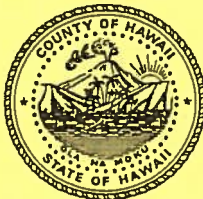


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

County of Hawaii  
PLANNING DEPARTMENT  
101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

SMA:345

file out  
checked on  
July 13, 2005

November 4, 2004

Robert Stuit  
Vice President – Development  
1250 Oceanside Partners  
78-6831 Ali'I Drive, Suite K15  
Kailua-Kona, HI 96740-2440

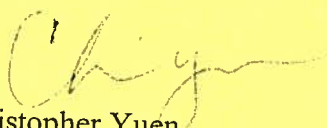
Dear Mr. Stuit:

Hokuli'a – 2004 Annual Progress Report (received: Oct. 22, 2004)  
for: SMA Use Permit No. 345 (approved: Oct. 27, 1993) &  
Use Permit No. 115 (approved: Oct. 27, 1993)  
**TMK: 7-9-12: por. 3, 11 & 8-1-04: por. 3, 65, 68, 71**

Thank you for submitting the above-described annual progress reports. These reports comply with SMA Use Permit No. 345, Condition 15, and Use Permit No. 115, Condition 19, and are deemed accepted as prepared.

The next annual reports are due before the anniversary approval dates of the permits noted above: before October 27, 2005.

Sincerely,

  
Christopher Yuen  
Planning Director

EML:smn

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# HŌKŪLIʻA

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PLANNING DEPARTMENT  
COUNTY OF HAWAII

October 20, 2004

Mr. Christopher J. Yuen, Planning Director  
County of Hawaii Planning Department  
Mr. Fred Galdones, Chairperson  
County of Hawaii Planning Commission  
25 Aupuni St., Room 109  
Hilo, Hawaii 96720

**Subject: Hokuli'a - 2004 Annual Reports:  
SMA Permit No. 345  
Use Permit No. 115  
Tax Map Key: 7-9-012: portions of 3 & 11; and 8-1-004: portion of 3; 65, 68,  
and 71.**

Dear Mr. Yuen and Chairperson Galdones:

This letter is sent to fulfill the annual report requirement as required by the above referenced Special Management Area (SMA) Use Permit and Use Permit (UP) conditions of approval that were approved by the Planning Commission on October 27, 1993. This letter report addresses those conditions that are similar across each permit, while individual conditions that are unique to each permit are addressed separately in the status matrices, which are enclosed hereto.

## Golf Course

The Golf Course and Related Site Improvements received final plan approval on December 4, 2000, and the course was completed in July of 2002. The Golf Clubhouse, Tennis Clubhouse and Tennis Courts were granted final plan approval on October 23, 2002 and on June 18, 2003.

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A RARE FIND IN THE PACIFIC ISLES.

1250 Oceanside Partners · 78-6831 Ali'i Drive · Suite K15 · Kailua-Kona, Hawai'i · 96740-2440



Mr. Christopher J. Yuen  
Mr. Fred Galdones  
October 20, 2004  
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### **Archaeology**

The State Historic Preservation Division of DLNR approved the Data Recovery Plan on August 4, 1999 and the Preservation, Interpretation and Monitoring Plans on September 15, 1999, fulfilling Condition No. 3 of SMA Permit No. 345 and Condition No. 10 of Use Permit No. 115. Detailed maps showing the plan and profile of known lava tubes have been prepared and were submitted to the County. As required by conditions in the two permits, approved mitigation measures have been implemented prior to or in conjunction with any land alteration activities on the property.

### **Shoreline Park**

The Shoreline Park Management and Public Access Plan was accepted by the County Planning Department on January 29, 1999, fulfilling Condition No. 8 of SMA Permit No. 345. Development of this plan allowed Oceanside to comply with conditions in other County Ordinances and permits that are related to the Project.

A Grant of Easement and Covenants outlining public access and use of the Park was accepted by the County on September 18, 1999, fulfilling Condition No. 10 of SMA Permit No. 345. The Grant of Easement and Covenants was recorded at the Bureau of Conveyances on December 29, 1999.

The SMA Permit No. 401 for the Park was approved by the Planning Commission on May 5, 2000.

The Board of Land and Natural Resources approved a Conservation District Use Application in November 17, 2000 (CDUA No. HA-2977).

This first phase of the Park was opened concurrently with the opening of the golf course in July of 2002.

Detailed plans for improvements in the Park are in preparation and will be submitted in conjunction with the final archaeological preservation plan for the shoreline area. The plans will include initial permanent improvements including cultural site protection and preservation measures, paving, signage, trails, landscape and other related improvements. The park improvements are designed to comply with and implement the measures from the comprehensive public access plan, SMA permit and CDUA permit including measures for access, parking, signage, emergency response, use restrictions, recreational improvements, restroom facilities, trails as well as archaeological preservation and interpretive measures.

Mr. Christopher J. Yuen  
Mr. Fred Galdones  
October 20, 2004  
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**Water Quality Monitoring**

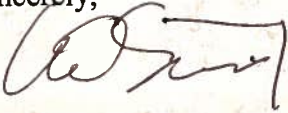
A Water Quality Monitoring Plan for ground and coastal waters and Golf Course Best Management Plan was approved by the State and the County on July 14, 1999, fulfilling Condition No. 11 of SMA No. 345.

Work on remaining conditions of approval of both permits are ongoing or are in-progress. We have attached a matrix for each permit to provide a detailed description of each of the conditions of approval, and the status of compliance with each condition.

As the Planning Department and Planning Commission are probably aware through the office of the Corporation Counsel, the Hokuli'a Project is currently on-hold pending the appeal to the Supreme Court of the issues in the litigation with various Plaintiffs. All work has been halted except that work which has specifically been allowed to proceed by the Court.

Other than the items described above, there are no other items to report that affect the status of the Project as it relates to the conditions of the Permits. We will continue to provide these reports to ensure timely and complete compliance with the obligations set forth in the Permits. Should you have any questions on any of the above or require further information, please do not hesitate to contact me.

Sincerely,



Robert Stuit  
Vice President, Development

Enclosures:

Cc: Lyle Anderson w/ attachment  
Y. Takeda w/ attachment  
B. Rice w/ attachment  
D. Wong w/ attachment  
R. Triantos w/ attachment



**Hokulua**  
**Use Permit No. 115 (Effective Date: October 27, 1993)**  
**Request: To Allow Development of a 27-hole golf course, Golf Clubhouse, Driving Range and Related Improvements**  
**Tax Map Key: 7-9-012: portions of 003 & 011; 8-1-004: portion of 003; 65, 68, and 71.**  
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<b>Condition No.</b>	<b>Condition</b>	<b>Status</b>	<b>Date of Compliance</b>
UP 115 - 1	The applicant, successors or assigns shall comply with all of the stated conditions of approval.	On-going	Hokulua agrees that it will comply with the stated conditions of approval.
UP 115 - 2	The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit.	Complied	1. Indemnification has been Incorporated in project CC&Rs.
UP 115 - 3	The applicant shall provide assurance(s) satisfactory to the Planning Director, upon consultation with the Department of Land and Natural Resources-Commission Water Resource Management and the Department of Health, that a water source(s) of sufficient quality and quantity to support the total irrigation needs of the golf course be established prior to the issuance of a Certificate of Occupancy or golf course opening whichever occurs first.	Complied	1. Well completion reports prepared and submitted to DLNR-CWRM on August 13, 2002 and December 10, 2001 for irrigation wells 1 & 2 respectively.
UP 115 - 4	Final Plan Approval for the proposed golf course and related improvements shall be secured from the Planning Director. In the design and review of any improvements, noise and visual impacts shall be minimized through appropriate siting, height, bulk, color schemes, and landscaping. The Planning Director shall determine the related improvements and accessory uses to the golf course not inconsistent with the applicable provisions of the Zoning Code at the time of plan approval review.	Complied	1. Final Plan Approval for golf course and related site improvements was granted on December 4, 2000. 2. Final Plan Approval for golf clubhouse, tennis clubhouse and tennis courts was granted on Oct. 23, 2002 and on June 18, 2003.
UP 115 - 5	Construction of the golf course and related improvements shall be completed within five (5) years from the date of receipt of Final Plan Approval.	Complied	1. Golf course completed in July of 2002.
UP 115 - 6	A detailed drainage study shall be prepared by the applicant for review and approval by the Department of Public Works prior to submittal of plans for Plan Approval review of the golf course. The study shall take into consideration the tile drainage system, retention basins and "Reduced Turf" design to be incorporated within the golf course. A drainage system shall be installed meeting with the approval of the Department of Public Works, prior to the issuance of a Certificate of Occupancy or golf course opening, whichever occurs	Complied	1. Detailed drainage study for golf course submitted to DPW on August 4, 1999. 2. DPW approved drainage study on September 12, 1999. 3. Drainage system installed.

Hokulila  
 Use Permi No. 115 (Effective Date: October 27, 1993)  
 Request: To Allow Development of a 27-hole golf course, Golf Clubhouse, Driving Range and Related Improvements  
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Condition No.	Condition	Status	Date of Compliance
UP 115 - 7	<p>first.</p> <p>In the design of the golf course, the County of Hawaii Planning Department's Guidelines for Golf Course Design (November 1989, as amended) shall be utilized. The planning director shall determine appropriate setback requirements (i.e. building and property line) at the time of plan approval review. Easements for golf course purposes over and across abutting lots, either existing or proposed, shall not be permissible, except as may be approved by the Planning Director.</p>	Complied	<ol style="list-style-type: none"> <li>1. Submittal of golf course design on March 22, 1999 to PD.</li> <li>2. Approval of golf course design received on May 20, 1999 from PD.</li> <li>3. Final Plan Approval for golf course and related site improvements was granted on December 4, 2000.</li> <li>4. Golf course completed in July of 2002.</li> </ol>
UP 115 - 8	<ol style="list-style-type: none"> <li>1. The Ahi Drive-Haleki'i Street extension shall be constructed as an arterial along its general mauka-nakai alignment as shown on the General Plan Facilities Map to County decidable standards, meeting with the approval of the County Department of Public Works. The mauka-nakai alignment of Alibi Drive-Haleki'i Street shall be installed prior to issuance of a certificate of occupancy or golf course opening, whichever occurs first. The Alibi Drive-Haleki'i Street extension shall allow for perpetual public use by easement or be dedicated to the County. No golf cart pat shall be permitted to cross over the Alibi Drive-Haleki'i Street extension, except as may be approved by the Planning Director and Chief Engineer. Furthermore, direct access from future residential lots adjoining this alignment will not be permitted.</li> </ol>	<p>Complied</p> <p>Complied</p> <p>Complied</p>	<ol style="list-style-type: none"> <li>1. Improvements included in Final Subdivision Approval No. 7168 and bond and agreement dated September 18, 1999.</li> <li>2. Subdivision No. 7168 included bond and agreement for dedication of Haleki'i Street Extension to the County September 18, 1999.</li> <li>3. No vehicular access easement recorded for applicable lot in Phase 1 and 2.</li> </ol>
UP 115 - 9	<p>Intersection improvements at the Mamalaha Highway-Haleki'i Street intersection including traffic signals and channelization shall be installed in a manner meeting with the approved of the State Department of Transportation and</p>	Complied	<ol style="list-style-type: none"> <li>1. Improvements completed on January 11, 1999.</li> </ol>

**Hokulila**  
**Use Permit No. 115 (Effective Date: October 27, 1993)**  
**Request: To Allow Development of a 27-hole golf course, Golf Clubhouse, Driving Range and Related Improvements**  
**Tax Map Key: 7-9-012: portions of 003 & 011; 8-1-004: portion of 003; 65, 68, and 71.**  
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<b>Condition No.</b>	<b>Condition</b>	<b>Status</b>	<b>Date of Compliance</b>
UP 115-10	<p>the County Department of Public Works, prior to issuance of Certificate of Occupancy or golf course opening whichever occurs first.</p> <p>An Archaeological Mitigation and Interpretation Plan shall be prepared and submitted for approval by the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division and Hawaiian community organizations prior to submitting plans for plan approval review. The Plan shall consist of three subplans;</p> <p>(1) an archaeological data recovery plan for the sites to undergo data recovery,</p> <p>(2) a detailed interim protection/preservation plan for the sites to undergo preservation; and</p> <p>(3) an interpretation plan which shall include buffer zones, signage, and long-range preservation concerns which may be submitted at a later date.</p> <p>Approved mitigation plans shall be implemented prior to or in conjunction with any land alteration activity within the project area. The Plan shall also include a detailed map of known lava tube/cave systems located within the project site and mitigative measures to ensure that the golf course and related drainage systems do not impact these cave systems.</p>	<b>Complied</b>	<ol style="list-style-type: none"> <li>1. State Historic Preservation Division approved the Data Recovery Plan and Preservation/Interpretive/Monitoring Plans on August 4, 1999 and September 15, 1999, respectively.</li> <li>2. Letter from PD compliance with condition No. 10 on September 23, 1999.</li> <li>3. Plans and profiles for caves submitted to PD on September 22, 1999.</li> <li>4. Interim preservation plan approved on January 8, 1999.</li> </ol>
UP 115-11	<p>Should any unanticipated archaeological sites or features be uncovered during land preparation activities, work within the affected area shall immediately cease and the Planning Director immediately notified. Work within the affected area shall not resume until clearance is obtained from the Planning Director.</p>	<b>On-going</b>	<ol style="list-style-type: none"> <li>1. Integrated Golf Course Management Plan approved June 29, 1999 by PD.</li> </ol>
UP 115-12	<p>The use of pesticides and herbicides in conjunction with all phases of operation shall conform with the applicable regulations of appropriate government agencies.</p>	<b>On-going</b>	<ol style="list-style-type: none"> <li>1. Golf course completed in July of 2002.</li> </ol>
UP 115-13	<p>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.</p>	<b>Complied</b>	<ol style="list-style-type: none"> <li>1. Letter to PD for approval of off-site material on February 3, 1997.</li> </ol>
UP 115-14	<p>Prior to construction, the applicant shall demonstrate to the satisfaction of the Planning Director that all proposed off-site construction material such as topsoil</p>	<b>Complied</b>	<ol style="list-style-type: none"> <li>1. Letter to PD for approval of off-site material on February 3, 1997.</li> </ol>

**Hokuli'a**  
**Use Permit No. 115 (Effective Date: October 27, 1993)**  
**Request: To Allow Development of a 27-hole golf course, Golf Clubhouse, Driving Range and Related Improvements**  
**Tax Map Key: 7-9-012: portions of 003 & 011; 8-1-004: portion of 003; 65, 68, and 71.**  
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Condition No.	Condition	Status	Date of Compliance
UP 115-15	<p>or sand are being supplied from an approved quarry or resource site.</p> <p>A program for Public play at the proposed golf course shall be developed meeting with the approval of the Planning Director, prior to the issuance of a Certificate of Occupancy or the opening of the golf course, whichever occurs first. The Program shall include, but not be limited to, the provision of public play, at kama'aina rates, at least one (1) day per month.</p>	Complied	<ol style="list-style-type: none"> <li>Public play program submitted to PD on June 14, 2000.</li> <li>Letter from PD approving public play program on July 20, 2000 with condition.</li> <li>Letter dated August 14, 2000 from Hokuli'a to PD confirming approval.</li> </ol>
UP 115-16	<p>The applicant shall establish a program for employee housing and which shall be submitted for the review and approval of the Planning Director and Housing Agency together with the submittal of plans for plan approval of the golf course and clubhouse. The program shall include provisions for on-site or off-site housing for the employees at a ratio to be determined by a study of surrounding housing opportunities and employee needs. The ratio shall be no less than 10% and no more than 50% of the number of employees. The program may also include consideration for other alternatives such as rental housing subsidies or housing allowances. The approval of the program shall be secured prior to the issuance of a certificate of occupancy with the golf course.</p>	Complied	<ol style="list-style-type: none"> <li>Ord. No. 01-151 approved by Hawaii County Council on December 4, 2001.</li> <li>Letter from Planning Department dated January 16, 2002.</li> </ol>
UP 115-17	<p>A job training program for operating phase of the golf course and clubhouse shall be developed and submitted to Planning Director for review and approval prior to issuance of a Certificate of Occupancy or opening of the golf course, whichever occurs first.</p>	Complied	<ol style="list-style-type: none"> <li>Golf Course Employee Job Training program submitted to Planning Dept on August 22, 2002.</li> <li>Letter from Planning Dept dated September 12, 2002 stating compliance with Condition No. 17.</li> </ol>
UP 115-18	<p>Comply with all applicable laws, regulations and requirements, including those of Departments of Health and Department of Public Works.</p>	On-going	



**Hokuli'a**  
**Use Permit No. 115 (Effective Date: October 27, 1993)**  
**Request: To Allow Development of a 27-hole golf course, Golf Clubhouse, Driving Range and Related Improvements**  
**Tax Map Key: 7-9-012: portions of 003 & 011; 8-1-004: portion of 003; 65, 68, and 71.**  
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Condition No.	Condition	Status	Date of Compliance
UP 115-19	An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the 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.	On-going	<ol style="list-style-type: none"> <li>1. 1994 report submitted on June 25, 1995.</li> <li>2. 1995 report submitted on December 14, 1995 and acknowledged by PD on March 18, 1996.</li> <li>3. 1996 report submitted on October 16, 1996 and acknowledged by PD on October 30, 1996.</li> <li>4. 1997 report submitted on October 24, 1997 and acknowledged by PD on November 4, 1997.</li> <li>5. 1998 report submitted on September 28, 1998 and acknowledged by PD on November 24, 1998.</li> <li>6. 1999 report submitted on November 1, 1999.</li> <li>7. 2000 report submitted on November 8, 2000 and acknowledged by PD on November 13, 2000.</li> <li>8. 2001 report submitted on October 25, 2001.</li> <li>9. 2002 report submitted on October 16, 2002.</li> <li>10. 2003 report submitted on October 11, 2003.</li> <li>11. 2004 report submitted on October 20, 2004.</li> </ol>
UP 115-20	An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances; (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;	On-going	

**Hokuli'a**

**Use Permit No. 115 (Effective Date: October 27, 1993)**

**Request: To Allow Development of a 27-hole golf course, Golf Clubhouse, Driving Range and Related Improvements**

**Tax Map Key: 7-9-012: portions of 003 & 011; 8-1-004: portion of 003; 65, 68, and 71.**

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<b>Condition No.</b>	<b>Condition</b>	<b>Status</b>	<b>Date of Compliance</b>
	<p>(b) the granting of the time extension would not be contrary to the General Plan or zoning code;</p> <p>(c) the granting of the time extension would not be contrary to the original reasons for the granting of the permit; and</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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.</p>		

**Hokulīa**  
**Special Management Area Major Use Permit No. 345 (Effective Date: October 27, 1993)**  
**Request: To Allow Development of a 27-hole golf course, Golf Clubhouse, Driving Range and Related Improvements**  
**Tax Map Key: 7-9-012: portions of 003 & 011; 8-1-004: portion of 003; 65, 68, and 71.**  
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Condition No.	Condition	Status	Date of Compliance
SMA 345-1	The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.	On-going	Hokulīa agrees that it will comply with the stated conditions of approval.
SMA 345-2	The applicant shall Indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the approval of this permit.	Complied	1. Indemnification has been incorporated into Project's CC&R's Hokulīa has complied with this requirement
SMA 345-3	An Archaeological Mitigation and Interpretation Plan shall be prepared and submitted for approval by the Planning Director in consultation with the Department of Land and Natural Resources-Historic Preservation Division and Hawaiian community organizations, prior to submitting plans for plan approval review. The plan shall consist of three 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 plans shall be implemented prior to or in conjunction with any land alteration activity within the project area. The Plan shall also include a detailed map of known lava tubes/cave systems located within the project site and mitigative measures to ensure that the golf course and related drainage systems do not impact these caves systems.	Complied	1. State Historic Preservation Division approved the Data Recovery Plan and Preservation/Interpretive/Monitoring Plans on August 4, 1999 and September 15, 1999, respectively. 2. Letter from PD compliance with Condition No. 3 on September 23, 1999. 3. Grading Permit No. 90283 issued for golf course on December 1, 2000. 4. Interim Preservation Plan approved on January 8, 1999.
SMA 345-4	Should any unidentified sites or remains, such as lava tubes, artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area shall cease and the Planning Director immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.	On-going	



**Hokuli'a**

**Special Management Area Major Use Permit No. 345 (Effective Date: October 27, 1993)**

**Request: To Allow Development of a 27-hole golf course, Golf Clubhouse, Driving Range and Related Improvements**

**Tax Map Key: 7-9-012: portions of 003 & 011; 8-1-004: portion of 003; 65, 68, and 71.**

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<b>Condition No.</b>	<b>Condition</b>	<b>Status</b>	<b>Date of Compliance</b>
SMA 345-5	A detailed drainage study shall be prepared by the applicant for review and approval by the Department of Public Works prior to the submittal of plans for Plan Approval review of the golf course. The study shall take into consideration the tile drainage system, retention basins and "Reduced Turf" design to be incorporated within the golf course. A drainage system shall be installed meeting with the approval of the Department of Public Works, prior to issuance of a Certificate of Occupancy or golf course opening, whichever occurs first.	Complied	<ol style="list-style-type: none"><li>1. Detailed drainage study for golf course submitted to DPW on August 4, 1999.</li><li>2. Final approval on September 12, 1999.</li><li>3. Drainage System installed.</li></ol>
SMA 345-6	The use of pesticides and herbicides in conjunction with all phases of operation shall conform with applicable regulations of appropriate governmental agencies.	On-going	<ol style="list-style-type: none"><li>1. Integrated Golf Course Management Plan approved June 29, 1999.</li></ol>
SMA 345-7	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.	Complied	<ol style="list-style-type: none"><li>1. Construction of golf course completed.</li></ol>

**Hokuli'a**  
**Special Management Area Major Use Permit No. 345 (Effective Date: October 27, 1993)**  
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Condition No.	Condition	Status	Date of Compliance
SMA 345-8	<p>A final Comprehensive Public Access Plan, to be developed in consultation with community groups, shall be submitted to the Planning Director in conjunction with golf course plans submitted for plan approval review. The final comprehensive public access plan shall be developed in consultation with the Planning Director and the Department of Land and Natural Resources and shall include mauka-makai and lateral shoreline accesses; parking area(s), signage, emergency response considerations, restrictions on use (if any), provision of recreational and restroom facilities at appropriate locations, and related improvements. Within one (1) year from the date of approval of the final comprehensive public access plan by the Planning Director, the applicant shall apply for a Conservation District Use Permit, Special Management Area Use Permit and other applicable permits/approvals to allow for the implementation of the recommendations of the approved plan.</p>	<p><b>Complied</b></p> <p><b>Complied</b></p> <p><b>Complied</b></p>	<p>1. Letter dated Jan 29, 1999 from PD approval of the comprehensive public access plan.</p> <p>Hokuli'a has secured the SMA and CDUA approvals for the shoreline park. SMA No. 401 approved on May 5, 2000 by Planning Commission. CDUA HA-2977 approved on November 17, 2000 by DLNR Board.</p> <p>Subdivision No. 7168 included bond and agreement for dedication of Halekii Street extension to the County on Sept. 18, 1999.</p>
SMA 345-9	<p>The Alii Drive-Haleki'i Street extension shall allow for perpetual public use by easement or be dedicated to the County.</p>	<p><b>Complied</b></p>	<p>Subdivision No. 7168 included bond and agreement for dedication of Halekii Street extension to the County on Sept. 18, 1999.</p>

**Hokuli'a**  
**Special Management Area Major Use Permit No. 345 (Effective Date: October 27, 1993)**  
**Request: To Allow Development of a 27-hole golf course, Golf Clubhouse, Driving Range and Related Improvements**  
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<b>Condition No.</b>	<b>Condition</b>	<b>Status</b>	<b>Date of Compliance</b>
SMA 345-10	<p>Areas of the affected properties located within the State Land Use Conservation district shall be set aside as public shoreline access areas in a manner consistent with the approved final comprehensive public access plan via covenants recorded with the Bureau of conveyances. Upon approval of the final comprehensive public access plan, draft covenants which detail the rights, obligations and privileges of the public, the county of Hawaii and the applicant, its successors or assigns shall be submitted to the Planning Director for approval. The approved covenants shall be recorded prior to the receipt of Final Plan Approval for the golf course or the subdivision of any portion of the Agricultural-zoned area within the project site, whichever occurs first. These covenants shall be encumbrances running with the land and shall be binding upon all parties and persons claiming under them.</p>	Complied	<p>1. Approved public covenant document No. 99-206268 recorded with Bureau of Conveyances on December 29, 1999.</p>
SMA 345-11	<p>Prior to the commencement of construction of any portion of the proposed golf course development, an overall monitoring plan on the potential pollution to groundwater and coastal waters shall be submitted to the Planning Director for approval in consultation with the Department of Health. A golf course best management plan and integrated groundwater monitoring plan shall be component parts of this overall monitoring plan.</p>	Complied	<p>1. Letter from DOH on April 27, 1999 indicating acceptance of Comprehensive Nearshore Area Coastal Water Quality Monitoring Program in support of the Villages of Hokukano Development.                  2. Letter from PD on June 29, 1999 indicating compliance with Condition No. 11.</p>
SMA 345-12	<p>The applicant shall prepare and submit to the Planning Director for approval a landscaping plan for the golf course and golf clubhouse along with plans for submitted for plan approval review. The Plan shall discuss the method of preservation and/or propagation and use of native plants, such as the Prosopis tree, Capparis, and willow tree, within and around the golf course and golf clubhouse facilities.</p>	Complied	<p>1. Final Plan Approval for golf course and landscaping plan on December 4, 2000.</p>



**Hokuli'a**  
**Special Management Area Major Use Permit No. 345 (Effective Date: October 27, 1993)**  
**Request: To Allow Development of a 27-hole golf course, Golf Clubhouse, Driving Range and Related Improvements**  
**Tax Map Key: 7-9-012: portions of 003 & 011; 8-1-004: portion of 003; 65, 68, and 71.**  
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Condition No.	Condition	Status	Date of Compliance
SMA 345-13	All electrical and communication utilities systems shall be placed underground, with the exception of the main 69 KV transmission line from the Mamalahoa Highway to the proposed electrical substation site.	On-going	
SMA 345-14	Comply with all applicable laws, regulations and requirements.	On-going	
SMA 345-15	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 and the Planning Director acknowledges that further reports are not required.	On-going	

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Condition No.	Condition	Status	Date of Compliance
SMA 345-16	<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 the Zoning Code.</p> <p>(c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and</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). Further should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke this permit. 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>		<ol style="list-style-type: none"> <li>1. 1994 report submitted on June 25, 1995.</li> <li>2. 1995 report submitted on December 14, 1995 and acknowledged by PD on March 18, 1996.</li> <li>3. 1996 report submitted on October 16, 1996 and acknowledged by PD on October 30, 1996.</li> <li>4. 1997 report submitted on October 24, 1997 and acknowledged by PD on November 4, 1997.</li> <li>5. 1998 report submitted on September 28, 1998 and acknowledged by PD on November 24, 1998.</li> <li>6. 1999 report submitted on November 1, 1999.</li> <li>7. 2000 report submitted on November 8, 2000 and acknowledged by PD on November 13, 2000.</li> <li>8. 2001 report submitted on October 25, 2001.</li> <li>9. 2002 report submitted on October 16, 2002.</li> <li>10. 2003 report submitted on October 11, 2003.</li> <li>11. 2004 report submitted on October 20, 2004.</li> </ol>