with OHA trustees retaining control and overall policy direction.

On March 12, 2013, the Chair of the Board approved Hiipaka LLC's CDUP: OA-3646 for a 16-acre exclusion fence for the Waimea Valley Native Forest Restoration Project.

Several subsequent authorizations were issued for minor accessory uses such as ADA compliance improvements, a nursery building, trail markers, signage, entrance improvements, stream gages, and additional native forest restoration and forest resource management activities. In addition, an emergency CDUP and site plan approval (SPA) was obtained for rockfall mitigation in 2012 and 2020.

Environment

Rainfall in the Pupukea area was approximately 67.7 inches in 2023 according to the US Geological Survey (USGS), and the average temperature in the area has ranged from a low of approximately 69 degrees Fahrenheit in winter to a high of 82 degrees Fahrenheit in summer.

According to the US Fish and Wildlife Service (USFWS), Waimea Valley contains several streams and an area of wetland. The most prominent streams are Elehaha, Kamananui, and Kaiwaikoele. Where these three streams meet, they become the Waimea Valley River, and the area of wetland or estuary can be found where the river widens and meets Waimea Bay. The application notes that the project area is outside these streams and wetlands.

Soils that underly the project area consist of Kawaihapai stony clay loam and Rock Land. Kawaihapai stony clay are well-drained soils, moderate permeability, runoff is slow, and erosion hazard is slight. According to the US Department of Agriculture (USDA) Soil Conservation Service, these suitable for uses such as sugar cane, truck crops, and pasture. Rock Land is made up of areas where exposed rock covers 25 to 90 percent of the surface and is suitable for uses such as pasture, wildlife habitat, and water supply.

Natural Hazards

The *Atlas of Natural Hazards in the Hawaiian Coastal Zone* (Fletcher et al., 2004) noted the Overall Hazard Assessment as 5 out of 7 with a scale of 1(low) to 7(high). The area's susceptibility to high wave energy and stream flooding contributes to moderate to high rating. The Atlas noted that past tsunami events in 1946, 1952, and 1957 have inundated Waimea Valley and that the valley is prone to flash flood events.

A Flood Zone Map obtained from the State’s Flood Hazard Assessment Tool website shows the subject area lies in the Flood Zones AE, X, and D (Exhibit 3). Flood Zone AE represents areas that have a 1 percent risk of annual flooding, and Flood Zone VE represent areas subject to 1 percent or greater risk of annual flooding with the additional hazards of high-velocity storm waves. Flood Zone X represents areas that have a low to moderate risk of flooding as they lie outside 100-year and 500-year floodplains.

Portions of the project area lie in the “Tsunami Evacuation Zone” and “Extreme Tsunami Evacuation Zone”. The project area lies outside of the SLR-XA.

Flora and Fauna

A Natural Resource Assessment was conducted for the subject area. Waimea Valley is a botanical garden and Hawaiian cultural center. While the valley contains significant amounts of Native Hawaiian plants and species, surveys performed focused on areas where improvements are proposed.

Vegetation around project components is summarized as follows:

Visitor Center

Planted ornamentals include hala, monkeypod, niu, and ornamental palms with the area planned for bathroom expansion containing ki, ape, and mondo grass and other ornamentals.

Pavilion

Areas near the planned expansion of the existing Pavilion include grassed lawns, monkeypod, niu, monstera, and ornamentals like leopard tree, croton varieties, gardenia, green aralia, ginger species, and moa ferns.

Community Resource Center/Rockfall Mitigation

Vegetation and landscaping in this area consists of magnolia tree, coffee, pothos, monstera, and a grassy lawn. Monkeypod trees, gunpowder trees, octopus tree, Chinese banyan, Guinea grass, ki, night-blooming cereus, pothos, and koa haole cover the area near the proposed rock-fall impact fence behind the Community Resource Center.

Traditional Hawaiian Hale

The survey noted that this area is currently used for landscaping consisting of mango, kukui, macaranga, avocado, Guinea grass, basket grass, papaya, wedelia, coffee, noni, niu, and coral berry. Plantings include Hawaiian natives such as loulu, alahee, and ohe makai.

Avian studies were conducted and a total of 20 avian species were observed. The endangered endemic alaeula was observed during surveys. The Final Environmental Assessment notes that Hiipaka staff know this species to be present at the site and signs are posted in the area alerting visitors of the alaeula presence. Additionally, although not observed during surveys for avian species, the kolea likely utilize Waimea Valley’s grassy lawns and seabirds may overfly the area due to the Valley’s location and relative seabird migration patterns.

Mammalian surveys found no signs of terrestrial mammal species. Cats, mongoose, rats, mice, and feral pigs are likely present and may be found within the valley. The survey notes that the Hawaiian hoary bat is commonly found in the hills above the project area.

The application notes that there is no Federally delineated Critical Habitat for any species located within the project area.

Historic/Cultural

An Archaeological Literature Review and Field Inspection (LRFI) Report was prepared for the project focusing on 1) documentation and description of the project area's land use history in the context of its traditional Hawaiian character as well as its historic-period changes; 2) identification of any historic properties or component features in or immediately adjacent to the project area; and 3) provision of information relevant to the possibility of encountering historically-significant cultural deposits in subsurface context during construction associated with the project.

Waimea Valley has a deep history and is still an important part of Hawaiian culture. The LRFI noted that it focused on two previous archaeological studies: Kennedy et al. (2005) and Monahan (2015). These studies, which incorporate work done in the 1970s to 1990s, identified 14 different archaeological sites and Wahi Pana (legendary places) from the Pre-Contact to Historic period within approximately 200 meters of the project site.

These sites include the Kuhale Heiau (Site #22), a rock shelter (Site #30), a burial shelter and cave with terrace (Site #31), 2 rock walls (Site #32 & #36), Puukua parcel (Site #33), Hewahewa burial site (Site #34), a burial cave (Site #35), Hale o Lono Heiau (Site #37), a rock enclosure (Site #51), a burial (Site #52), 2 habitation and agricultural sites (Sites E-1 & E-2), and the Fujita Camp (Site E-3).

According to the cultural impact assessment, many traditional customary practices continue in Waimea Valley and Bay. These include, but not necessarily limited to, the gathering of marine resources, farming, traditional clothing and lei making, Lapaau or traditional plant medicine, song or chant making and hula (dancing), ceremonial practices, kilo or observational/reflection traditions, and hee nalu or surfing.

The application notes that Waimea Valley has managed to preserve and maintain much of its historical resources, local culture and traditional activities through the stewardship of the Office of Hawaiian Affairs (OHA) and its sub-entity Hiipaka LLC. Through OHA and Hiipaka LLC's stewardship, cultural practitioners will continue to carry out customary practices and visitors, both local and out of state, will be able to learn about Waimea Valley's history, its resources, and participate in cultural programs.

Cultural practitioners will be allowed access to continue customary activities during potential implementation and construction activities as construction of the proposed improvements are not anticipated to impact cultural resources and best management practices are followed. The LRFI concluded that it is unlikely that subsurface archaeological resources may be encountered as the project area includes areas that previously have been subject to ground disturbing activities and development except for the proposed Traditional Hawaiian Hale. The LRFI noted that there is potential for inadvertently encountering subsurface significant findings at this site due to it being part of a Land Commission Award that once included several loi kalo and a house site, and the area is generally free from development. If any archaeological resources are discovered during ground disturbing activities associated with the proposed project or projects, the applicant(s) and their contractor(s) will cease work around the discovery and contact the State Historic Preservation Division (SHPD).

Part of the CDUA process requires that the applicant submit a Hawaii Revised Statutes (HRS), 6E form developed by SHPD. Pursuant to HRS, §6E-8 and 42, prior to any agency or officer of the State [in this case the Board] approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect historic property, aviation artifacts, or a burial site, the agency or office [OCCL] shall advise SHPD prior to any approval and allow SHPD an opportunity to review and comment on the effect of the proposed project on historic properties.

On June 25, 2025, SHPD issued Hiipaka LLC and the U.S. Economic Development Administration a National Historic Preservation Act (NHPA) Section 106 Cultural Resources Management Consultation and HRS Chapter 6E Historic Preservation Review letter for the Waimea Valley (Economic) Resiliency Project (HICRIS No.: 2022PR00905; Document No.: 2506JLP02). SHPD concurred with Hiipaka LLC's determination "affect with proposed mitigation commitments". The letter noted that resolution of the effect will occur through consultation or completion of a MOA which appears to have also been signed and issued on June 25, 2025. See Exhibit 4.

Proposed Land Uses (Exhibits 5 & 6)

Phase I

Visitor Center Enhancement

The existing Visitor Center is a 2-story approximately 14,459 sq. ft and includes office space, a gift shop, and restrooms. The applicant is proposing to renovate the existing gift shop and add 700 sq. ft to the gift shop. The application notes the proposed gift shop expansion will include a "cultural walk" that will include a display regarding important cultural information about the history of Waimea Valley and offer more space for visitors to shop for locally made crafts and a better retail experience. Following proposed renovations and expansion, the gift shop will be approximately 2,700 sq. ft.

Additionally, the restrooms are proposed to be renovated, and an additional 500 sq. ft of new men's and women's restroom space will be added and will include new structural and partition walls, new doors and windows, new plumbing and electrical fixtures, new accessories, finishes, and a covered walkway. Proposed renovations and expansion of the restrooms will increase the space from 500 sq. ft to 1,000 sq. ft.

After proposed renovations and expansion of the gift shop and restrooms, the Visitor Center will be approximately 15,659 sq. ft.

Community Resource Center Reconstruction

The application states that the existing approximately 1,040 sq. ft Community Resource Center seed propagation and equipment storage areas is currently vacant and not being used due to its deteriorating condition. The existing structure will be demolished and replaced by installing a new concrete slab and ramp, and a new wood canopy with new lights and fans. The space is intended to be utilized as an open workspace for artisans and docents and will primarily remain within the existing footprint following proposed reconstruction (1,040 sq. ft) except for the new concrete slab and ramp (approximately 180 sq. ft – total approximate footprint of 1,220 sq. ft). The application

states that a shipping container may be installed within the structure and canopy and would remain within the structure's existing footprint in the future.

Rockfall Mitigation at Community Resource Center

Approximately 200 linear feet of proposed rockfall mitigation fences will be constructed adjacent and upslope of the Community Resource Center. This will involve installation of 7 concrete block footings (3ft x 3ft x 3ft) spaced 30 to 35ft apart with each footing being supported by 4 micropiles approximately 15ft below the bottom of the footing. To further support the rockfall mitigation fence, approximately 7 upper retaining anchors will be installed about 13 to 15ft above the footings.

Pavilion Enhancement and Expansion

The applicant is proposing to expand the existing 8,200 sq. ft Pavilion by constructing 4,100 sq. ft of improvements. Proposed improvements will include a new movable 30ft x 15ft performance stage and roof extension, reconfiguration of the existing bar to function as a kitchen, demolition of non-load bearing walls, reconfiguration of existing plumbing, kitchen upgrades, light fixture improvements, and installation of a new fire sprinkler system to provide coverage to expanded Pavilion areas. The Pavilion will be approximately 12,300 sq. ft following construction of proposed improvements.

Proposed expansion of the Pavilion will increase its capacity to accommodate up to approximately 350 guests from the current 200 guests for the Waimea Valley Luau that will run Monday to Friday. The applicant notes that they are proposing to reduce the luau show to 1 performance per day beginning at 5:30pm to potentially help alleviate potential traffic impacts. The Pavilion will be available for special events on weekends.

Construction of a Traditional Hawaiian Hale

An approximately 1,500 sq. ft new Traditional Hawaiian Hale is proposed to be constructed on TMK: (1) 6-1-002:005 (referred to as the Puukua property) northwest of the Visitor Center. The application states that the proposed Traditional Hawaiian Hale will be utilized to host school groups for cultural and educational purposes. No impervious surfaces are proposed and landscaping around or near the new Traditional Hawaiian Hale will include native Hawaiian plants such as ae ae, sedge, kou, ehu awa, hala, loulou, hawane, ohe makai, and milo.

Staff notes that the application includes mention of several "Future Phases"; however, there is not enough information or proposed plans for improvements mentioned as "Future Phases" to assess for consistency with regulations or analyze. Proposed improvements identified in the application as "Future Phases" include water system upgrades, sewage treatment plant replacement, further rockfall mitigation work, and erosion control. The applicant acknowledges in the application that the "Future Phases" will require future consultation with OCCL and applications for potential authorizations from either the Department or Board.

Mitigation and Best Management Practices

The Natural Resource Assessment prepared for the project identified one endangered species present, the alae ula or Common gallinule. The alae ula was identified and recorded near a pond near the Community Resource Center. To minimize potential impacts to the alae ula and other

waterbirds that may be found within the vicinity of the project areas, the following mitigation measures shall be implemented:

- Birds shall not be fed especially if they approach for handouts
- Food rubbish shall be secured in closed receptacles
- A 15mph speed limit shall be establish and implemented near known alae ula habitat zones
- A qualified biologist or Waimea Valley staff shall supervise or monitor alae ula activity when vehicular traffic is ongoing near the Community Resource Center and rockfall mitigation project. If any alae ula are observed with the work area, work shall stop in that area until the bird or birds have moved out of the area on their own accord.
- Additionally, prior to work near pond areas, a waterbird nest survey shall be conducted and if found, a 100ft buffer of no activity shall be placed around the site. A monitor shall also be placed near the nest site to make sure that any construction activities outside the 100ft buffer do not adversely impact the nesting and hatching of chicks.
- Mitigation for the island wide-ranging endangered Hawaiian hoary bat will be done through avoidance. To avoid impacts to the endangered but regionally wide-ranging Hawaiian hoary bat, construction activities that would remove vegetation will not take place between June 1 and September 15 to protect the Hawaiian Hoary Bat. Exterior lights will be shielded and directed downwards, and should night work be required, it will be avoided during the seabird fledging season (approximately September 1 through December 15) to protect avifauna.
- Construction activities will take place in compliance with Federal, State and Hawaii County laws. Standard Best Management Practices will be observed. The applicant has identified several mitigative measures, conditions and practices within the Environmental Assessment and their application related to handling of hazardous material, resource protection and potential coastal hazards to ensure that the proposal will have minimal effects on the natural and cultural resources of the land.

Other Alternatives Considered

A. Preferred Alternative: Proposed Project. The applicant is proposing several renovations and additions to existing buildings and structures, construction of one additional building (Traditional Hawaiian Hale), and rockfall mitigation upslope of the Community Resource Center. Contemplated future improvements and projects which will require more details and future review and potential applications for authorization include water system upgrades, sewage treatment plant replacement, additional rockfall mitigation, and erosion control measures. The Preferred Alternative and proposed project or project(s) are designed and planned to improve Waimea Valley's operation while simultaneously minimizing environmental and ecological impacts.

B. No Action Alternative: No Action. Under the No Action Alternative, Waimea Valley operations would continue under existing conditions despite aging infrastructure and buildings. The No Action Alternative was rejected by the applicant because of imminent and operational concerns that could be addressed through the proposed project or projects. Additionally, funding has been secured that might be lost if proposed timelines and deadlines are not met.

C. Deferred Action Alternative: Deferred Action. Under the Deferred Action Alternative, construction of the proposed project or projects would be delayed into the future. This alternative

was not considered a viable option as secured federal funding stipulates timelines for completion for the project(s) would not align with the Deferred Action Alternative.

D. Amphitheater Renovation Alternative: Proposed Project plus Renovation of the Existing Amphitheater. The applicant had contemplated including the proposed renovation of the existing amphitheater and moving the Luau show from the existing Pavilion to the renovated Amphitheater. Contemplated proposed renovations to the Amphitheater would include reconstructing tiers for seating areas, adding auxiliary units to support the Luau operation like kitchen trailers, and adding a retractable roof. This alternative was not carried forward by the applicant due to logistical constraints regarding anticipated challenges with the transportation of Luau guests and supplies, and construction costs exceeding original estimates.

Summary of Comments

OCCL referred the application to the following agencies and organizations for review and comment:

Federal Agencies

US Fish and Wildlife Service
US Army Corps of Engineers

State Agencies

DLNR: Water Resource Management, State Parks, Division of Aquatic Resources, Engineering Division, Division of Forestry and Wildlife, Oahu District Land Office, Na Ala Hele, Aha Moku
Department of Health
Office of Hawaiian Affairs

County Agencies

City and County of Honolulu Department of Planning & Permitting
Honolulu Fire Department
Honolulu Police Department

Other Individuals and Organizations

Malama Pupukeya-Waimea
North Shore Community Land Trust
North Shore Neighborhood Board

This application was also sent to the Waialua Public Library and was made available on our website for those who may wish to review it. Additionally, notice of CDUA OA-3985 was published in the August 8, 2025, edition of *The Environmental Notice*.

Comments were received by the following agencies and individuals and summarized by Staff as follows:

Federal Agencies

US Fish and Wildlife Service: No comments.

State Agencies

Commission on Water Resource Management: We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credits towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EAP as having high water efficiency can be found at <http://www.epa.gov/watersense>.

Best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://planning.hawaii.gov/czm/initiatives/low-impact-development/>.

A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.

Applicant's Response: Thank you for the information on the LEED certification and water efficient measures. The proposed project will incorporate water conservation measures, including but not limited to low-flow fixtures for bathrooms. The Applicant and its contractors will implement stormwater BMPs during and after construction to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Water source development is not proposed as part of the project. As such, a pump installation permit is not anticipated to be required.

Engineering Division: No comments.

Office of Conservation and Coastal Lands: While a proposed fire hydrant was included in the application for Phase 1, this proposal is outside the Department's review and authorization be sought from the State of Hawaii Department of Transportation pursuant to Hawaii Revised Statutes (HRS) Chapter 264. Please provide OCCL with an update regarding this matter.

Hiipaka LLC is operated and managed by Hiilei Aloha LLC on behalf of the Office of Hawaiian Affairs (OHA) of which both are state entities.

Applicant's Response: We acknowledge that the proposed fire hydrant is outside of OCCL's jurisdiction. The State of Hawaii Department of Transportation (DOT) has reviewed the fire hydrant plans and issued the Use and Occupancy Agreement. The Agreement was signed/notarized by Hiipaka LLC and mailed back to DOT on September 26, 2025. The final executed Agreement is anticipated to be provided by DOT shortly.

Hiipaka confirms the organizational structure and that the Office of Hawaiian Affairs (OHA) is a State entity. The OHA Board of Trustees serves as the sole member of Hiilei Aloha LLC and is responsible for approving Hiilei Aloha's community-based manager. Hiilei Aloha, in turn, is the sole member of Hiipaka LLC, and its managers are similarly approved by Hiilei Aloha's managers from the community. As such, Hiipaka operates as a sub-entity of OHA.

Oahu District Land Office: No comments.

Office of Hawaiian Affairs: In review of the Final EA for this project, it appears that the State Historic Preservation Division (SHPD) was actively being consulted and there was a recommendation in the archaeological literature review to consult with SHPD regarding mitigations in sensitive areas. OHA would like to request copies of any previous or forthcoming SHPD comments for this project for OHA records.

Applicant's Response: SHPD has been consulted for the project in accordance with Chapter 6E, HRS and Section 106 of the National Historic Preservation Act (NHPA) due to the use of Federal funding from the U.S. Economic Development Administration (EDA). A copy of the effect determination letter from SHPD is attached as well as the executed Memorandum of Agreement (MOA) pursuant to Section 106 of NHPA between the State Historic Preservation Officer (SHPO), the U.S. EDA, and Hiipaka LLC.

In accordance with the executed MOA, an archaeological monitoring plan is being prepared and will be submitted to the SHPD for review and approval prior to construction. In addition, a Cultural Resource Management and Preservation Plan will be prepared and submitted to the SHPD for review and acceptance prior to the deadline stipulated in the MOA. Copies of the future correspondence with SHPD will be provided to OHA.

County Agencies

Honolulu Fire Department: The Honolulu Fire Department reviewed the submitted information and requires that all applicable components of the Revised Ordinances of Honolulu Chapter 20 be followed.

Applicant's Response: The Applicant will follow all applicable components of Chapter 20 of the Revised Ordinances of Honolulu.

Honolulu Police Department: No comments.

Individuals/Organizations

Letters and emails of support for the application were received from the following individuals and organization representatives: Dennis Mataia, William Quinlan, Nalani Jenkins (North Shore resident and President of 721 LLC), The Eddie Aikau Foundation and its Board of Directors and President Linda Ipsen, Kahale Mahoe, Valerie "Candy" Pollack (Hula Instructor), Pu a Foundation and Executive Director Toni Bissen, and Malama Loko Ea Foundation and Executive Director Rae DeCoito.

Applicant's Response: We appreciate your support for the project and thank you for your review of the project's CDUA.

One individual submitted an email in support of the project; however, sought further clarification from the applicant on a few issues.

Melani Spielman: I believe that the buildings renovations and upgrades will be important to the long-term viability of those structures, and that there is a great potential for the Hawaiian education center they have proposed. I also understand the need for an upgrade to the sewage treatment facility.

I am for their application with a few reservations. There are some things I would like to see, and others that I would hope to have confirmed/codified into their proposal:

I would like to see what the proposed building upgrades will look like to ensure that they work with the historical style of the other valley structures.

I would want reassurance that the proposed upgrades and new structures will be utilized in a way that prioritizes the mission of Waimea valley, especially in regard to benefiting the local community, as well as education, conservation, and Hawaiian culture.

I see that they have a set protocol to protect the alae ula from harm and I appreciate that, but I would like to see similar protocol for the endangered species and rare ones that are in garden collections near the worksites. These are not wild populations, but we need to consider them regardless because sometimes a plant in a botanical garden is the one that saves a species from extinction.

I would also like there to be some plan that includes an arborist consultation to protect the root system of the exceptional tree located near the visitors center. The body of the tree is not very close, but the roots go much further than the trunk.

I am aware that Waimea is working with the best intentions and want to ensure that no harm will come to the garden collections, waterways, or native plants and animals near where work will happen, what I really want is something written down to that effect. I also want to ensure that this permitting is based on use that will be mission driven and support the organization as well as the community that worked so hard to ensure the protection of the land.

Applicant's Response: The proposed improvements are being designed in substantial conformance with the historical architecture styles of the existing structures of Waimea Valley. The most recent project plans are included as Exhibit A of the CDUA.

The proposed upgrades and new structures will be utilized to prioritize the mission of Waimea Valley. The proposed project is not intended to provide new uses, aside from the proposed Hawaiian Hale which will be utilized to host school groups for cultural and educational purposes. The other improvements are intended to either enhance the existing functions of facilities or address safety concerns in Waimea Valley.

U.S. Fish and Wildlife was consulted regarding the project and the following USFWS-recommended mitigation measure will be implemented by the applicant and their contractors. In order to avoid or minimize potential adverse effects to listed plants that may occur on the proposed project site or sites, disturbance outside of existing developed or otherwise modified areas will be minimized and the avoidance buffers will be incorporated to reduce impacts to listed plants from the project activities as much as practical.

It is further noted that protocols will be in place with areas of impact clearly defined to prevent any incidental damage to garden areas. In the event of incidental damage or removal, the botanical staff will propagate the area. Most areas, or genetic twins, in Waimea Valley are located at a minimum of three disparate locations.

The exceptional tree program requires the supervision of a licensed arborist when working on the roots of the trees. Hiipaka LLC is a willing partner in this program and follows all the rules and stipulations set by the program. The current proposed scope of work does not impact the

exceptional trees. But if roots are discovered in the work area, an arborist will be contracted to advise and supervise any removal.

Public Hearing

Pursuant to Hawaii Administrative Rules (HAR) §13-5-40(b), a Public Hearing was held at the Waialua Elementary School Cafeteria on September 25, 2025, to accept public testimony related to this project. Two members of OCCL staff, approximately four members of the applicant's team, and approximately ten to fifteen individuals attended the public hearing that commenced at 6pm. Staff notes that most if not all individuals who attended the public hearing appeared to be either employed or volunteered at Waimea Valley. Approximately six individuals signed up to testify.

Following a short presentation by the applicant, individuals provided their testimony on the application. Although an individual did express some concerns about potential impacts or limitations to the community garden, all testimony received was in support of the project.

Analysis

Following review and acceptance for processing, the Applicant was notified, by correspondence dated July 28, 2025 that:

- The proposed uses are identified land uses in the Conservation District, pursuant to Hawaii Administrative Rules (HAR), §13-5-22 P-8 STRUCTURES AND LAND USES, EXISTING (D-1) Major alteration of existing structures, facilities, uses, and equipment, or topographical features which are different from the original use or different from what was allowed under the original permit. When county permit(s) are required for the associated plan(s), the department's approval shall also be required. Please be advised, however, that this finding does not constitute approval of the proposal;
- Pursuant to HAR § 13-5-40, a Public Hearing shall be held and facilitated by the OCCL;
- In conformance with the Hawaii Revised Statutes (HRS) Chapter 343, as amended, and HAR Chapter 11-200.1, the Final Environmental Assessment (EA) has been reviewed and accepted by the Department. Notice was published in the August 8, 2024, issue of the Environmental Notice; and
- On January 17, 2025, the Honolulu City Council granted a Special Management Area (SMA) Major permit to allow for the construction of certain phased improvements in Waimea Valley (Exhibit 7).

Conservation Criteria

The following discussion evaluates the merits of the proposed land use by applying the criteria established in §13-5-30, HAR.

1) The proposed use is consistent with the purpose of the Conservation District.

The objective of the Conservation District is to conserve, protect, and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

Waimea Vally and Hiipaka LLC provide various recreational, cultural, and educational experiences. Hiipaka LLC’s mission is “To preserve and perpetuate the human, cultural, and educational experiences.”

In the 1970s, the Board authorized CDUPs OA-243 and OA-591 for recreational use of Waimea Valley and to designate 1,800-acres at Waimea for park purposes.

The project involves several renovations and additions to existing buildings and structures, construction of a new Traditional Hawaiian Hale, and rockfall mitigation upslope of the Community Resource Center. According to the applicant, the proposed improvements are needed to protect and update aging structures and infrastructure for continued operation and support of its mission. Additionally, the proposed projects will enable Waimea Valley to continue to draw the public, both residents and visitors, the valley to learn and participate in its natural and cultural resources and programs.

Rockfall mitigation measures will be installed upslope of the Community Resource Center to protect the structure and its users. Construction activities will take place in compliance with Federal, State and Hawaii County laws. Standard Best Management Practices will be observed.

2) The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.

The objective of the Limited Subzone is to limit uses where natural conditions suggest constraints on human activities (HAR §13-5-12).

On March 24, 1972, and February 19, 1975, the Board approved CDUPs OA-243 and OA-591 for the establishment and various associated improvements related to recreational and park purposes. The proposed improvements include renovations and expansion to some of the structures that were approved by these authorizations. The proposed projects will not change the existing recreational and park uses of Waimea Valley. They are intended to expand and enhance Waimea Valley’s educational and cultural programs. Proposed rockfall fencing is also intended to mitigate potential rockfall hazards near and upslope the Community Resource Center.

The proposed project appears to be consisted with the objectives of the Limited Subzone of the Conservation District.

3) The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.

Staff believes the land use complies with the provisions and guidelines of the Coastal Management Area regarding recreational resources, historical resources, scenic and open space resources, and coastal ecosystems.

On January 17, 2025, the Honolulu City Council granted a Special Management Area (SMA) Major permit to allow for the construction of certain phased improvement in Waimea Valley.

4) The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.

Waimea Valley is an existing park that contains and offers access to the valley's natural and cultural resources through its educational and cultural programming. The application notes that the project is designed to support Hiipaka LLC's mission to "preserve and perpetuate the human, cultural, and natural resources of Waimea for generations through education and stewardship".

The proposed project involves the renovation and expansion of existing structures and installation rockfall mitigation as well as the construction of a new traditional Hawaiian Hale. Construction related impacts will be mitigated through the adherence of BMPs identified in the application including avoidance and mitigation measures to avoid potential impacts to the identified alaeula or other rare or endangered species that may occur within and in the vicinity of the project area. The proposed action is not anticipated to cause adverse impacts to existing natural resources within the surrounding area, community, or region.

5) The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.

As noted above, Waimea Valley has been operating as a nature and cultural park with authorization from the Board for the past approximately 50 years. The proposed project involves renovations and expansion of existing structures, construction of a new traditional Hawaiian Hale, and installation of rockfall mitigation measures upslope of the Community Resource Center.

Waimea Valley offers the public, both residents and visitors, the opportunity to access and engage in the valley's natural and cultural resources through its educational and cultural programs. Additionally, Waimea Valley offers local employment and volunteer opportunities for the area's residents which will likely continue or improved upon with the implementation of the project.

The proposed project will be compatible with the locality and surrounding areas.

6) The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.

The application states that one of the objectives of the project is to bolster educational and cultural offerings while continuing safe operation of Waimea Valley. This will be done through the renovation and expansion of the existing Visitor Center and the addition of the culture walk and construction of the new traditional Hawaiian Hale. Overall, the project will allow Waimea Valley to continue to operate so that Hiipaka LLC can continue to preserve and improve the valley's natural beauty and open space characteristics.

Construction activities are primarily limited to existing structures. New development of the traditional Hawaiian Hale will be built adjacent to a currently developed area and rockfall fencing will be installed upslope of the Community Resource Center to mitigate natural hazards and protect public health and safety.

The project area, including contemplated future phases or improvements that will require future review and applications for authorization, consists of an area slightly less than an

acre. The remaining 1,800-acres will not be impacted and remain in its natural and open state.

7) Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.

No subdivision of land is proposed under this CDUA.

8) The proposed land use will not be materially detrimental to the public health, safety and welfare.

Staff believes that providing monitoring of environmental resources and weather conditions during all construction activities as well as monitoring to minimize or eliminate impacts to threatened or endangered species, and by observing BMPs prescribed in the application and the Final Environmental Assessment, the proposed land use will not be materially detrimental to the public health, safety, and welfare.

State Constitution Article XII Section 7 Requirements (Ka Paakai)

Articles IX and XII of the State Constitution, other state laws, and the courts of the State, require government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiian and other ethnic groups.

A Ka Paakai Analysis is a legal framework used in Hawaii to assess how a proposed land use or development might affect Native Hawaiian traditional and customary rights. It originates from the Ka Paakai o ka Aina v. Land Use Commission case (2000), in which the Hawaii Supreme Court established a structured method for state and county agencies to evaluate and protect these rights. The three parts of the Ka Paakai Analysis are reviewed below:

Identification of Cultural Practices and Resources

An archaeological inventory survey and a cultural impact assessment were prepared for the project. The applicant notes that Waimea Valley is an important part of Hawaiian culture residing in famous mele (songs) and mo olelo (story, tradition, myth, or legend). Many traditional and customary practices continue to take place in the Waimea watershed, from the Bay into the valley. These include the gathering of marine resources, farming (although not necessarily practiced within the proposed project site), traditional making of lei and clothes, la au lapa au or traditional Hawaiian medicine, and various forms of hula.

Plants or plant materials near the project area may be utilized in some of these traditional and customary practices. Additionally, many of the existing structures in Waimea Valley are spaces intended for utilization by practitioners and the public. The proposed project will, at least in part, expand some of these structures and create new spaces with the traditional Hawaiian Hale for the traditional and customary practices to take place, and for residents and visitors to learn about and potentially participate in.

Assessment of Impacts on these Practices

Construction activities may cause temporary interruptions to practitioners and visitors to Waimea Valley. Following completion of construction, it is likely that traditional and customary practices

will resume at pre-construction levels with the possibility that they may improve or be enhanced by the proposed renovations, expansion, and construction of the traditional Hawaiian Hale.

Actions needed to Protect these Practices

According to the project's executed MOA, the applicant is preparing an Archaeological Monitoring Plan and a Cultural Resource Management and Preservation Plan for review and potentially acceptance by SHPD.

Regarding the potential for the inadvertent discovery of burials or *iwi* during construction, should the Board choose to approve this CDUA and its proposed uses, a condition of the authorization will state: *The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law.*

Construction activities may cause delays or disruptions regarding access to areas where traditional and customary practices may take place; however, once construction is completed, it is likely that these will be able to return to pre-construction patterns. Although construction activities have been planned to avoid or minimize disturbances to vegetation that might be utilized in traditional and customary practices, the applicant has stated that Waimea Valley botanical staff will replant these resources to mitigate these potential impacts. Through implementation of BMPs identified in the application and its attachments, it is anticipated that any adverse impacts to traditional and customary practices that may occur in the area can be avoided or mitigated.

Discussion

Waimea Valley has been operating as a nature and cultural park since essentially the mid-1970s with the approval of CDUPs OA-243 and OA-591. Many of Waimea Valley's core operational structures, such as the Visitor Center, Community Resource Center, and Pikake Pavillion were built in the late 1970s and 1980s and are likely in need of repair or upgrades after 40-50 years of use and meet current standards or regulations as well as the anticipated future operational needs of Waimea Valley.

The proposed land uses that are covered under this Conservation District Use Application (CDUA) are the renovation and expansion of the Visitor Center, demolition and reconstruction of the Community Resource Center, installation of rockfall fencing upslope of the Community Resource Center, enhancement and expansion of the Pikake Pavilion, and the construction a Traditional Hawaiian Hale. The project's primary goals are to strengthen educational and cultural programming, increase employment and business opportunities, improve visitor experiences, upgrade existing infrastructure, and address safety concerns presented by the natural features or conditions of the valley.

Although the application mentions future phases and proposed land uses such as water system upgrades, sewage treatment plant replacement, additional rockfall fencing projects, and erosion control, there is not enough information in the current CDUA and EA to understand or assess these projects. These future projects will require additional information, review by OCCL and potentially application(s) for authorization from either the Department or Board.

It appears Waimea Valley has secured federal funding or grants to finance the projects which present some budgetary constraints on activities they can move forward with to address more pressing needs as well as construction completion timelines that need to be met.

The application and its attachments did identify the presence of the endangered endemic alae ula (Common moorhen) near the Community Resource Center. The applicant has stated that Waimea Valley staff appear to be aware of the presence of the alae ula, and perhaps this individual that was identified during surveys, and have identified avoidance and mitigation measures that shall be implemented during construction activities to minimize potential impacts to the alae ula, potential nesting, and its chicks. Additionally, the application has identified BMPs that shall be implemented to avoid and minimize potential impacts to threatened or endangered species such as the Hawaiian hoary bat, Hawaiian short-eared owl, seabird, and plants that may occur near or fly over the project area.

Based on the information provided, staff believes that the project will have negligible adverse environmental or ecological effects provided that best management practices and mitigation measures as described in the application, and as required by rule or laws, are fully implemented.

Recommendation

Based on the preceding analysis, staff recommends that the Board of Land and Natural Resources APPROVE Conservation District Use Application OA-3985 for the Waimea Valley Economic Resiliency Project consisting of the Visitor Center Enhancement, Community Resource Reconstruction, Installation of Rockfall Mitigation at the Community Resource Center, Pavilion Enhancement and Expansion, and Traditional Hawaiian Hale Construction/Creation located at 59-864 Kamehameha Hwy, Waimea, Waialua, Oahu, TMKs: (1) 6-1-002:002 & (1) 6-1-002:005 subject to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of HAR Chapter 13-5;
2. The permittee shall comply with all applicable Department of Health administrative rules, and the applicable parts of HAR §13-5-42;
3. Before proceeding with any work authorized by the department or the board, the permittee shall submit four (4) copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
4. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one (1) year of the approval of such use, in accordance with construction plans that have been signed by the chairperson or an authorized representative and shall be completed within three (3) years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
5. All representations relative to mitigation set forth in the accepted application and environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;

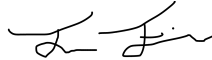
6. The permittee shall plan to minimize the amount of dust generating materials and activities. Material transfer points and on-site vehicular traffic routes shall be centralized. Dusty equipment shall be located in areas of least impact. Dust control measures shall be provided during weekends, after hours and prior to daily start-up of project activities. Dust from debris being hauled away from the project site shall be controlled. Landscaping and dust control of cleared areas will be initiated promptly;
7. The permittee shall notify the Office of Conservation and Coastal Lands (OCCL) in writing prior to the initiation and upon completion of the project;
8. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD ((808) 692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
9. The permittee shall comply with the Memorandum of Agreement (MOA) by and among the Economic Development Administration, U.S. Department of Commerce, the Hawaii State Historic Preservation Officer, and Hiipaka LLC regarding the Waimea Valley Economic Resiliency Project, and shall submit to OCCL evidence of compliance with the MOA mitigation measures regarding SHPD review and acceptance of an Archaeological Monitoring Plan and a cultural resource management and preservation plan prior to commencing construction for the undertaking;
10. The permittee shall utilize Best Management Practices for the proposed project;
11. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities. Specific Best Management Practices (BMPs) outline in the Final Environmental Assessment (FEA) and the CDUA report shall be implemented during construction of the proposed project;
12. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
13. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
14. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply;
15. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
16. When the Chairperson is notified by the applicant(s) or the public that the project deviates from the scope of the use or area adversely affecting fish or wildlife resource or their harvest, the Chairperson will direct the applicant(s) to undertake corrective measures to

- address the condition affecting these resources. The applicant(s) must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
17. Obstruction of public roads, trails, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, or pathways acceptable to the department;
 18. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
 19. The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
 20. The use shall not adversely affect a federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;
 21. To minimize potential impacts to the endangered endemic alae ula (Common moorhen), the permittee shall ensure that birds are not fed especially if they approach for handouts, food rubbish shall be secured in closed receptacles, a 15mph speed limit shall be established and implemented near known alae ula habitat zones, and a qualified biologist or Waimea Valley staff shall supervise or monitor ala eula activity when vehicular traffic is ongoing near the Community Resource Center and rockfall mitigation project. If any alae ula are observed with the work area, work shall stop in that area until the bird or birds have moved out of the area on their own accord;
 22. Prior to work near pond areas, the permittee shall have a qualified biologist conduct a waterbird nest survey and if found, a 100ft buffer of no activity placed around the site and the permittee shall contact DOFAW ((808) 587-0160/ Oahu Branch (808) 973-9778) immediately and follow their guidance and recommendations. Additionally, the permittee shall have a monitor shall also be placed near the nest site to make sure that any construction activities outside the 100ft buffer do not adversely impact the nesting and hatching of chicks;
 23. Trees taller than 15 feet shall not be removed or trimmed during the Hawaii hoary bat birthing and pup rearing season from June 1st to September 15th;
 24. The use of barbed wire fencing is prohibited;
 25. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;
 26. The permittee shall adhere to Plant Quarantine Interim Rule 22-1, which restricts the movement of Coconut rhinoceros beetle (CRB)-host material within or to and from the island of Oahu to manage host materials and plants that may contain CRB in any stage of life;
 27. Twilight pre-construction surveys by a qualified biologist shall be conducted prior to clearing of vegetation and construction activities at least 10 days prior to the construction initiation. If pueo nests are present, a buffer zone (minimum of 100 meters) shall be

established in which no clearing occurs until nesting ceases, and DOFAW staff ((808) 587-0160 or (808) 973-9778) shall be notified

28. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawai'i, and by Hawai'i statutory and case law;
29. Any landscaping shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai'i. The introduction of invasive plant species is prohibited;
30. The permittee shall ensure that areas that are disturbed or denuded of vegetation shall be planted or covered as quickly as possible to prevent erosion;
31. Other terms and conditions as may be prescribed by the Chairperson; and
32. Failure to comply with any of these conditions shall render this Conservation District Use Permit void under HAR Chapter 13-5, as determined by the chairperson or board.

Respectfully submitted,

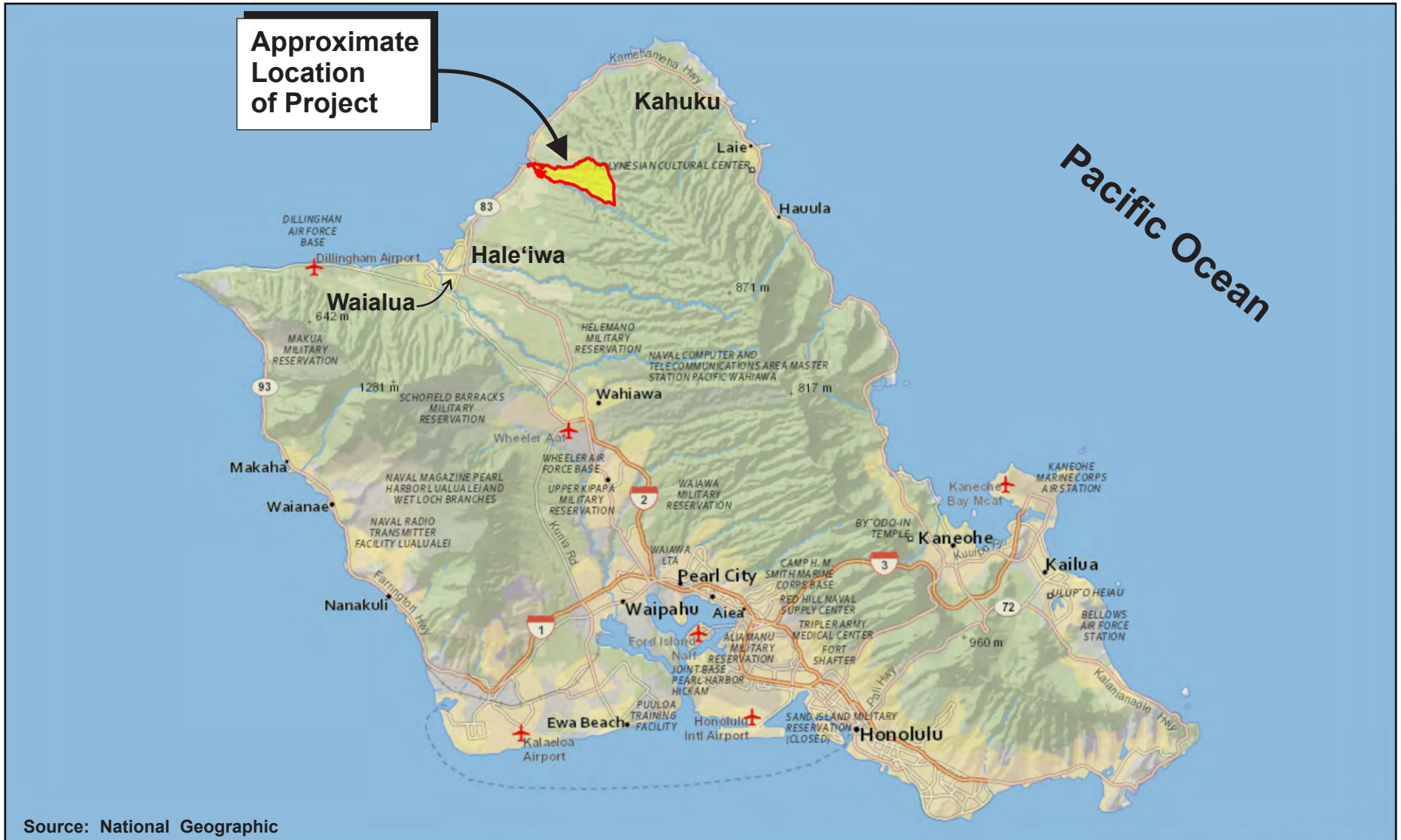


Trevor Fitzpatrick, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:

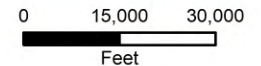
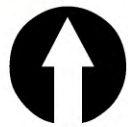


DAWN S. CHANG, Chairperson
Board of Land and Natural Resources



Source: National Geographic

Figure 1 Waimea Valley Economic Resiliency Project Regional Location Map



Prepared for: Hiipaka LLC



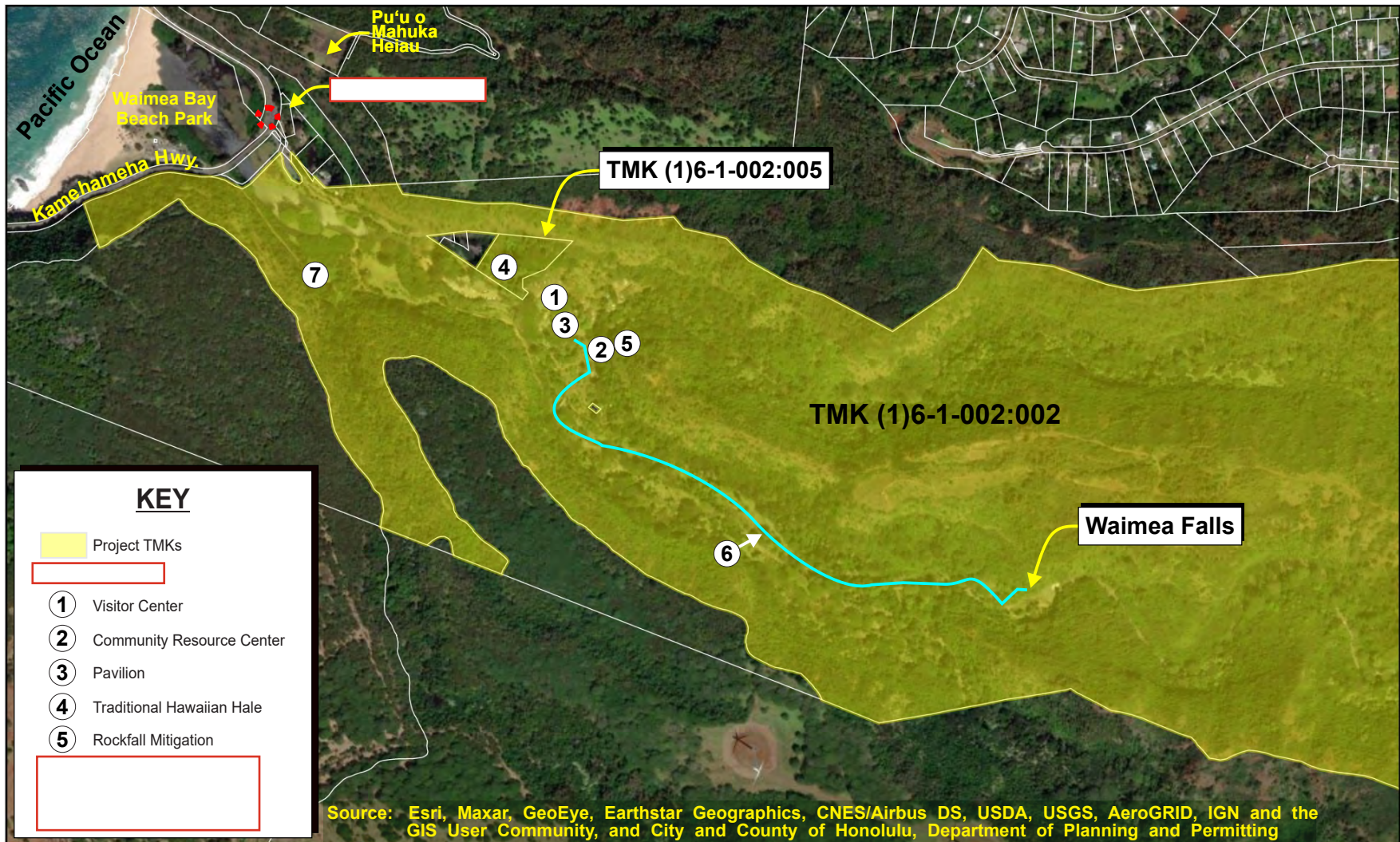
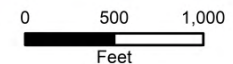


Figure 2 Waimea Valley Economic Resiliency Project
Project Location Map



Prepared for: Hi'ipaka LLC



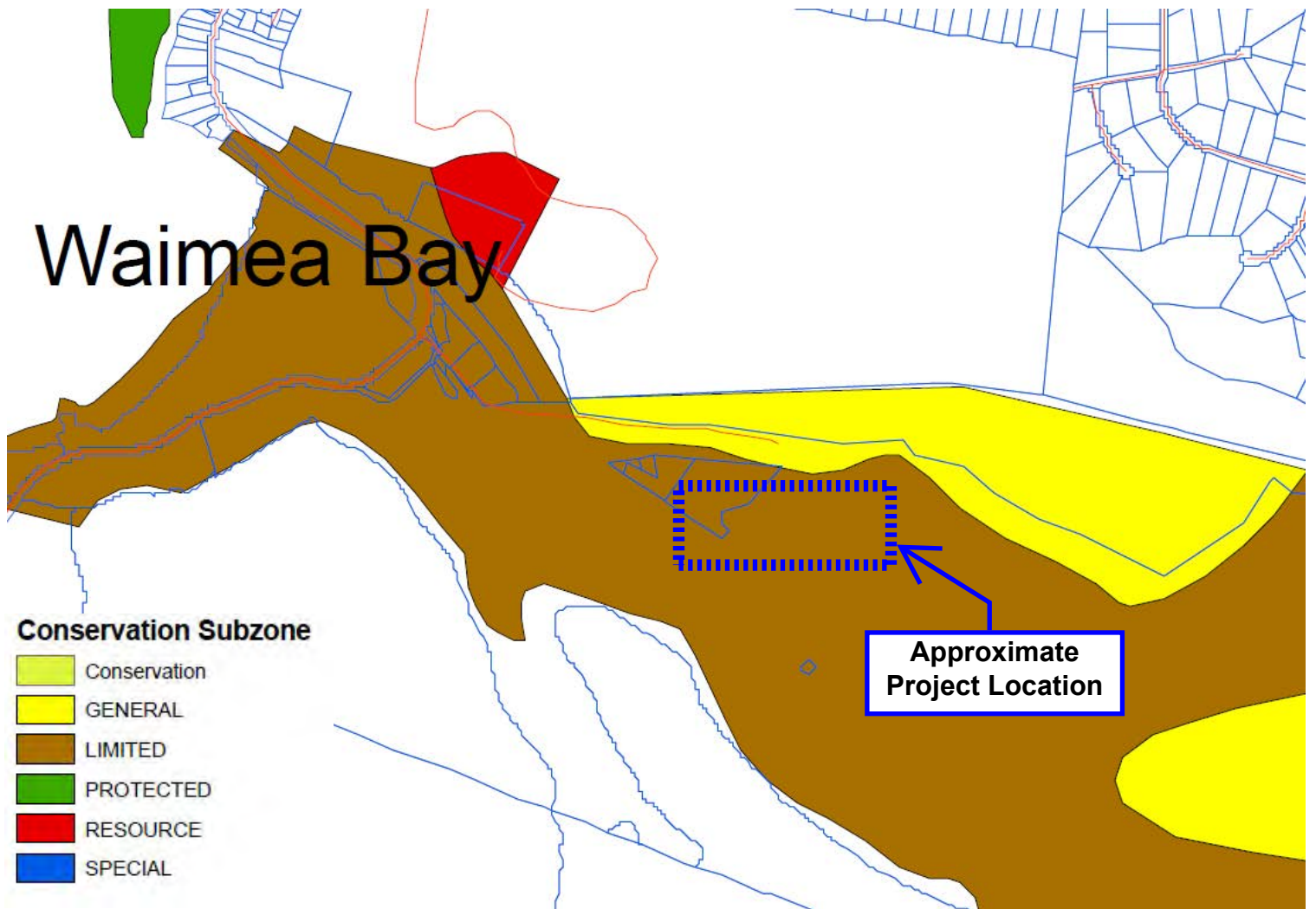


Exhibit 2 - Conservation Subzone Map

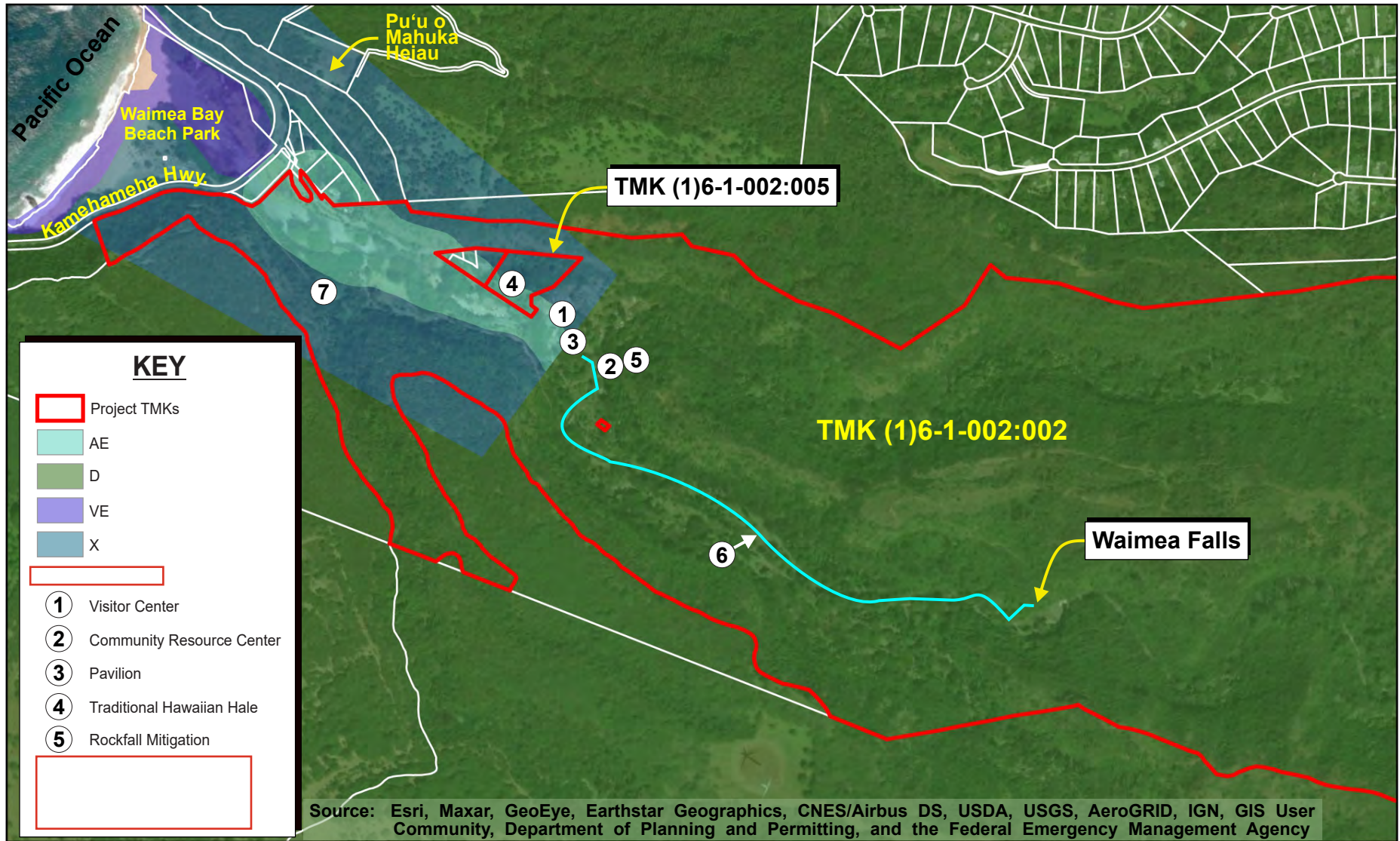
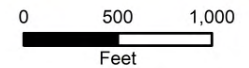


Figure 6

Waimea Valley Economic Resiliency Project Flood Hazard Zone Map



Prepared for: Hi'ipaka LLC



JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
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

June 25, 2025

IN REPLY REFER TO:
HICRIS No.: 2022PR00905
Document No.: 2506JLP02
Administrator

Rowena DeFato
Regional Environmental Officer
U.S. Economic Development Administration
Email Only: rdefato@eda.gov

AND

Richard Pezzulo
Executive Director
Hiipaka, LLC
Email Only: rpezzulo@waimeavalley.net

Dear Rowena DeFato and Richard Pezzulo:

**RE: National Historic Preservation Act (NHPA) Section 106 Cultural Resources Management
Consultation and Hawaii Revised Statutes (HRS) Chapter 6E Historic Preservation Review
Waimea Valley Resiliency Project
Waimea Ahupuaa, Koolauloa District (traditional), Waialua District (modern), Island of Oahu
TMK: (1) 6-1-002:002 (por.)**

Thank you for the opportunity to comment on this request from the U.S. Economic Development Administration (EDA) for consultation and concurrence with the determination of **adverse effect** for the proposed Waimea Valley Resiliency project. EDA has determined that this project is an undertaking, as defined at 36 CFR § 800.16(y). The proposed undertaking is also subject to the Hawaii Revised Statutes (HRS) Chapter 6E historic preservation review process.

The proposed project includes alterations to and expansion of the Waimea Valley visitor center, modernization and expansion of restrooms, expansion of the Pikake Pavilion, as well as demolition and replacement of the existing Community Resource Center. The area of potential effects (APE) includes an approximated 29,573 square foot area that is within Waimea Valley, which has been identified by EDA as a significant historic and cultural resource. Furthermore, the Hawaii State Historic Preservation Division has reviewed the Cultural Impact Assessment for Waimea Valley, submitted by EDA as part of this undertaking, and concur with your findings that Waimea Valley is eligible for listing in the Hawaii and National Registers of Historic Places as a Traditional Cultural Place.

Based on the information provided, the Hawaii State Historic Preservation Officer (SHPO) has reviewed the undertaking, pursuant to 36 CFR § 800.5(a), and the SHPO **concurs** with the determination of EDA that the effects of the proposed undertaking will have an **adverse effect** on Waimea Valley.

Federal agencies are required to avoid, minimize, or mitigate adverse effects. Please note that if the federal agency and the SHPO concur that the adverse effect cannot be avoided, the Section 106 process will not conclude until the consultation process is complete, an MOA is developed, executed, and implemented, and, if applicable, the formal comments of the Advisory Council have been received, 36 CFR § 800.6.

Additionally, SHPD has reviewed the proposed undertaking, pursuant to Chapter 6E-8 and 42 of Hawaii Revised Statutes and has found that it is likely that historic properties will be affected by the proposed project. Therefore, SHPD has made the determination of **affect with proposed mitigation commitments**. Resolution of the effect will occur through consultation or completion of a Memorandum of Agreement (MOA).

The opinion of the SHPO is based on the materials provided for our review. If you have any questions about this undertaking or if there is a change to the scope of work, please contact Jessica Puff, State Historic Preservation Administrator, at (808) 692-8023 or my email at jessica.puff@hawaii.gov.

U.S. Economic Development Administration is the office of record for this undertaking. Please maintain a copy of this letter with your environmental review record.

Sincerely,



Dawn N.S. Chang, Esq.
Hawaii State Historic Preservation Officer

CC: Trisha Watson, watson@honuaconsulting.com
Laura Mo, Laura.mo@honolulu.gov
Michael Kat, michael.kat@honolulu.gov
Alyssa Accardo, Alyssa.M.Accardo@hawaii.gov

MEMORANDUM OF AGREEMENT

by and among

**the ECONOMIC DEVELOPMENT ADMINISTRATION,
U.S. DEPARTMENT OF COMMERCE;**

the HAWAII STATE HISTORIC PRESERVATION OFFICER;

and

HI'IPAKA, LLC

regarding

**THE WAIMEA VALLEY ECONOMIC RESILIENCY PROJECT,
WAIMEA VALLEY, O'AHU**

WHEREAS, Hi'ipaka, LLC (Hi'ipaka or Recipient) applied for a financial assistance award from the Economic Development Administration (EDA), U.S. Department of Commerce, for the Waimea Valley Economic Resiliency Project, EDA Project No. 07-79-07884, which proposes the following work located in the Waimea Valley on the North Shore of the island of O'ahu: improve an existing visitor's center, renovate the existing Pikake Pavilion, and replace the Community Resource Center with a pavilion and a modular container for office space (Undertaking); and

WHEREAS, Hi'ipaka, LLC seeks to use EDA grant funding to implement the Waimea Valley Economic Resiliency Project in Waimea Valley; and

WHEREAS, two separate studies (Literature Review and Field Inspection Report and Cultural Impact Assessment completed by Honua Consulting) have found Waimea Valley to be an eligible historic district traditional cultural property per the National Register of Historic Places (NRHP) as defined in 36 C.F.R. part 60; and

WHEREAS, in accordance with 36 C.F.R. §800.5 (a) (1), EDA determined that the project will have an *adverse effect* upon the Waimea Valley Traditional Cultural Property District, a district eligible for the NRHP; and

WHEREAS, EDA has consulted with the Hawaii State Historic Preservation Officer (SHPO) pursuant to its responsibilities under Section 106 of the National Historic Preservation Act (NHPA), as codified in 54 U.S.C. § 300101 *et seq.*, and its implementing regulations in 36 C.F.R. part 800 to resolve any adverse effect of the Undertaking on historic properties; and

WHEREAS, EDA, Hi‘ipaka, LLC, and the Hawaii SHPO agree to the stipulations provided herein; and

WHEREAS, EDA notified the Advisory Council on Historic Preservation (Council) of the effect of this Undertaking pursuant to 36 C.F.R. § 800.6 (a)(1), and the Council has chosen to not participate in the consultation process; and

WHEREAS, Hi‘ipaka, LLC is responsible for the proposed Undertaking and has been invited to be a signatory to this Memorandum of Agreement (Agreement).

NOW THEREFORE, EDA, Hi‘ipaka, LLC, and the Hawai‘i SHPO (collectively, the parties or signatories) agree that the following stipulations will be implemented to take into account the effect of this Undertaking on historic properties.

STIPULATION I. PURPOSE

The purpose of this Agreement is to take into account the effects of this Undertaking on historic properties. The Undertaking is located on lands identified as TMK (1) 6-1-002:002 and the project encompasses a total of approximately 0.68 acres of the total 1,800-acre Valley. The Undertaking consists of various improvements within the Valley, including improvements to an existing visitor’s center, renovation of the existing Pikake Pavilion, and replacement of the Community Resource Center with a pavilion and a modular container for office space.

STIPULATION II. AREA OF POTENTIAL EFFECTS

The area of potential effects (APE) shall be the area as described in the attached map (Attachment A).

STIPULATION III. PROJECT DESCRIPTION

The Undertaking consists of the following activities funded with EDA funds:

Enhancement #1 – Visitor Center Enhancement

- Gift Shop expansion at Visitor Center.

- Enhance approximately 2,000 square feet (SF) of existing gift shop area, including construction of approximately 700 SF of new gift shop area.
- Restroom expansion (approximately 500 SF) and modernization at Visitor Center.

Enhancement #2 – Pavilion Renovation

- Expanding existing Pikake Pavilion a total of approximately 4,100 SF.

Enhancement #3 – Replace the Community Resource Center with a Pavilion and a Modular Container

- Demolition of existing old seed propagation building down to slab.
- New concrete slab.
- New concrete ramp.
- An approximately 300 SF modular container.

In addition to Enhancements #1 through #3, an installation of a new fire hydrant outside of the Valley, on the makai side of Kamehameha Highway in front of the Valley entrance (within the Kamehameha Highway Right-of- Way) is required by the City and County of Honolulu, Board of Water Supply for the proposed improvements.

These improvements will allow the Hi‘ipaka LLC to continue to preserve Hawaiian culture, history, and native species to be shared with visitors.

STIPULATION IV. MITIGATION MEASURES

EDA shall ensure that the following mitigation measures are implemented:

- A. Hi‘ipaka, LLC shall ensure an Archaeological Monitoring Plan (AMP) meeting the requirements of Hawai‘i Administrative Rules (HAR) §13-279 is submitted to the State Historic Preservation Division (SHPD) for review and acceptance prior to commencing construction for the Undertaking .
- B. Hi‘ipaka, LLC will ensure implementation of the SHPD accepted AMP during ground-disturbing activities exceeding 30” below grade for construction activities associated with the Undertaking.
- C. Hi‘ipaka, LLC will develop and submit to SHPD for review and acceptance a cultural resource management and preservation plan (PP) for the APE within 12 months of execution of this Agreement. The PP will be developed in accordance with HAR §13-277 and be submitted by the Hi‘ipaka, LLC.

- D. If previously unidentified historic properties, excluding burials, or unanticipated effects are discovered, the Hi‘ipaka, LLC shall follow HAR Chapter 13-280 “Rules Governing General Procedures for Inadvertent Discoveries of Historic Properties During a Project Covered by the Historic Preservation Review Process”.
- E. If human remains are discovered, HAR Chapter 13-300 states that further disturbances and activities shall cease in the area or nearby area suspected to overlie remains, and SHPD and the Police Department will be contacted. The appropriate process would then proceed in conformance with HAR developed under Stipulation IV.A Chapter 13-300- 404 “Procedures for Proper Treatment of Burial Sites and Human Skeletal Remains.”

STIPULATION V. ADMINISTRATIVE PROVISIONS

A. REPORTS

1. *Monitoring and Reporting.* As permitted under 36 C.F.R. § 800.6(c)(4), EDA shall have the responsibility for monitoring the progress and implementation of this Undertaking and shall have the authority to take such action as it deems reasonably necessary to perform such monitoring. In addition, EDA shall report on the status of such progress at annual intervals by written memoranda to other signatories to this Agreement until this Agreement expires or is terminated.
2. *SHPO Concurrence.* Within 30 calendar days of receipt of any report submitted by EDA or Hi‘ipaka, LLC to the SHPO for this Undertaking, the SHPO will review, comment or approve said report. Copies will be sent to all the signatories to this Agreement. Failure by the SHPO to respond within 30 calendar days of receipt of any such report shall be deemed to constitute SHPO concurrence to such report under the stipulations herein noted.

B. DOCUMENTATION

EDA shall provide to all consulting parties the documentation supporting a finding of either no adverse effect or adverse effect, as specified in 36 C.F.R. § 800.11(e), subject to the confidentiality provisions of 36 C.F.R. § 800.11(c) and within available funds, as well as such other documentation as may be developed during the consultation to resolve adverse effects.

C. DURATION

If the terms of this Agreement have not been implemented by September 30, 2027, this Agreement shall be considered null and void. In such event, EDA shall so notify the signatories to this Agreement, and if it chooses to continue with the Undertaking, it shall re-initiate review of this Undertaking in accordance with 36 C.F.R. part 800.

D. DISPUTE RESOLUTION

1. *Consultation.* Should any party to this Agreement object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, EDA shall consult with the objecting party or parties to resolve the objection. If EDA determines, within 30 calendar days, that such objection(s) cannot be resolved, EDA will forward all documentation relevant to the dispute to the Council in accordance with 36 C.F.R. § 800.2(b)(2).
2. *Opportunity to Comment.* Pursuant to 36 C.F.R. § 800.7(c)(2), the Council shall comment and advise EDA on the resolution of the objection(s) within 45 calendar days of the receipt of the request and relevant documentation.
3. *EDA's Final Decision.* If the Council or the parties to this Agreement do not provide comments regarding the dispute within 45 calendar days of referral, EDA may proceed to render a decision regarding the dispute. EDA will consider comments from the Council and the parties to this Agreement in reaching a final decision regarding the dispute. EDA will notify all parties to this Agreement of its decision in writing before implementing that portion of the Undertaking subject to dispute under this stipulation. The decision of EDA will be final. As necessary, this Agreement shall be amended to reflect EDA's final decision.

E. AMENDMENTS AND NON-COMPLIANCE

1. The signatories to this Agreement may amend it. Any signatory proposing an amendment shall forward a copy of the proposed amendment to the other signatories. Upon concurrence of the signatories to the proposed amendment, EDA will file the executed amended Agreement with the Council. The amended Agreement becomes effective when all original signatories have executed the amendment and the amended Agreement is filed with the Council.

If any signatory to this Agreement determines that its terms cannot be or are not being carried out, that signatory shall immediately consult with the other signatories to develop an amendment to remedy the noncompliance pursuant to 36 C.F.R. §§ 800.6(c)(7) and (8).

If the signatories cannot agree to appropriate terms to amend this Agreement, any signatory may terminate this Agreement in accordance with Section F below.

2. *Subsequent Discoveries.* As required under 36 C.F.R. § 800.6(c)(6), if a historic property is discovered on or under the project site that has not previously been considered to be part of this Undertaking, or there are unanticipated effects on the historic property after EDA has completed the Section 106 process, then Hi‘ipaka, LLC shall immediately notify EDA and all work shall cease in the immediate vicinity of the discovery. In compliance with 36 C.F.R. § 800.13, EDA shall notify the Council, the SHPO, and, if applicable, Native Hawaiian Organizations (NHO) that attach religious or cultural significance to the affected property within 24 hours of receiving notification from the Hi‘ipaka LLC. The SHPO, EDA, the Hi‘ipaka LLC and any NHO representatives, as appropriate, will conduct a joint field visit within 72 hours of the notification from EDA. The parties hereto agree to make all reasonable efforts to avoid, minimize or mitigate adverse effects to such properties and to work together to modify the Undertaking for this purpose. EDA, in consultation with the appropriate parties, will develop a treatment plan for the discovery before the resumption of construction activities in the area of the discovery. The parties shall comply fully with 36 C.F.R. §§ 800.13 and 800.14.

F. TERMINATION

Any party to this Agreement may terminate it by providing 30 calendar days written notice to the other parties hereto, provided that the parties will consult during the period before termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the EDA shall either execute a new Agreement with the signatories under 36 C.F.R. § 800.6(c) or request the comments of the Council in accordance with 36 C.F.R. § 800.7(a).

G. COUNTERPART EXECUTION

The Parties agree that for ease of execution, each Party may separately execute three counterparts of this Agreement and exchange executed pages with each other. Each counterpart of this Agreement so executed and reassembled so each counterpart is executed by all parties shall be deemed to constitute a completed and fully executed Agreement.

H. TRANSMISSION TO THE COUNCIL AND CONSULTING PARTIES

1. Once all parties have executed this Agreement, EDA shall submit a copy of this Agreement, along with the documentation specified in 36 C.F.R. § 800.11(f), to the Council.
2. The submission of documentation and filing of this fully executed Agreement with the Council pursuant to 36 C.F.R. § 800.6(b)(1)(iv) constitute evidence that EDA has taken into account any adverse effects of this Undertaking on the historic properties and afforded the Council an opportunity to comment.
3. In accordance with 36 C.F.R. § 800.6(c)(9), EDA shall provide any consulting party (as defined in 36 C.F.R. § 800.3) with a copy of this Agreement.

This Agreement is hereby executed by the duly authorized representatives of the following signatories;


**ECONOMIC DEVELOPMENT ADMINISTRATION, U.S. DEPARTMENT OF
COMMERCE**

By: Maiea Sellers MAIEA SELLERS
2025.05.21 10:35:05 -07'00' Date: 5/21/2025

Name: Maiea Sellers

Title: Acting Regional Director, Seattle Regional Office

HAWAII STATE HISTORIC PRESERVATION OFFICER

By:  _____ Date: Jun 25, 2025
Name: Dawn N.S. Chang, Esq.
Title: DLNR Chairperson, Hawai'i SHPO

HIIPAKA, LLC


By:  _____ Date: May 21, 2025
Name: Richard Pezzulo
Title: Executive Director



Photo 6. Front façade entry to Visitors Center, camera facing southeast.



Photo 7. Oblique of Front façade of Waimea Valley Visitors Center, camera facing southeast.



Photo 14. Oblique view of side and rear facades of Gift Shop from courtyard, camera facing northwest.



Photo 15. Interior view of Waimea Valley Gift Shop, camera facing southwest.



Photo 16. Oblique view of side/rear facades of Gift Shop, camera facing northwest.



Photo 17. Rear façade of Waimea Valley Visitors Center, camera facing northeast.



Figure 41. View of Community Resource Center



Photo 2. Facing east at the location of the rockfall mitigation behind the Community Resource Center



Photo 3. Facing northwest at the rockfall mitigation location behind the Community Resource Center



Photo 23. Front façade of Pikake Pavilion, camera facing northeast.



Photo 24. Oblique view of Front façade of Pikake Pavilion, camera facing east.



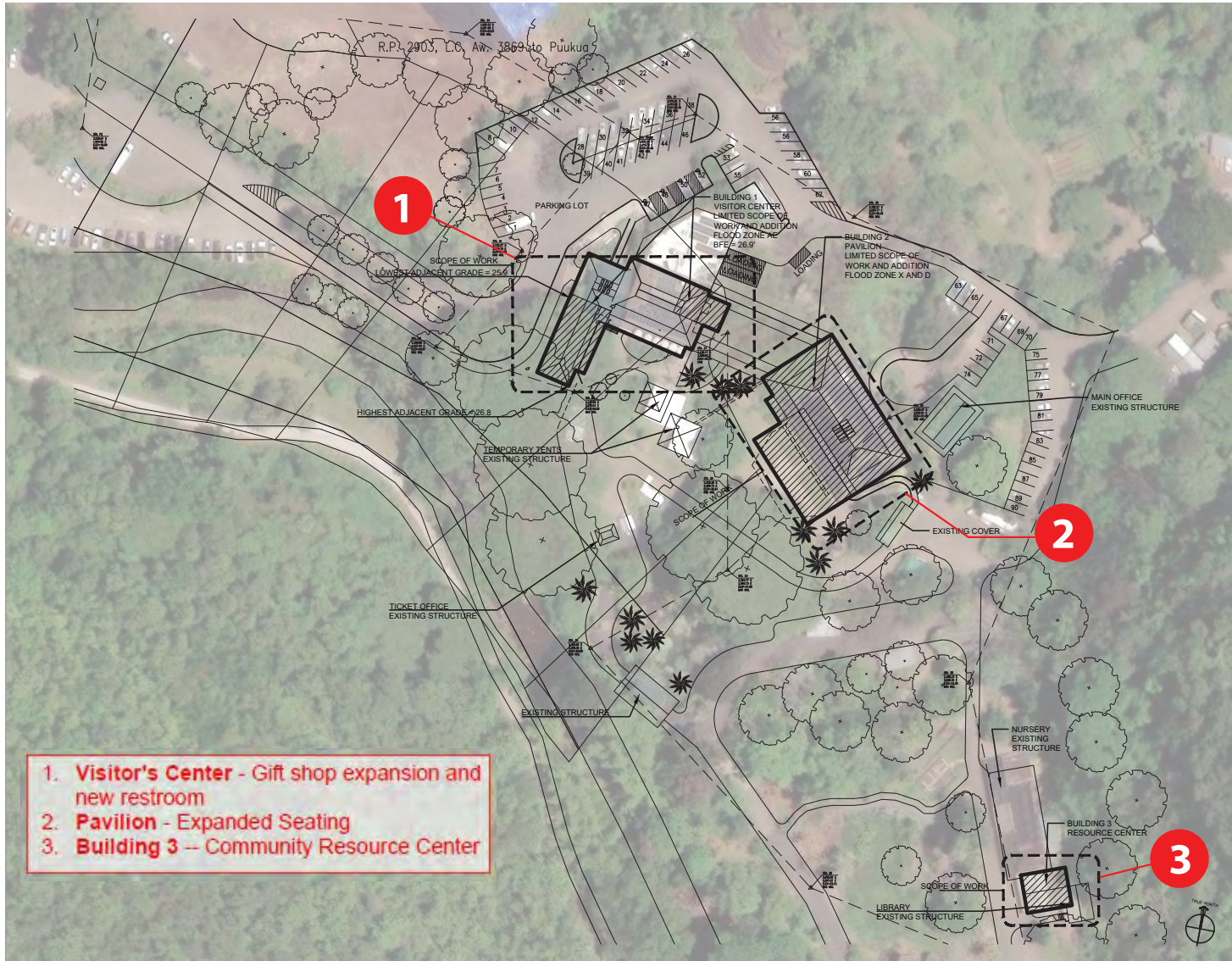
Photo 25. Oblique view of Rear façade of Pikake Pavilion, camera facing northwest.



Photo 26. Oblique Interior view of Pikake Pavilion, camera facing west.



Photo 1. The Pu'ukua Lot, at the Traditional Hawaiian Hale location. Looking east into the valley.



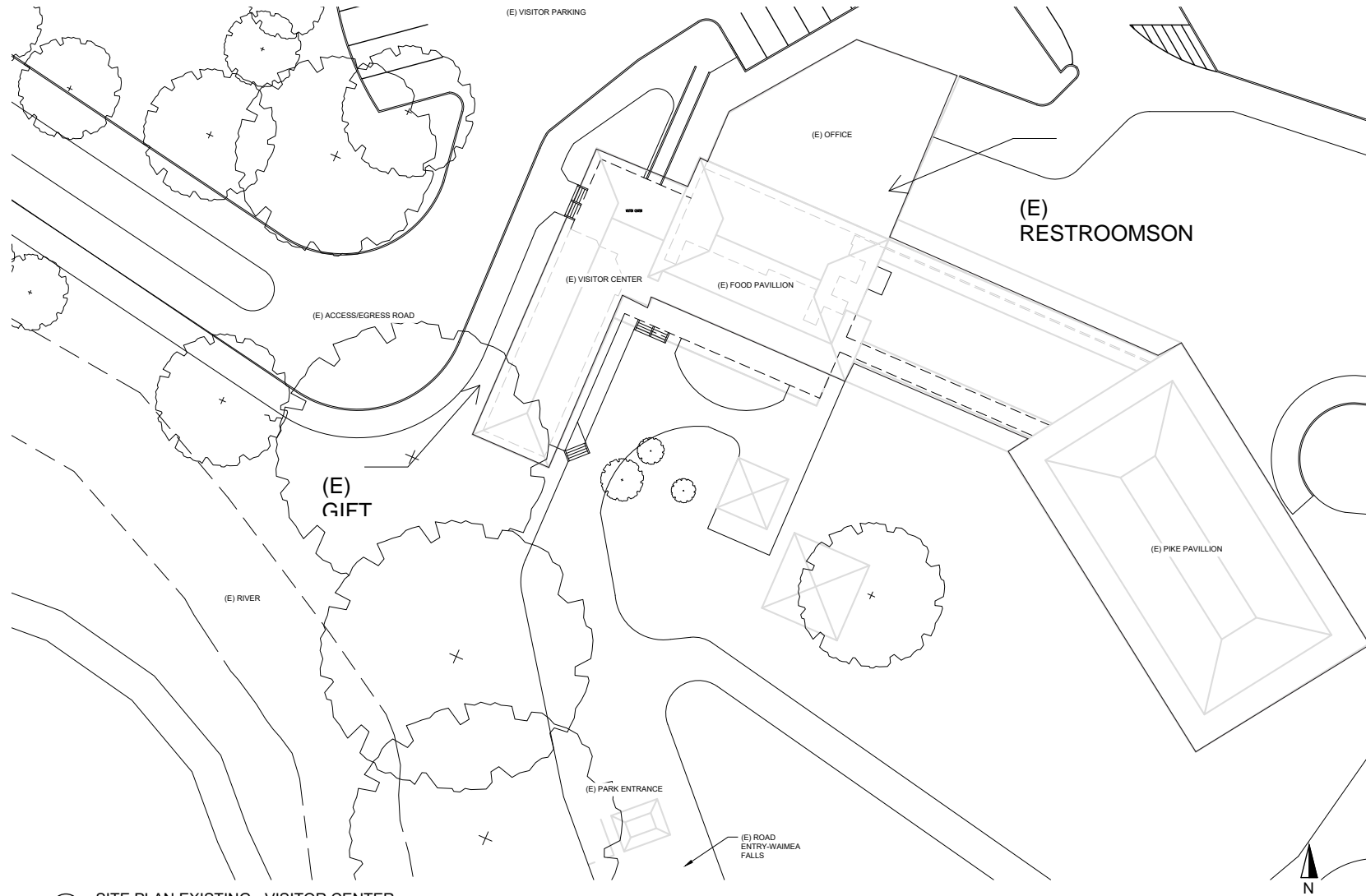
- 1. Visitor's Center - Gift shop expansion and new restroom
- 2. Pavilion - Expanded Seating
- 3. Building 3 -- Community Resource Center

SITE PLAN



WAIMEA VALLEY RENOVATION PROJECTS
11.13.2025



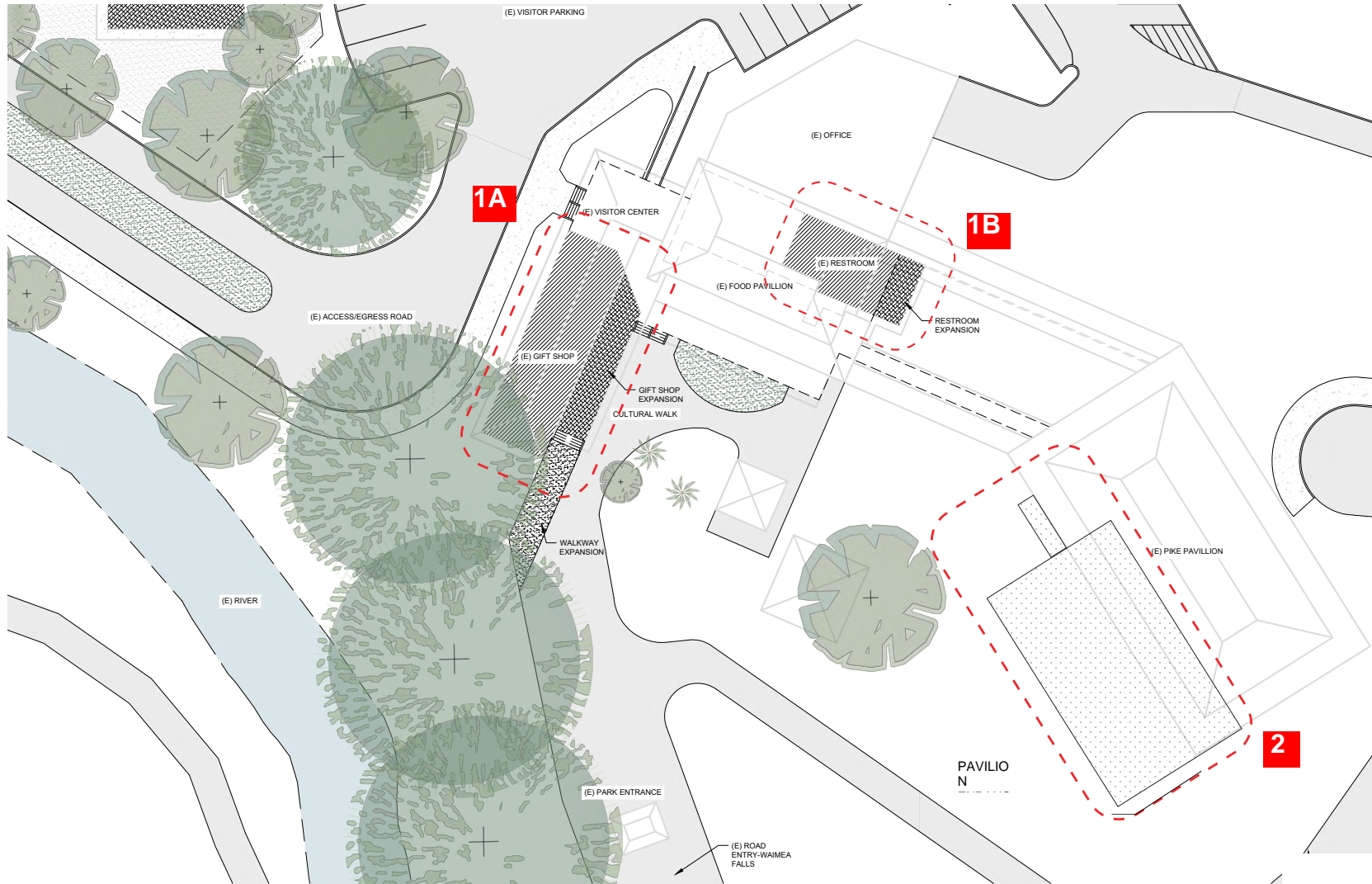


1 SITE PLAN EXISTING - VISITOR CENTER
SCALE: 1/16" = 1'-0"



WAIMEA VALLEY RENOVATION PROJECTS
11.13.2025



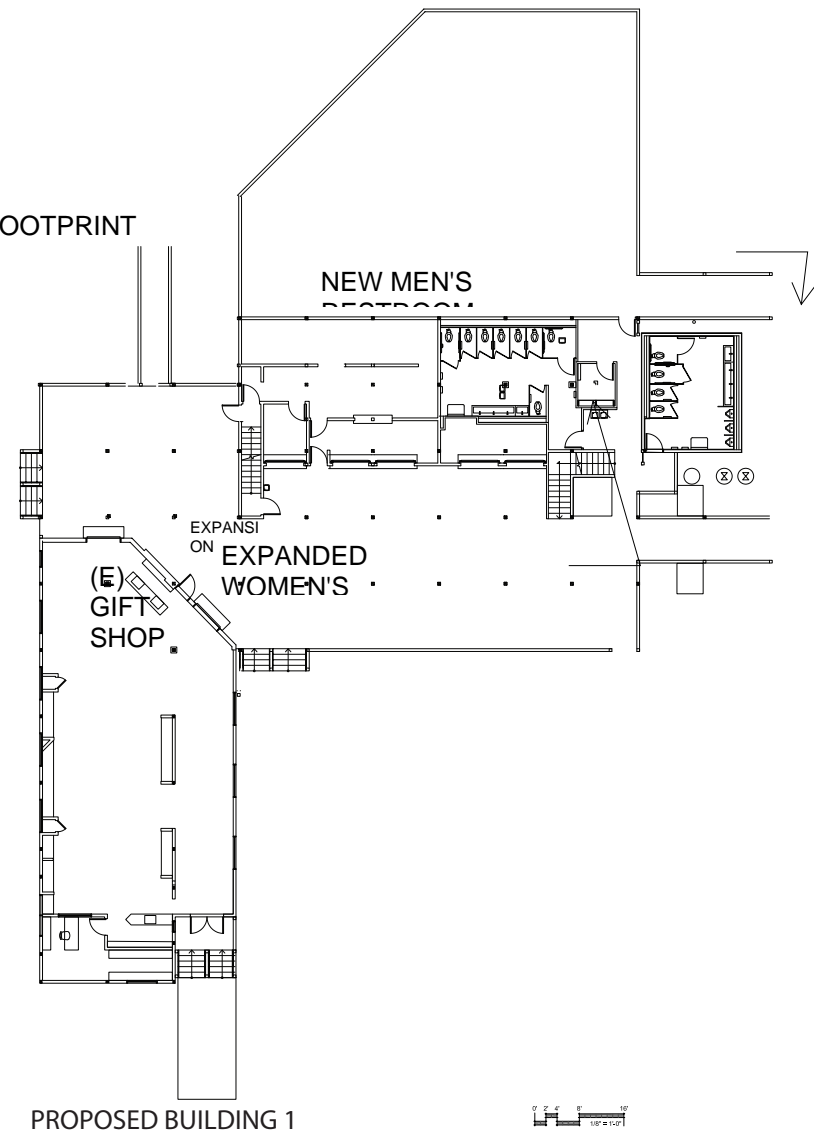
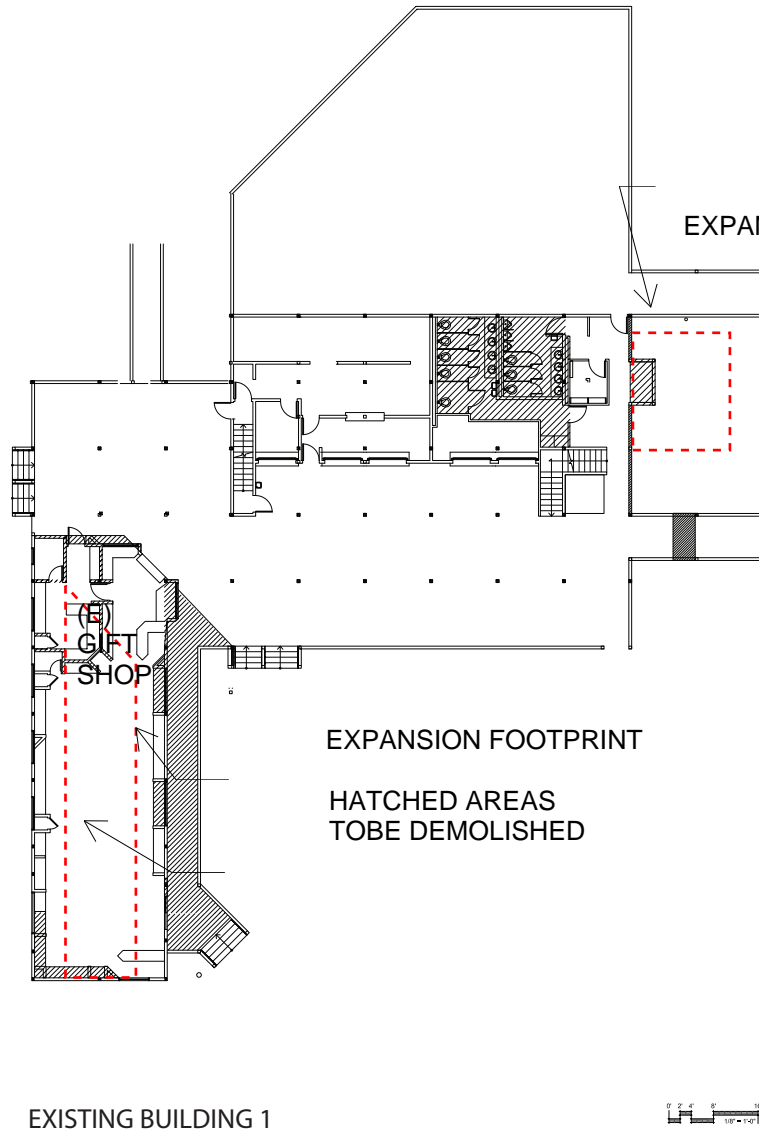


1 SITE PLAN PROPOSED - VISITOR CENTER
SCALE: 1/16" = 1'-0"

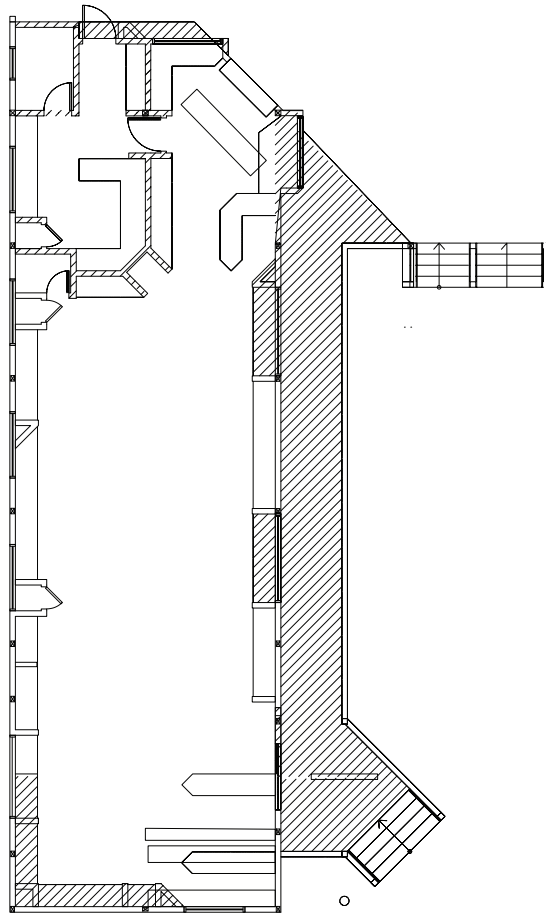


WAIMEA VALLEY RENOVATION PROJECTS
11.13.2025

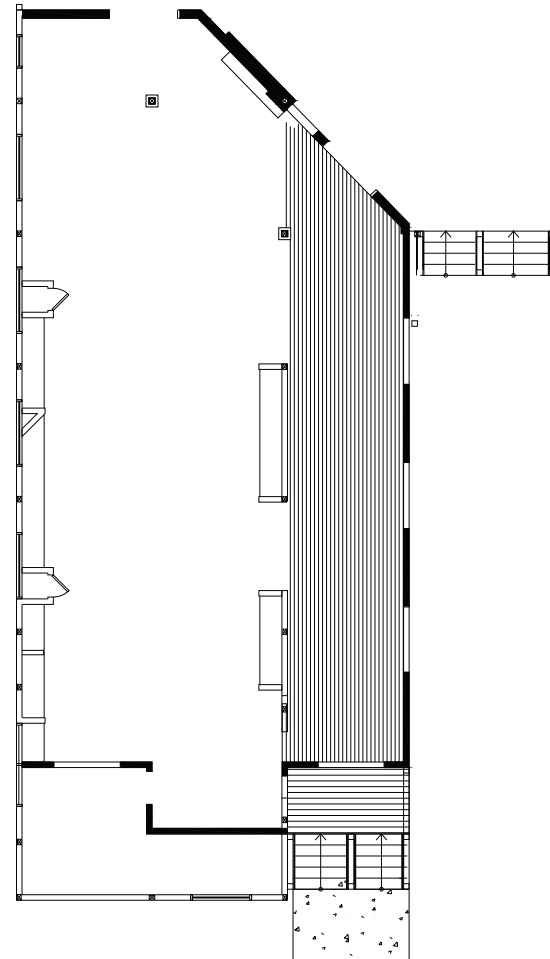
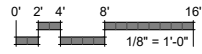




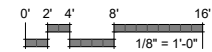
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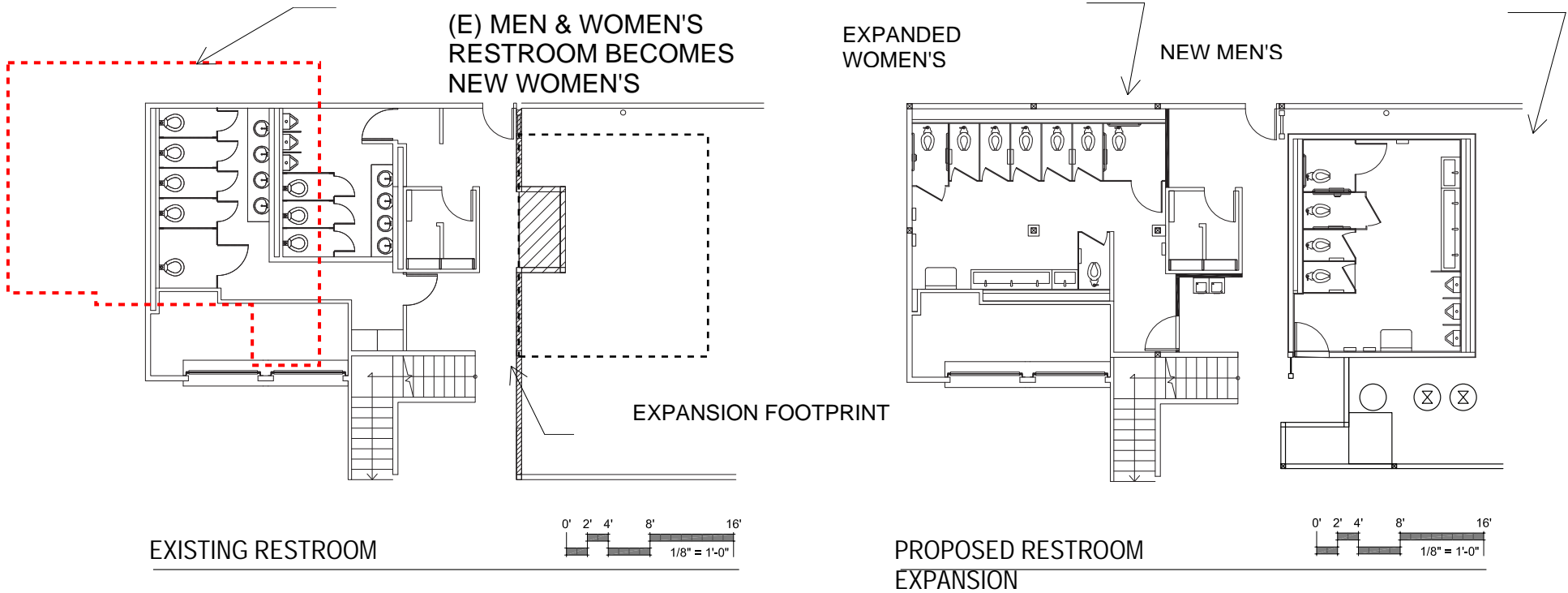
EXISTING GIFT SHOP



PROPOSED GIFT SHOP
EXPANSION



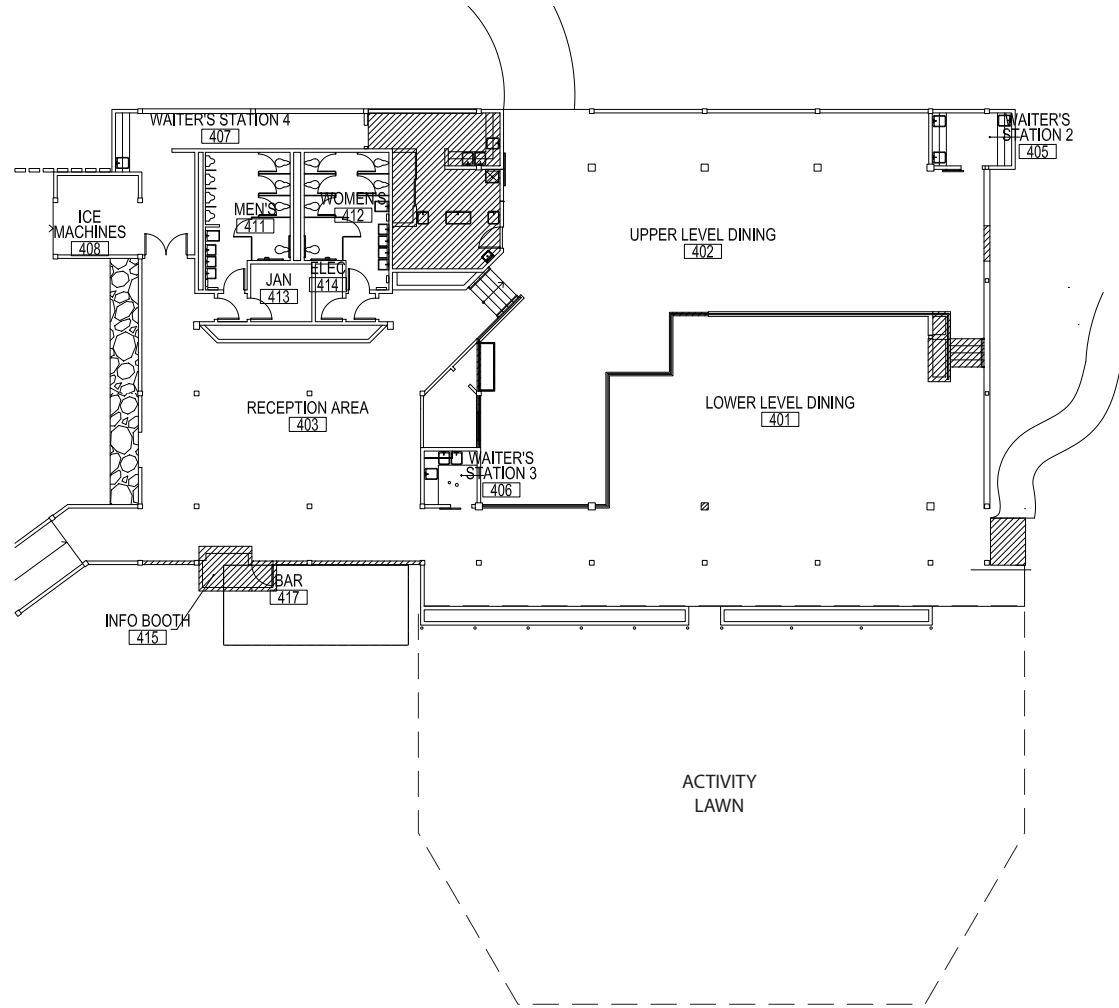
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EXISTING RESTROOM

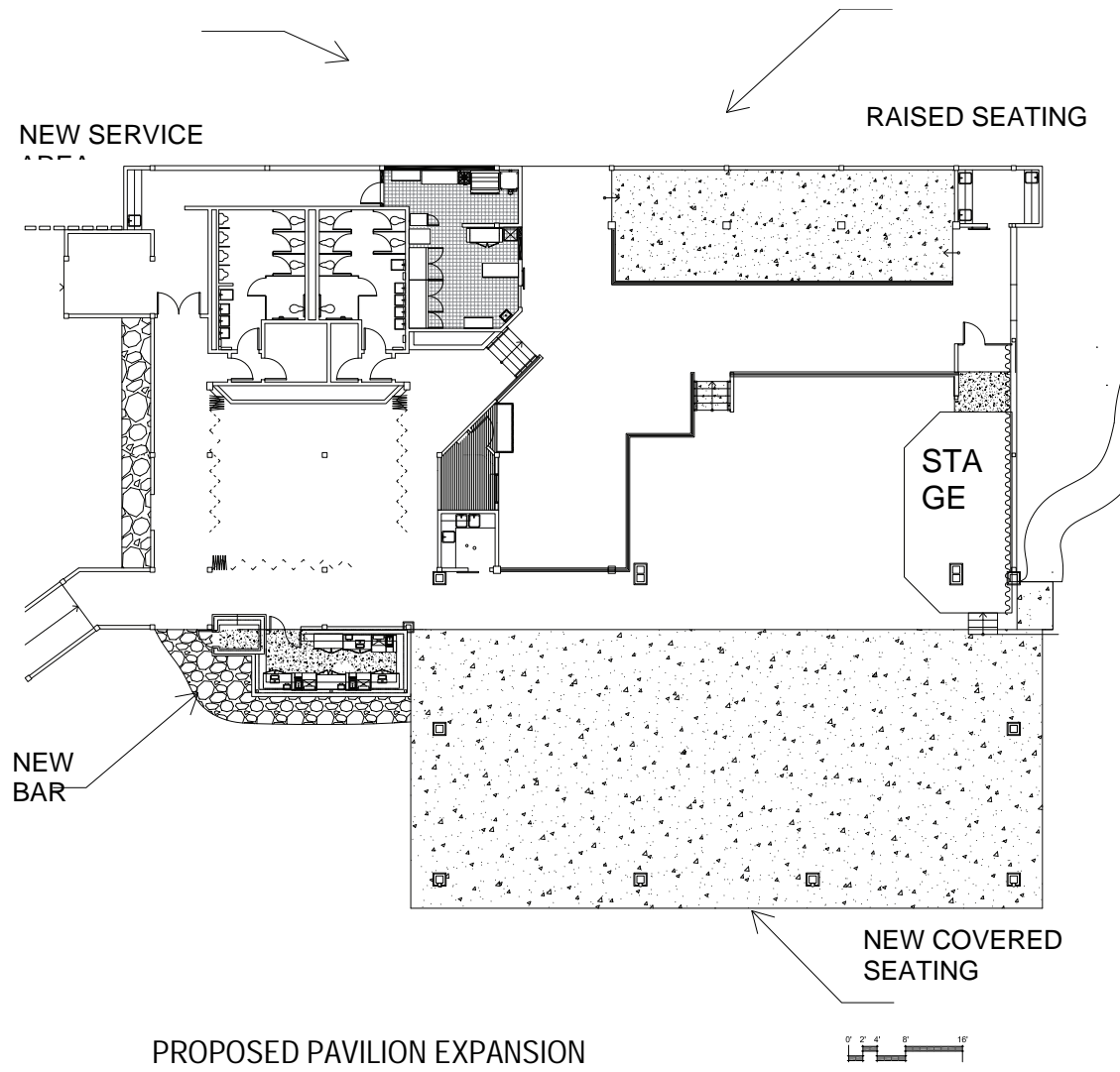
PROPOSED RESTROOM
EXPANSION

2

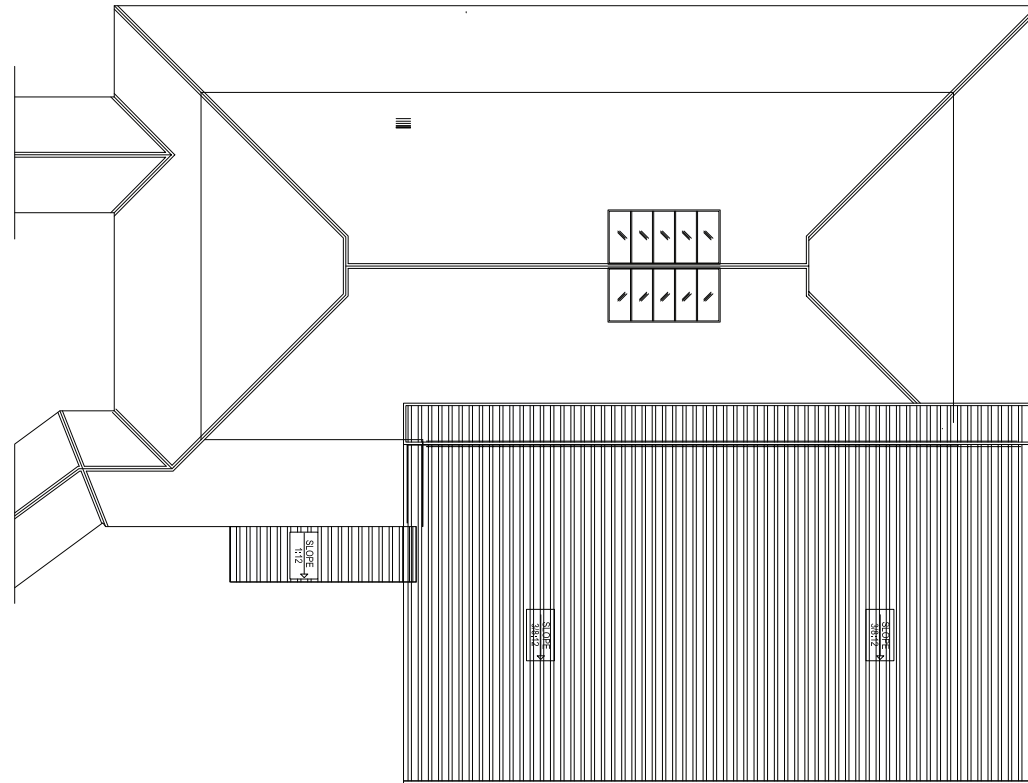


EXISTING PAVILION

2

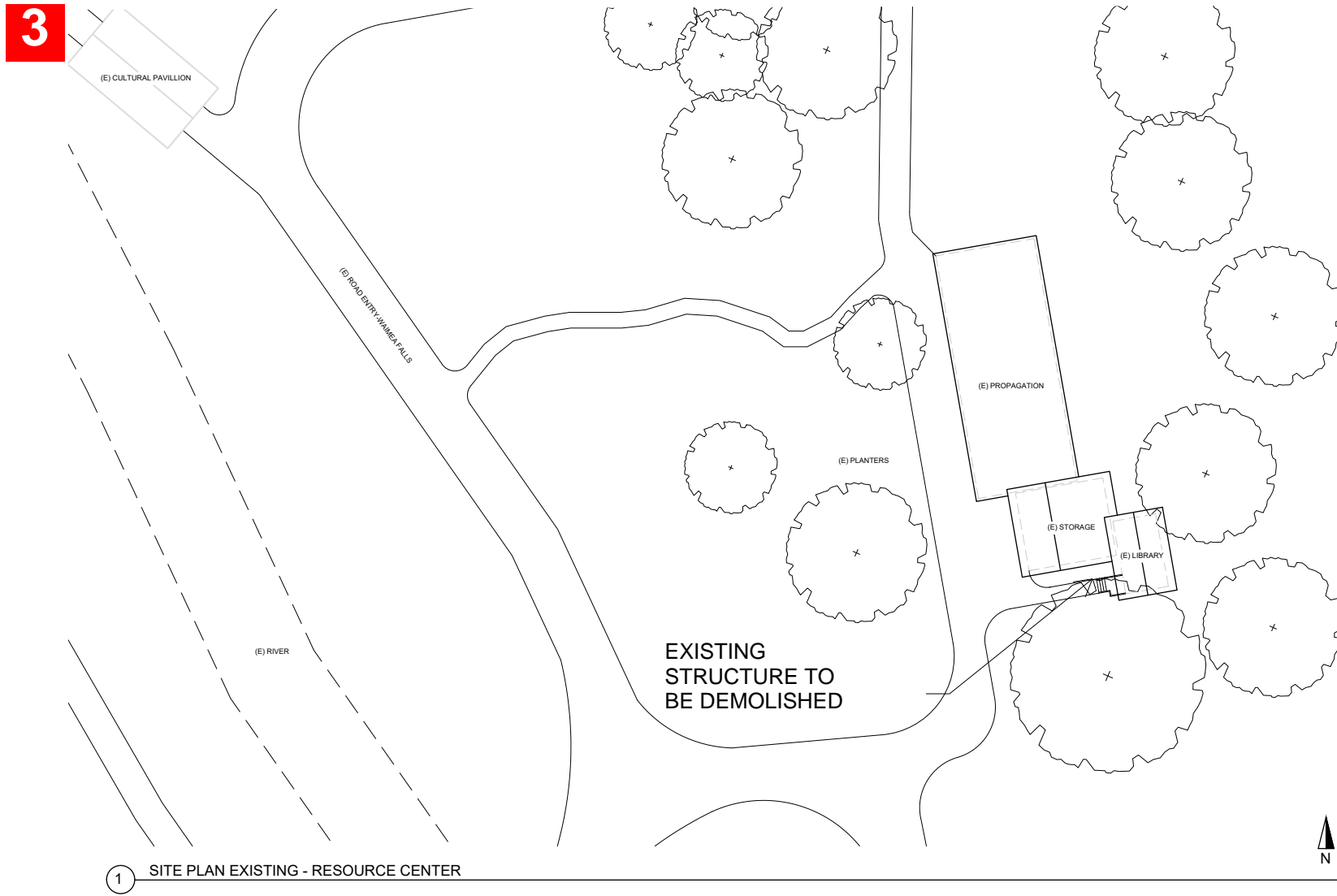


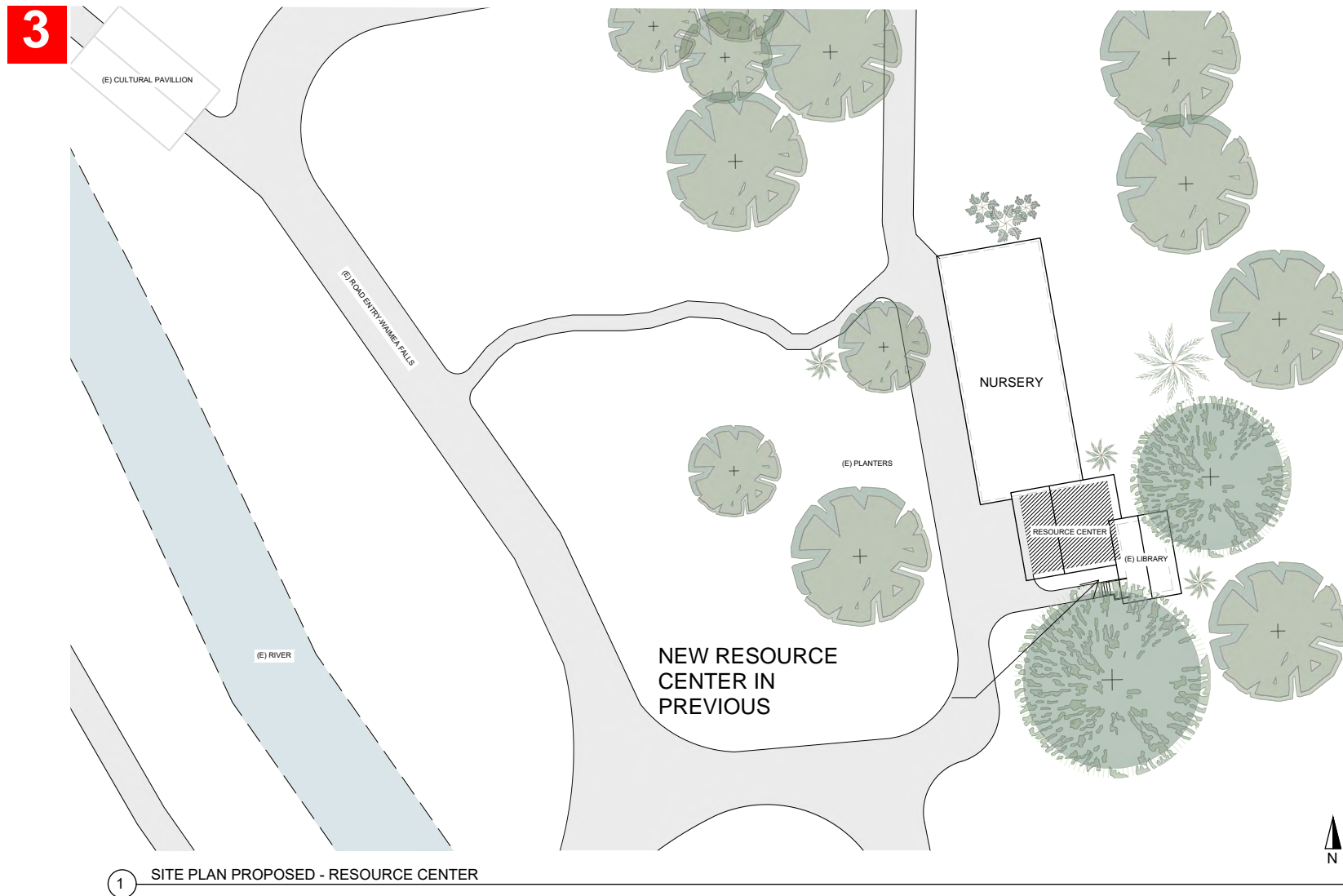
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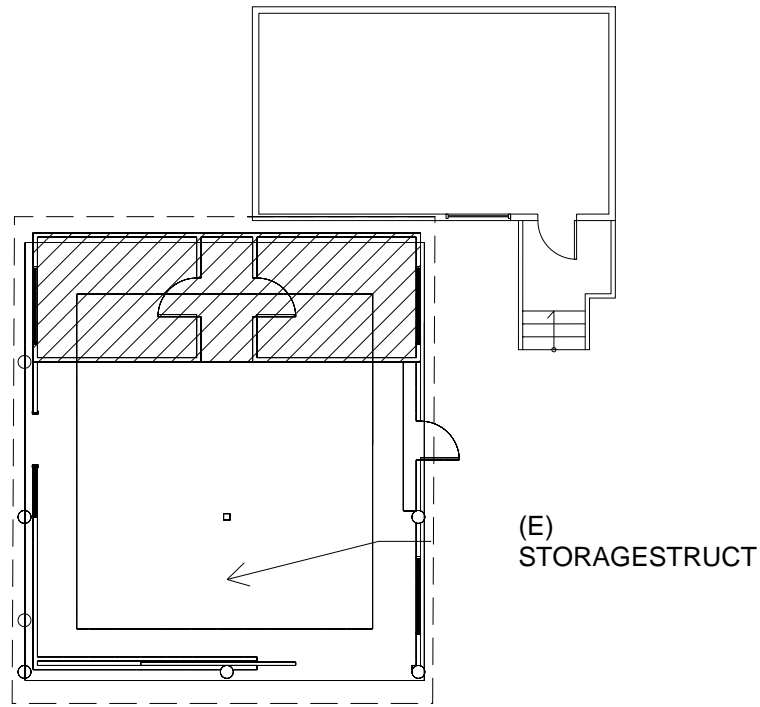
NEW
COVERED SEATING

PROPOSED ROOF PLAN

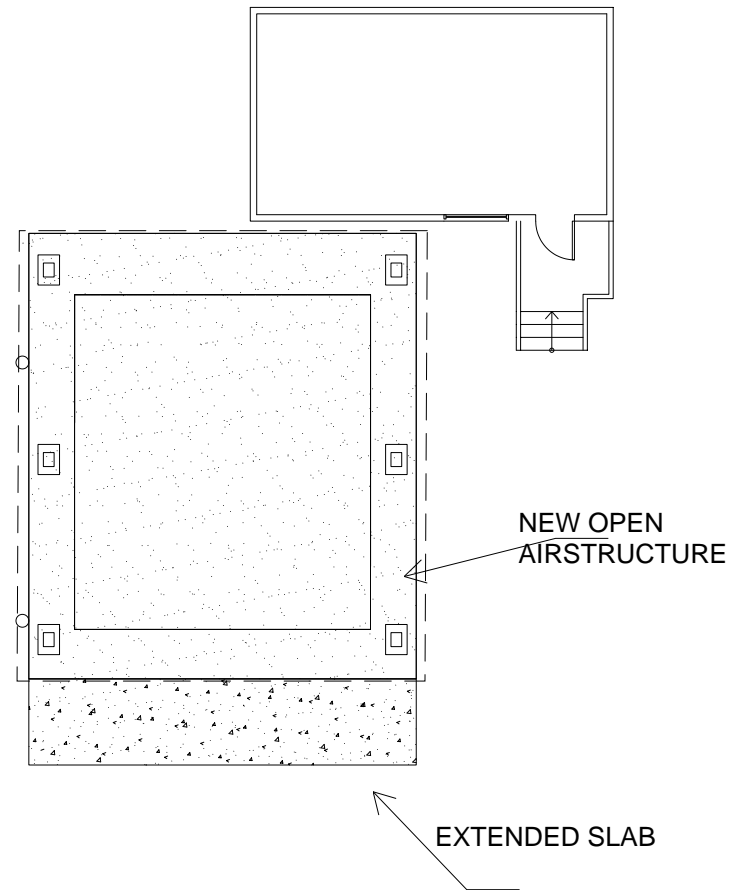




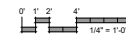
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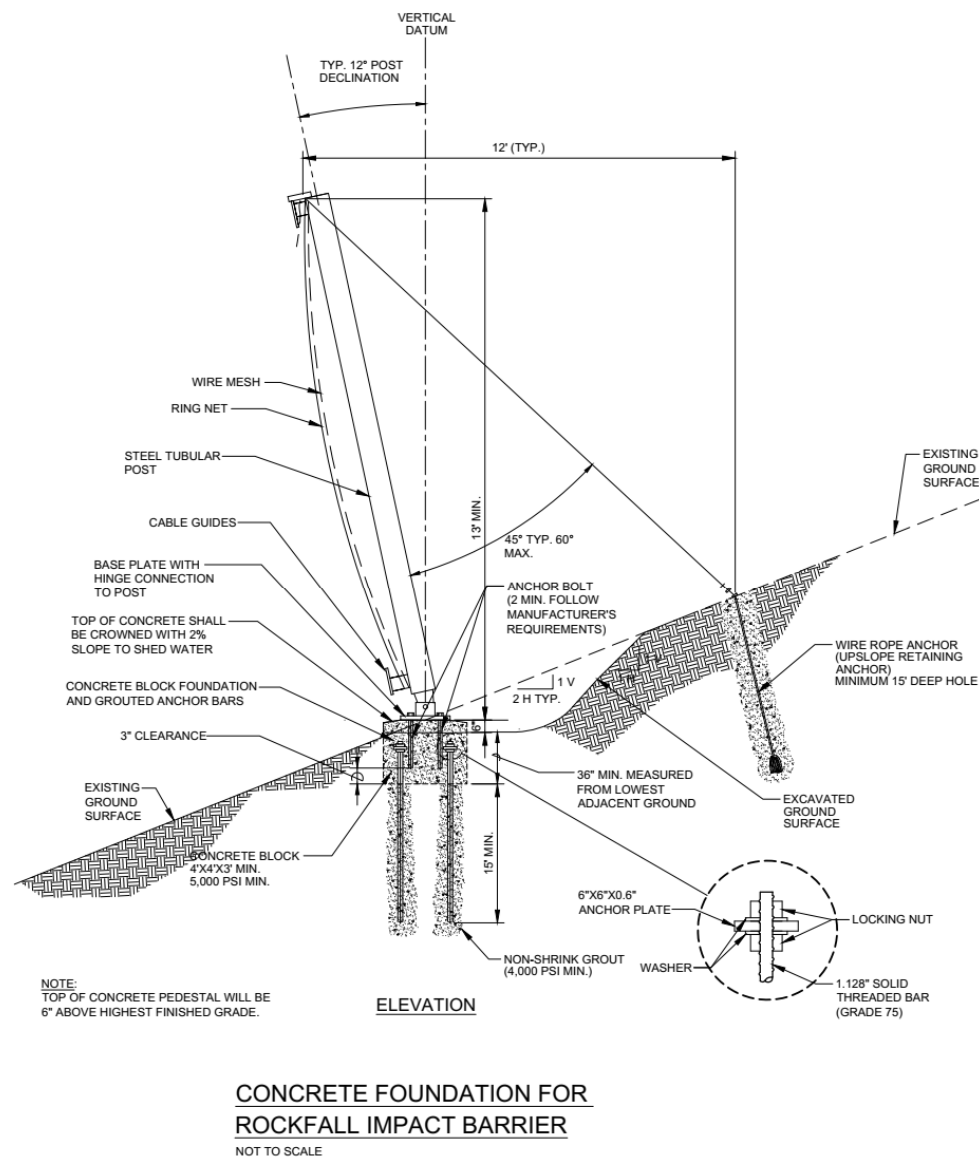


EXISTING SEED PROPAGATION &
EQUIPMENT STORAGE



PROPOSED COMMUNITY
RESOURCE CENTER





WAIMEA VALLEY ROCKFALL DESIGN
PRELIMINARY LAYOUT OF
ROCKFALL IMPACT BARRIER
JULY 14, 2023

Exhibit 6 - Proposed Construction Plans



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 25-39, CD1

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE CONSTRUCTION OF CERTAIN PHASED IMPROVEMENTS IN WAIMEA VALLEY IN HALE'IWA, O'AHU.

WHEREAS, on October 7, 2024, the Department of Planning and Permitting ("DPP") accepted the application (DPP File No. 2024/SMA-107) from Munekiyo Hiraga on behalf of Hi'ipaka, LLC (the "Applicant") for a Special Management Area ("SMA") Major Permit to allow for the construction of phased improvements in Waimea Valley, including the renovation and expansion of the visitor center; demolition of the former seed propagation and equipment storage structure, and construction of a new community resource center; installation of a rockfall mitigation fence adjacent to the new community resource center, and other rockfall mitigation measures as needed; renovation and expansion of the existing Pīkake pavilion; construction of a new traditional Hawaiian hale; upgrades to or replacement of the onsite sewage treatment plant and water system; installation of a new offsite fire hydrant on the makai side of Kamehameha Highway across from the valley entrance; and installation of erosion control measures along streambanks, on an approximately one-acre portion of two zoning lots totaling approximately 1,799 acres of land zoned P-1 Restricted Preservation District, located at 59-864 Kamehameha Highway, and identified as Tax Map Keys 6-1-002:002 and 005 (the "Project"); and

WHEREAS, on December 4, 2024, the DPP held a public hearing at the Fasi Municipal Building 6th Floor Conference Room, which was attended by the Applicant, the Applicant's Agent, DPP staff, and several members of the public; and

WHEREAS, on January 14, 2025, within 45 calendar days after the close of the public hearing, the DPP, having duly considered all evidence and the objectives, policies, and guidelines, as established in §§ 25-3.1 and 25-4.1, Revised Ordinances of Honolulu 2021 ("ROH"), and §§ 205A-2 and 205A-26, Hawaii Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendation of approval to the City Council ("Council"); and

WHEREAS, the Council, having received the findings and recommendation of the DPP on January 17, 2025, by Departmental Communication 37 (2025), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Major Permit, subject to the conditions enumerated below; now, therefore,



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

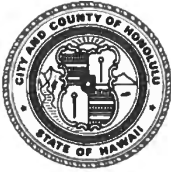
No. 25-39, CD1

RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu ("City") that an SMA Major Permit be issued to the Applicant for the Project, subject to the following conditions:

- A. Development must be in general conformity with the Project as described in the DPP's findings and recommendation, referenced above, and as depicted in Exhibits A, B, C-1 through C-5, and D through J, attached hereto and incorporated by reference herein. Any change in the size or nature of the Project that may have a significant effect on coastal resources as addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA Major Permit. Any change that does not have a significant effect on coastal resources may be considered a minor modification and may be permitted under this resolution, upon review and approval by the DPP Director.
- B. To minimize impacts to archaeological, historic, and cultural resources that may be present on the Project site, the Applicant shall comply with the following:
 - 1. Prior to the issuance of any construction permit or building permit for the Project, the Applicant shall submit to the DPP a copy of the written determination from the State Historic Preservation Division ("SHPD") stating that SHPD has completed its review of the impact of the Project on historic properties pursuant to HRS § 6E-42 and has determined whether any mitigative actions and protocols are required. The Applicant shall implement all mitigative actions and protocols required or recommended by SHPD in its written determination and under the memorandum of agreement executed among the Applicant, SHPD, and the U.S. Economic Development Administration (a bureau of the U.S. Department of Commerce).
 - 2. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts; shell, bone, or charcoal deposits; human burials; rock or coral alignments; pavings; or walls) are encountered, the Applicant shall stop work, protect the find from further disturbance, and contact SHPD immediately. Work in the immediate area must be stopped until SHPD has assessed the impact and has made further recommendations for mitigative activity.

The requirements enumerated in this condition, and all mitigation protocols approved or otherwise required by SHPD and under the MOA, must be clearly



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

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RESOLUTION

stated under "Environmental Notes" on all Project construction permit plans and building permit plans.

- C. To minimize impacts to endangered, threatened, or protected avian, marine, and terrestrial fauna that may frequent or traverse the vicinity of the Project site, the Applicant is responsible for the following:
1. All new and replacement outdoor light fixtures and lamps must not exceed a color temperature of 3,000 degrees kelvin.
 2. Artificial light from exterior light fixtures on the Project site, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, is prohibited if the light directly illuminates, or is directed across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS § 205A-71(b).
 3. Exterior light fixtures on the Project site must be fully shielded, using full cutoff fixtures, with the light directed downward so that the light bulb is only visible from below the light fixture.
 4. All Project site work and construction activities are limited to daylight hours (sunrise to sunset).
 5. Outdoor lights must be turned off when human activity is not occurring in the lighted area, which may be achieved by installing automatic motion sensor switches and controls on exterior lights.
 6. Barbless fencing must be used for all fence construction to avoid the entanglement of Hawaiian hoary bats.
 7. Woody plants greater than 15 feet in height must not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season (June 1 through September 15).
 8. The presence of non-native predators, such as cats, rodents, and mongooses, must be minimized to the extent practicable.
 9. Project contractors, subcontractors, and other personnel must be informed that the feeding of endangered, threatened, or protected avian species is prohibited.



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 25-39, CD1

RESOLUTION

10. All food rubbish must be secured in closed trash receptacles.
11. During periods of construction-related vehicular activity, a reduced speed limit of 5 miles per hour must be posted and implemented in Project work areas where endangered, threatened, or protected avian species are known to frequent. Project contractors, subcontractors, and other personnel must be informed of the presence of endangered, threatened, or protected avian species and the reduced speed limit.
12. During periods of construction-related vehicular activity, a qualified biologist or qualified Waimea Valley staff member must be retained to supervise and monitor Project work areas where endangered, threatened, or protected avian species have been observed, including near to the community resource center and rockfall mitigation areas. If any endangered, threatened, or protected avian species are observed within a Project work area, all work within 50 feet of the observed bird must stop until the bird has voluntarily left the area.
13. Prior to any Project ground-disturbing or construction activity near pond areas, a waterbird nest survey must be conducted. Repeat surveys must be conducted within three days after the commencement of Project work activity near pond areas and after any subsequent delay of Project work activity for three or more days. If any endangered, threatened, or protected waterbird nests or broods are found, the Applicant shall immediately contact the U.S. Fish and Wildlife Service for further guidance, and:
 - a. Establish and maintain a 100-foot buffer of no activity around all active nest sites or broods until the chicks or ducklings have fledged; and
 - b. Retain a biological monitor familiar with the waterbird species' biology, who must be present near the nest site until the chicks or ducklings have fledged.

The requirements enumerated in this condition must be clearly stated under "Environmental Notes" on all Project construction permit plans and building permit plans.



HONOLULU CITY COUNCIL
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- D. To minimize impacts to endangered, threatened, or protected flora that may be present on the Project site, and to minimize the spread of invasive pathogens, pests, or plants that may harm native species and ecosystems, the Applicant is responsible for the following:
1. To the extent practicable, native Hawaiian plant species appropriate for the area must be used for new Project landscaping, with no use of invasive species (a recommended reference link is the publication *Native Hawaiian Plants for Landscaping, Conservation, and Reforestation*, at <https://www.ctahr.hawaii.edu/oc/freepubs/pdf/of-30.pdf>).
 2. To manage host materials and plants that may contain the coconut rhinoceros beetle (in any stage of life), the Applicant shall comply with the State Department of Agriculture's Plant Quarantine Interim Rule restricting the movement of coconut rhinoceros beetle host material.
 3. The Applicant shall minimize the importation of soil and structural fill material to the extent possible. No importation of soil or structural fill material is currently proposed.
 4. The Applicant shall minimize the movement of plant or soil material on the Project site, and all Project construction equipment, materials, and personnel must be cleaned of excess soil and debris prior to entering and leaving a Project worksite, in accordance with the current recommendations from the O'ahu Invasive Species Committee ("OISC").
 5. Prior to the commencement of any ground-disturbing or construction activities and upon the arrival of any new workers to the Project site, a copy of the most recently updated OISC "Decontamination Protocols for Prevention of Invasive Species" ("Protocols") must be distributed to all workers who will be present at the site; the Protocols must be posted at the Project site in a visible location accessible to all Project workers, including delivery and haul-out contractors; or both the distribution and posting of the Protocols. All onsite Project workers must be instructed to review the species photos and all Protocols prior to commencing any ground-disturbing or construction activities.
 6. If, at any time, species on the OISC invasive species target list website at <https://www.oahuisc.org/current-targets/>, or any successor website or list provided by the OISC, are discovered on the Project site, the Applicant



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 25-39, CD1

RESOLUTION

shall immediately contact the OISC to report the discovery. The current email address and phone number for the OISC must be visibly posted at the Project site during pre-construction and construction activities. The Applicant shall implement any measures recommended by the OISC and any responsible federal or State of Hawai'i agency charged with the eradication and management of invasive species.

The requirements enumerated in this condition must be clearly stated under "Environmental Notes" on all Project construction permit plans and building permit plans.

- E. Approval of this SMA Major Permit does not constitute compliance with other City ordinances, including but not limited to the Land Use Ordinance ("LUO") and building and construction codes, or other governmental requirements, including but not limited to LUO-related approvals and building, grading, and grubbing permit approvals, which are subject to separate review and approval. The Applicant is responsible for ensuring that the final plans for the Project approved under this SMA Major Permit comply with all applicable City ordinances and other governmental provisions and requirements; and



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 25-39, CD1

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Richard Pezzulo, Executive Director of Hi'ipaka, LLC, 59-864 Kamehameha Highway, Hale'iwa, Hawai'i 96712; Tessa Munekiyo Ng of Munekiyo Hiraga, 225 Queen Street, Suite 200, Honolulu, Hawai'i 96813; Dawn Takeuchi Apuna, Director Designate of the Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813; and Mary Alice Evans, Director of the State Office of Planning and Sustainable Development, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawai'i 96804-2359.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

January 27, 2025
Honolulu, Hawai'i

Councilmembers