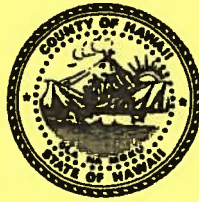


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224
(808) 961-8288 • FAX (808) 961-8742

September 16, 2008

Michael J. Matsukawa, General Counsel
1250 Oceanside Partners
78-6831 Ali'i Drive, Suite K15
Kailua-Kona, HI 96740-2440

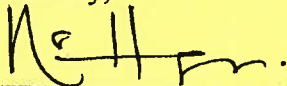
Dear Mr. Matsukawa:

SMA Use Permit 401 (Shoreline Park); TMK 7-1-12:por 03, 8-1-04:por 03, por 65
SMA Use Permit 402 (Bypass Highway); TMK 7-8-10:por 30
SMA Use Permit 404 (Wastewater Plant) & Special Permit 1056; TMK 8-1-04:por 03
Subject: 2008 Annual Progress Report for the Hōkūli'a Project

This is to acknowledge receipt of your letter dated July 1, 2008 containing the annual progress report for the above referenced permits. Please accept our apologies for not responding sooner.

We will forward the report to the Planning Commission for their information. If you have any questions, contact Norman Hayashi or Maija Cottle at (808) 961-8288, ext. 205 or 253, respectively.

Sincerely,


CHRISTOPHER J. YUEN
Planning Director

MJC:smn
P:\wpwin60\Maija\Letters\Annual Reports\Hokulia 2008 SMA 401,402,404,SP1056.doc

cc w/copy of report: Planning Commission
Planning Department – West Hawaii Office

SEP 16 2008

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PLANNING DEPARTMENT
COUNTY OF HAWAII

July 1, 2008

Mr. Christopher J. Yuen
Planning Director
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Re: 2008 Annual Reports for the Hokuli'a Project

SMA Permit 401 (Shoreline Park)

TMK 7-9-12: portion 03, 8-1-04: portion 3, 8-1-04: portion 65
7

SMA Permit 402 (Bypass Highway)

TMK 7-8-10: portion 30

SMA Permit 404 (Wastewater Plant)

Special Permit 1056 (Wastewater Plant)

TMK 8-1-04: portion 3

Dear Director Yuen:

This letter constitutes the annual report for each of the permits described above that the Planning Commission approved on May 5, 2000. Since the permits have conditions that are common to each permit, this letter addresses (1) the common conditions as a group and (2) those conditions that are unique to each permit. The common points are described below and the unique points are described in a separate matrix enclosed with this letter.

Archaeology

On September 7, 1999 and September 15, 1999, SHPD approved Oceanside's Integrated Archaeological Mitigation Plan (IAMP). The plan's component parts include (a) a Data Recovery Plan, (b) an Interim Protection and Preservation Plan, (c) an Interpretive Plan and (d) a Monitoring Plan.

SCANNED

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By: 043152

Mr. Christopher J. Yuen
July 1, 2008
Page 2

In January 2008, Oceanside submitted the Hokuli'a Non-Burial Historic Preservation Plan (HPP) to SHPD and is awaiting SHPD's comments and approval.

As required by the terms of the land use entitlements for the Hokuli'a Project, Oceanside is implementing approved mitigation measures prior to or in conjunction with land alteration on the Project property.

Shoreline Park

On November 17, 2000, the Board of Land and Natural Resources approved Oceanside's Conservation District Use Application (CDUA No. HA-2977) for the Shoreline Park. As noted above, in January 2008, Oceanside submitted the Hokuli'a Non-Burial Historic Preservation Plan (HPP) to SHPD for its comments and approval.

At about the same time, Oceanside submitted the first of four separate Shoreline Park Historic Preservation Plans (the first being the Shoreline Park Historic Preservation Plan for Phase 1 North) to SHPD for its comments and approval. The area covered by this first shoreline park plan covers the area lying north of Pu'u Ohau up to the Project's north boundary (but excludes the state-owned Hokukano Village).

Oceanside will be preparing the second of the four Shoreline Park Historic Preservation Plans (being the plan for Hokukano Village) for submission to SHPD for its comments and approval. After that submission, Oceanside will be preparing the third and fourth of the four Shoreline Park Historic Preservation Plans (being the plans for the area lying south of Pu'u Ohau and for Pu'u Ohau itself).

The park improvements are designed to comply with and implement the measures from Oceanside's Comprehensive Public Access Plan, the Special Management Area Use Permit and the Conservation District Use Application approvals, including measures for access, parking, signage, emergency response, use restrictions, recreational improvements, restroom

Mr. Christopher J. Yuen
July 1, 2008
Page 3

facilities, trails and archaeological preservation and interpretation measures. On August 1, 2002, Oceanside completed the first phase of the Shoreline Park, with the required public parking stalls.

Mamalahoa Highway Bypass

The Mamalahoa Highway Bypass is in part designed to address existing traffic conditions in the region and to provide an alternative route for inter-regional traffic consistent with the County's long-range traffic plan and general plan. On November 15, 1999, the Department of Public Works accepted and approved Oceanside's Final Environmental Impact Statement for the bypass highway. On November 21, 2001, SHPD approved Oceanside's Archaeological Inventory Survey for the bypass highway.

In 2002, Oceanside started construction of the northerly portion of the bypass highway and the extension of Halekii Street (which extension Oceanside has completed). As you are aware, the intersection of the northerly portion of the bypass highway with the Halekii Street extension remains partially completed, but is currently open to use. Work was delayed as a result of Oceanside's inability to acquire a parcel land needed for the bypass highway on the south side of the Halekii Street extension (called the "Coupe land").

Although the County brought a condemnation action to acquire that parcel and although the circuit ruled in favor of the County, one of the affected landowners filed an appeal from the circuit court's ruling, which appeal is pending decision before the Intermediate Court of Appeals. In the meanwhile, Oceanside and County officials have been discussing proposals to restart and complete construction of the bypass highway, the Coupe litigation notwithstanding.

In 2008, the County Council enacted amendments to Ordinance Nos. 96-7 and 96-8, together with other ordinances, to allow the northerly portion of the bypass highway and east (mauka) portion of the Halekii Street extension to be used for public traffic going southbound traffic from Alii

Mr. Christopher J. Yuen
July 1, 2008
Page 4

Drive. Such traffic will be directed over the northerly portion of the bypass highway at Keauhou, east (mauka) of the Halekii Street extension and then through the Kona Scenic Subdivision. The ordinances provide for only limited hours of such use in the afternoon.

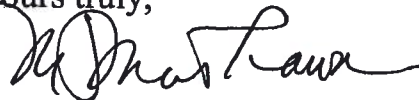
As to the southerly portion of the bypass highway (over and south of the Coupe land) and its intersection with the Old Government Road (also called Napoopoo Road), Oceanside must still complete an archaeological field investigation at the intersection area to determine whether any significant features exist on the ground and what mitigation measures may be required (if such features exist). Oceanside conducts such field investigations pursuant to its existing, amended monitoring plan.

Wastewater Treatment Plant

In July 2002, Oceanside obtained Final Plan Approval for the waste water treatment plant and Oceanside started construction of Phase I. However, in September 2003, the Third Circuit Court enjoined Oceanside from continued construction. Following a resolution of legal issues relating to that injunction in 2006, Oceanside commenced additional engineering studies and site preparation for future phases of the wastewater treatment plant. Oceanside intends to start construction of such future phases when its engineering and design work are complete and after receiving any additional approvals that may be required for such future construction.

Should you have any questions, please contact me at 324-4207 or through my cell number 345-0084. Thank you very much.

Yours truly,



Michael J. Matsukawa
General Counsel
1250 Oceanside Partners

Hokuli'a
Special Management Area Major Use Permit No. 401 (Effective Date: May 5, 2000)
Request: To Allow Development of a Shoreline Park and Related Uses
Tax Map Key: 7-9-012: portion of 003; 8-1-004: portion of 003
2008 Annual Report
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Condition No.	Condition	Status	Date of Compliance
SMA 401-1	The applicant, successors, or assigns shall be responsible for complying with all stated Conditions of Approval	Ongoing	Hokuli'a agrees that it will comply with all stated conditions of approval.
SMA 401-2	A conservation district use permit shall be secured by the applicant from the Department of Land and Natural Resources.	Complied	1. CDUA No. HA-2977 approved November 17, 2000.
SMA 401-3	The Shoreline Park and related improvements shall comply with the Final Comprehensive Public Access Plan (FCPAP) approved by the Planning Director in consultation with the Department of Land and Natural Resources (DLNR). The plan includes measures for mauka-makai and lateral shoreline accesses, parking area(s), signage, emergency response considerations, restrictions on use, provision of recreational and restroom facilities and related improvements. The plan also integrates public accessways to the trail system and to appropriate historical and archaeological sites.	Complied	1. Public Access and Shoreline Management Plan approved on January 29, 1999. 2. The first Phase of the coastline park with the required public parking stalls was opened on August 1, 2002.
SMA 401-4	An area comprising of twenty-five (25%) of the total park area shall be developed and improved by the applicant in phases within five (5) years from the date of final subdivision approval, September 18, 1999. The first phase shall be completed and open to the public within (30) days following the opening of the golf course.	Ongoing	1. The first Phase of the coastline park with the required public parking stalls was opened on August 1, 2002.
SMA 401-5	Upon opening the first phase of the park area, a minimum of twenty five (25) public parking stalls shall be provided in addition to parking stalls for residents, guests, and employees within the subject property and the applicant's adjacent lands at the principal shoreline access parking area(s). Signage relating to provisions for public access for night fishing and marine food gathering purposes over designated vehicular and pedestrian access routes subject to restrictions which limit said uses to recreation uses only, and other restrictions which provide for health and safety of the general public and residents alike shall also be posted upon opening. Additional parking stalls may be required with subsequent park development phases.	Ongoing	1. The first Phase of the coastline park with the required 25 public parking stalls was opened on August 1, 2002.

Hokuli'a
Special Management Area Major Use Permit No. 401 (Effective Date: May 5, 2000)
Request: To Allow Development of a Shoreline Park and Related Uses
Tax Map Key: 7-9-012: portion of 003; 8-1-004: portion of 003
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Condition No.	Condition	Status	Date of Compliance
SMA 401-6	To provide for ongoing management of the coastal area and the shoreline marine resources, a program for the long-term management of the coastal area and shoreline marine resources shall be implemented with the participation of an advisory committee consisting of representatives of community groups, the park owner, the park management entity, and other interested individuals.	In Process	Hokuli'a agrees to comply with this condition.
SMA 401-7	A Solid Waste Management Plan shall be prepared meeting with the approval of Department of Public Works, prior to submitting plans for Final Plan Approval. The plan shall include, but not be limited to, the management of construction solid waste as well as operating and domestic solid waste generated by the proposed development. Approval recommendations and mitigation measures shall be implemented meeting with the approval of the Department of Public Works.	In Process	<ol style="list-style-type: none"> 1. A Solid Waste Management Plan was approved by the DPW on October 31, 2000. 2. Hokuli'a agrees to comply with this condition.
SMA 401-8	During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 401-9	All electrical and communication utilities and systems within the project site shall be placed underground.	In Process	The utility improvements for Phase 1 and 2 were bonded in accordance with Section 23-81 of the Subdivision Code and Paragraph 13 of Development Agreement No. 1. Hokuli'a agrees to comply with this condition.

Hokuli'a
Special Management Area Major Use Permit No. 401 (Effective Date: May 5, 2000)
Request: To Allow Development of a Shoreline Park and Related Uses
Tax Map Key: 7-9-012; portion of 003; 8-1-004; portion of 003
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Condition No.	Condition	Status	Date of Compliance
SMA 401-10	A wastewater disposal system shall be constructed in a manner meeting with the approval of the State Department of Health and/or the Department of Public Works, whichever is applicable.	In Process	1. The wastewater disposal system improvements for Phase 1 and 2 was bonded in accordance with Section 23-81 of the Subdivision Code and Paragraph 13 of Development Agreement No. 1. Hokuli'a agrees to comply with this condition.
SMA 401-11	Construction of improvements within the shoreline park shall be subject to the requirements of Chapter 27- Flood Control, of the Hawaii County Code. Campsites should not be located within the flood zones.	Ongoing	1. See FCPAP approved on January 29, 1999. 2. The first Phase of the coastline park with the required public parking stalls was opened on August 1, 2002. Hokuli'a agrees to comply with this condition.
SMA 401-12	An interpretation plan shall be prepared and submitted to Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division and Hawaiian community organizations. Approved mitigation measures shall be implemented prior to or in conjunction with any land alteration activity within the project area. The Plan shall also include a map of known lava tube/cave systems located within the shoreline park site.	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 401-13	Proposed mitigation treatment (preservation in place or disinterment/reinterment) for burial sites must be approved by the Historic Preservation Division's Hawaii Island Burial Council before detailed mitigation plans area finalized for these sites. A copy of the approved Final Data Recovery Plan and Preservation Plan shall be submitted to the Planning Director for its files prior to submitting plans for any land alteration permits.	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 401-14	Should any unrecorded remains of historic sites, such as lava tubes, walls, terraces, platforms, artifacts, marine shell concentrations, or human burials be encountered, work in the affected area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient	Ongoing	Hokuli'a agrees to comply with this condition.

Hokuli'a
Special Management Area Major Use Permit No. 401 (Effective Date: May 5, 2000)
Request: To Allow Development of a Shoreline Park and Related Uses
Tax Map Key: 7-9-012; portion of 003; 8-1-004; portion of 003
2008 Annual Report
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Condition No.	Condition	Status	Date of Compliance
SMA 401-15	<p>mitigative measures have been taken..</p> <p>The applicant shall comply with all applicable laws, rules, regulations and requirements.</p>	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 401-16	<p>An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.</p>	Ongoing	<p>1. 2001 Annual Report submitted on May 4, 2001.</p> <p>2. 2002 Annual Report submitted on May 3, 2002.</p> <p>3. 2003 Annual Report submitted on April 17, 2003.</p> <p>Hokuli'a agrees to comply with this condition.</p>
SMA 401-17	<p>An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances:</p> <p>A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.</p> <p>B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.</p> <p>C. Granting of the time extension would not be contrary to the original reasons for the granting of this permit.</p> <p>D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).</p> <p>This approval does not, however, sanction the specific plans submitted with the application s they may be subject to change given specific code and regulatory requirements of the affected agencies.</p>	Ongoing	Hokuli'a acknowledges that a time extension for compliance with the conditions of approval may be granted by the Planning Director.

Hokuli'a
Special Management Area Major Use Permit No. 402 (Effective Date: May 5, 2000)
Request: To Allow Development of a portion of the Mamalahoa Highway Bypass Road approximately 2,500 linear feet
Tax Map Key: 7-8-010: portion of 30
2008 Annual Report
Page 1 of 3

Condition No.	Condition	Status	Date of Compliance
SMA 402-1	The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.	Ongoing	Hokuli'a agrees that it will comply with all stated conditions of approval.
SMA 402-2	Drainage improvements shall be constructed in a manner meeting with the approval of the Department of Public Works.	In Process	Hokuli'a agrees to comply with this condition.
SMA 402-3	A flood study for improvements affecting designated flood hazards shall be submitted to the Department of Public Works for review. Should a conditional letter of map revision (CLOMAR) be required, the CLOMAR shall be obtained from the Federal Emergency Management Agency (FEMA) prior to the approval of construction plans for the Mamalahoa Highway Bypass Road or any grading in the flood zone area, whichever comes first, and an application for a letter of map revision shall be filed upon completion of construction.	In Process	Hokuli'a agrees to comply with this condition.
SMA 402-4	During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with industry standards and practices utilized during construction projects of the State of Hawaii.	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 402-5	An archaeological mitigation and interpretation plan shall be prepared and submitted for approval by Planning Director, in consultation with Department of Land and Natural Resources-Historic Preservation Division and Hawaiian community organizations, prior to submitting construction plans. The plans shall consist of 3 subplans: (1) an archaeological data recovery plan for the sites to undergo data recovery (2) a detailed interim protection/preservation plan for the sites to undergo preservation and (3) an interpretation plan which shall include buffer zones, signage and long range preservation concerns which may be submitted at a later date. Approved mitigation measures shall be implemented prior to or in conjunction with any land alteration activity within the Mamalahoa Highway bypass road project area.	Ongoing	<ol style="list-style-type: none"> 1. Archaeological Data Recovery Plan Approval March 20, 2001. Interim Preservation Plan approved January 30, 2001. 2. Hokuli'a agrees to comply with this condition.

Hokuli'a
Special Management Area Major Use Permit No. 402 (Effective Date: May 5, 2000)
Request: To Allow Development of a portion of the Mamalahoa Highway Bypass Road approximately 2,500 linear feet
Tax Map Key: 7-8-010: portion of 30
2008 Annual Report
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Condition No.	Condition	Status	Date of Compliance
SMA 402-6	<p>Proposed mitigation treatment (preservation in place or disinterment/reinterment for burial sites must be approved by the Historic Preservation Division's Hawaii Island Burial Council before detailed mitigation plans are finalized for these sites. A copy of the approved Final data recovery and preservation plan shall be submitted to the Planning Director for its files prior to submitting plans for any land alteration permits.</p>	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 402-7	<p>Should any unrecorded remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the affected area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.</p>	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 402-8	<p>An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of this permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.</p>	Ongoing	<ol style="list-style-type: none"> 1. 2001 Annual Report submitted on May 4, 2001. 2. 2002 Annual Report submitted on May 3, 2002. 3. 2003 Annual Report submitted on April 17, 2003.

Hokuli'a
Special Management Area Major Use Permit No. 402 (Effective Date: May 5, 2000)
Request: To Allow Development of a portion of the Mamalahoa Highway Bypass Road approximately 2,500 linear feet
Tax Map Key: 7-8-010: portion of 30
2008 Annual Report
Page 3 of 3

Condition No.	Condition	Status	Date of Compliance
SMA 402-9	<p>An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:</p> <ul style="list-style-type: none"> A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that they are not the result of their fault or negligence. B. Granting of the time extension would not be contrary to the General Plan or the Zoning Code. C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit. D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year. <p>This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.</p>	Ongoing	Hokuli'a agrees to comply with this condition.

Hokuli'a

Special Management Area Use Permit No. 404 (Effective Date: May 5, 2000)

Request: To Allow Development of a Wastewater Treatment Plant and related improvements on 3 acres

Tax Map Key: 8-1-004: portion of 003

2008 Annual Report

Page 1 of 3

Condition No.	Condition	Status	Date of Compliance
SMA 404-1	The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.	Ongoing	Hokuli'a agrees that it will comply with all stated conditions of approval.
SMA 404-2	Final plan approval for the proposed wastewater treatment facility shall be secured from the Planning Department in accordance with Section 25-2-72 of the Zoning Code. Plans shall identify the proposed structures, vehicular traffic, paved driveway access and parking stalls associated with the proposed use. Landscaping shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impact to adjacent properties.	Complied	<ol style="list-style-type: none"> 1. PD approved relocation of WWTP on July 6, 2001. 2. Final Plan Approval dated July 11, 2003. 3. Hokuli'a agrees to comply with this condition. 4. Re-design underway
SMA 404-3	Construction of Phase I of the proposed development shall be completed within five (5) years from the effective date of permit.	Ongoing	1. Construction of Phase I underway.
SMA 404-4	The wastewater disposal system shall be constructed in a manner meeting with the approval of the State Department of Health.	Ongoing	Hokuli'a agrees to comply with this condition. Hokuli'a agrees to comply with this condition.
SMA 404-5	A drainage system shall be installed meeting with the approval of the Department of Public Works, prior to occupancy.	In Process	Hokuli'a agrees to comply with this condition.
SMA 404-6	A Solid Waste Management Plan shall be prepared meeting with the approval of the Department of Public Works. The plan shall include, but not be limited to, the management of construction solid waste as well as operating and domestic solid waste generated by the proposed development. Approval recommendations and mitigation measures shall be implemented meeting with the approval of the Department of Public Works.	Ongoing	SWMP approved by DPW on October 31, 2000. Hokuli'a agrees to comply with this condition.

Hokuli'a
Special Management Area Use Permit No. 404 (Effective Date: May 5, 2000)
Request: To Allow Development of a Wastewater Treatment Plant and related improvements on 3 acres
Tax Map Key: 8-1-004: portion of 003
2008 Annual Report
Page 2 of 3

Condition No.	Condition	Status	Date of Compliance
SMA 404-7	During construction measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 404-8	Should any unrecorded remains of historic sites, such as lava tubes, walls, terraces, platforms, artifacts, marine shell concentrations, or human burials be encountered, work in the affected area shall cease and the Department of Land and Natural Resources (DLNR-HPD) and the Hawaii Island Burial Council shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 404-9	The applicant shall comply with all applicable laws, rules, regulations and requirements	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 404-10	An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval have been complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.	Ongoing	<ol style="list-style-type: none"> 1. 2001 Annual Report submitted on May 4, 2001. 2. 2002 Annual Report submitted on May 3, 2002 3. 2003 Annual Report submitted on April 17, 2003.
SMA 404-11	<p>An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following :</p> <p>A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are beyond the control of the applicant, successors, assigns, and that are not the result of their fault or negligence.</p> <p>B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.</p> <p>C. Granting of the time extension would not be contrary to the original</p>	Ongoing	Hokuli'a acknowledges that a time extension for compliance with the conditions of approval may be granted by the Planning Director.

Hokuli'a
Special Management Area Use Permit No. 404 (Effective Date: May 5, 2000)
Request: To Allow Development of a Wastewater Treatment Plant and related improvements on 3 acres
Tax Map Key: 8-1-004: portion of 003
2008 Annual Report
Page 3 of 3

Condition No.	Condition	Status	Date of Compliance
	reasons for the granting of the permit. D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year.		

**Hokuli'a
Special Permit No. 1056 (Effective Date: May 5, 2000)
To Allow Development of a Wastewater Treatment Plant and related improvements on 3 acres
Tax Map Key: 8-1-004: portion of 003
2008 Annual Report
Page 1 of 2**

Condition No.	Condition	Status	Date of Compliance
SP 1056-1	The applicant, successors, or assigns shall be responsible for complying with all stated conditions of approval.	Ongoing	Hokuli'a agrees that it will comply with all stated conditions of approval.
SP 1056-2	Final plan approval for the proposed wastewater treatment facility shall be secured from the Planning Department in accordance with Section 25-2-72 of the Zoning Code. Plans shall identify the proposed structures, vehicular traffic, paved driveway access and parking stalls associated with the proposed use. Landscaping shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impact to adjacent properties.	In Process	<ol style="list-style-type: none"> 1. PD approved relocation of WWTP on July 6, 2001. 2. Final Plan Approval dated July 11, 2003. 3. Re-design underway, construction to begin later 2007
SP 1056-3	Construction of Phase I of the proposed development shall be completed within five (5) years from the effective date of permit.	Ongoing	1. Construction of Phase I underway. Hokuli'a agrees to comply with this condition.
SP 1056-4	The wastewater disposal system shall be constructed in a manner meeting with the approval of the State Department of Health.	Ongoing	Hokuli'a agrees to comply with this condition.
SP 1056-5	A drainage system shall be installed meeting with the approval of the DPW, prior to occupancy.	Ongoing	Hokuli'a agrees to comply with this condition.
SP 1056-6	A Solid Waste Management Plan shall be prepared meeting with the approval of Department of Public Works. The plan shall include, but not be limited to, the management of construction solid waste as well as operating and domestic solid waste generated by the proposed development. Approval recommendations and mitigation measures shall be implemented meeting with the approval of the Department of Public Works.	Completed	1. A solid waste management plan was approved by the DPW on October 31, 2000.
SP 1056-7	During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.	Ongoing	Hokuli'a agrees to comply with this condition.
SP 1056-8	Should any remains of historic sites, such as lava tubes, walls, terraces, platforms, artifacts, marine shell concentrations, or human burials be encountered, work in the affected area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) and the Hawaii Island Burial	Ongoing	Hokuli'a agrees to comply with this condition.

Hokuli'a
Special Permit No. 1056 (Effective Date: May 5, 2000)
To Allow Development of a Wastewater Treatment Plant and related improvements on 3 acres
Tax Map Key: 8-1-004: portion of 003
2008 Annual Report
Page 2 of 2

Condition No.	Condition	Status	Date of Compliance
SP 1056-9	<p>Council shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.</p> <p>The applicant shall comply with all applicable laws, rules, regulations and requirements</p>	Ongoing	Hokuli'a agrees to comply with this condition.
SP 1056-10	<p>An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.</p>	Ongoing	<ol style="list-style-type: none"> 1. 2001 annual report submitted on May 4, 2001. 2. 2002 annual report submitted on May 3, 2002. 3. 2003 Annual report submitted on April 17, 2003.
SP 1056-11	<p>An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:</p> <p>A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence.</p> <p>B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.</p> <p>C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.</p> <p>D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year.</p> <p>These approvals do not, however, sanction the specific plans submitted with the applications as they may be subject to change given specific code and regulatory requirements of the affected agencies.</p>	Ongoing	Hokuli'a acknowledges that a time extension for compliance with the conditions of approval may be granted by the Planning Director.