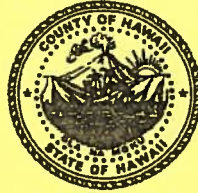


Harry Kim
Mayor



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

April 23, 2003

Mr. Robert A. Stuit
1250 Oceanside Partners
78-6831 Alii Drive, #K15
Kailua-Kona, HI 96740-2440

Dear Mr. Stuit:

Applicant: Hokulia
Special Management Area Use Permit No. 401 (SMA 401)
Special Management Area Use Permit No. 402 (SMA 402)
Special Management Area Use Permit No. 403 (SMA 403)
Special Management Area Use Permit No. 404 (SMA 404)
Special Permit No. 1056
Subject: Annual Progress Reports
TMK: 7-8-10: por. of 30; 7-9-12: por. of 3; 8-1-04: por. of 3
Hokukano to Onouli, North and South Kona, Hawaii

Thank you for your letter dated April 17, 2003, containing the annual progress reports for the development of various improvements and uses as approved by the above-described permits. A copy of your annual progress reports will be transmitted to the Planning Commission for its information

We look forward to the submittal of your next annual progress report on or before May 5, 2004. If you have any questions, please feel free to contact Jeff Darrow at 961-8288.

Sincerely,

A handwritten signature in cursive script that reads "Chris Yuen".

CHRISTOPHER J. YUEN
Planning Director

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Mr. Robert A. Stuit
1250 Oceanside Partners
Page 2
April 23, 2003

c w/ltr: Planning Commission
 West Hawaii Office

HŌKŪLIʻĀ

April 17, 2003

2003 APR 21 PM 1:31

PLANNING DEPARTMENT
COUNTY OF HAWAII

Mr. Christopher J. Yuen, Planning Director
County of Hawaii Planning Department
Mr. Fred Galdones, Chairperson
County of Hawaii Planning Commission
Aupuni Center
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Subject: Hokuli'a 2003 Annual Reports
SMA Permit 401 Shoreline Park
Condition No. 16 – Annual Report
Tax Map Key: 7-9-012: portion of 003, TMK: 8-1-004: portion of 3

SMA Permit 402 Mamalahoa Highway Bypass
Condition No. 8 – Annual Report
Tax Map Key: 7-8-010: Portion of 030

SMA Permit 403 80-unit Members' Lodge
Condition No. 11 – Annual Report
Tax Map Key: 8-1-004: Portion of 003

SMA Permit 404 - Wastewater Treatment Plan
Condition No. 10 – Annual Report
TMK: 8-1-004: portion of 3

Special Permit No. 1056 – Wastewater Treatment Plant
Condition No. 10 – Annual Report
TMK: 8-1-004: portion of 3

Dear Mr. Yuen:

This letter is sent to fulfill the annual report requirement as required by each of the above referenced Special Management Area Major Use Permits (SMA) and Special Permit conditions of approval that was approved by the Planning Commission on May 5, 2000. Since these permits have conditions that are common across each permit, the report addresses those conditions that are similar in bulk, while those individual conditions that are unique to separate permits are addressed separately in the Matrix for each of the above-referenced permits.

Mr. Christopher J. Yuen, Planning Director
April 17, 2003
Page 2

Archaeology

Oceanside obtained approval from SHPD on September 7, 1999 and September 15, 1999 on the Archaeological Mitigation Plan that includes a data recovery plan, an interim protection/preservation plan, interpretive plan and a monitoring plan. We are currently in the process of preparing the final Preservation Plan in consultation with DLNR and Hawaiian community organizations. As required by the terms of the land use entitlements for the Project, approved mitigation measures are being implemented prior to or in conjunction with land alteration on the property. In addition, the Circuit Court has ordered Oceanside to submit another Burial Treatment Plan to the Hawaii Island Burial Council relating to a number of "inadvertent" burial sites discovered during the archaeological "sweeps" of the property. While Oceanside does not agree with the court's ruling, it submitted the new Burial Treatment Plan as ordered on January 16, 2003.

Separately for the Bypass, an Archaeological Inventory Survey and Data Recovery Plan have been approved by DLNR-SHPD. Data recovery fieldwork is currently in progress.

Coastline Park

In regard to the Shoreline Park, the Board of Land and Natural Resources approved a Conservation District Use Application in November 17, 2000 (CDUA No. HA-2977). A detailed site plan for improvements on the park is currently in preparation and will be submitted concurrently with the final archaeological preservation plan for the shoreline area. The site plan will include 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 and CDUA, including measures for access, parking, signage, emergency response, use restrictions, recreational improvements, restroom facilities, trails and archaeological preservation and interpretive measures.

The first phase of the Coastline Park with the required public parking stalls was opened on August 1, 2002.

All improvements and construction are subject to Chapter 27 of the Hawaii County Code and related State regulations

Mamalahoa Highway Bypass

The Mamalahoa Highway Bypass is in part, designed to address existing traffic conditions in the area and to provide an alternative route for interregional traffic between North and South Kona in support of the County's long-range traffic plan.

Mr. Christopher J. Yuen, Planning Director
April 17, 2003
Page 3

The Draft Environmental Impact Statement and Final Environmental Impact Statement (DEI and FEIS) were both approved and accepted by Department of Public Works. The construction plans are in at the County for review and approval. SHPD has approved the Archaeological Inventory Survey and Data Recovery Plan.

Oceanside has completed a purchase agreement with each of the landowners along the Bypass Route except for the Coupe parcel which is held up in court, and owners at the south end who are still reviewing their documents.

Member's Lodge

We have conducted various architectural and planning studies for the lodge facilities, its development, phasing and scheduling. SMA Permit No. 403 for the facility was approved by the Planning Commission on May 5th, 2000. In December of 2001, we submitted an application for Final Plan Approval to the Planning Department. An administrative time extension was granted by the Planning Director on February 18, 2002, to comply with all conditions of approval of Change of Zone Ordinance No. 97-36 by March 13, 2007. However, the Member's Lodge is the subject of on-going litigation. At this time, the Circuit Court has ruled that the zoning is invalid as "spot zoning" and has invalidated the underlying Ordinance. The Circuit Court trial with respect to Oceanside's "vested rights" in the Lodge has not been scheduled.

The Lodge plans will comply with Chapter 27 of the Hawaii County code and a detailed drainage study shall be submitted to Department of Public Works for review and approval prior to submittal of plans for plan approval. A solid waste management plan for the entire project has been approved by the Department of Public Works.

During construction measures shall be taken to minimize fugitive dust and runoff sedimentation notification of the inadvertent discovery of historic items shall be provided to DLNR-SHPD and subsequent work shall proceed upon clearance from DLNR-SHPD.

WWTP

In regard to the wastewater treatment plant (WWTP), Final Plan Approval was granted on July 2002 and construction of Phase I is underway.

Control measures to minimize the potential of fugitive dust and runoff sedimentation shall be implemented during construction. Notification of inadvertent discoveries of historic items shall be provided to DLNR-SHPD and the Burials Program and subsequent work shall proceed upon clearance for DLNR-SHPD.

I trust this report provides the information adequate for the annual report condition for the above-referenced permits.

Mr. Christopher J. Yuen, Planning Director
April 17, 2003
Page 4

Oceanside will be responsible for complying with all conditions of approval as well as all applicable laws, rules, regulation and requirements. Again for your reference, please find attached, a separate matrix for each of the above-referenced permits that shows the status and compliance of each condition.

Should you have any questions regarding this information, please contact me at (808) 324-4212.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R. Stuit". The signature is fluid and cursive, with a horizontal line extending from the end.

Robert A. Stuit
Vice President of Planning & Design

Cc: Jack Dwyer
Linda Simon

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
2003 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	<p>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:</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 measures shall be implemented prior to or in conjunction with any land alteration activity within the Mamalahoa Highway bypass road project area.</p>	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
2003 Annual Report
Page 2 of 3

Condition No.	Condition	Status	Date of Compliance
SMA 402-6	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.	Ongoing	Hokuli'a agrees to comply with this condition
SMA 402-7	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.	Ongoing	Hokuli'a agrees to comply with this condition
SMA 402-8	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.	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 402-9	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 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.	Ongoing	Hokuli'a agrees to comply with this condition

Hokulua

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

2003 Annual Report

Page 3 of 3

Condition No.	Condition	Status	Date of Compliance
	<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. 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>		

HŌKŪLIʻĀ

April 17, 2003

2003 APR 21 PM 1:31

PLANNING DEPARTMENT
COUNTY OF HAWAII

Mr. Christopher J. Yuen, Planning Director
County of Hawaii Planning Department
Mr. Fred Galdones, Chairperson
County of Hawaii Planning Commission
Aupuni Center
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Subject: Hokuli'a 2003 Annual Reports
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Condition No. 10 – Annual Report
TMK: 8-1-004: portion of 3

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Condition No. 10 – Annual Report
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034108

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, Planning Director
April 17, 2003
Page 2

Archaeology

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Separately for the Bypass, an Archaeological Inventory Survey and Data Recovery Plan have been approved by DLNR-SHPD. Data recovery fieldwork is currently in progress.

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In regard to the Shoreline Park, the Board of Land and Natural Resources approved a Conservation District Use Application in November 17, 2000 (CDUA No. HA-2977). A detailed site plan for improvements on the park is currently in preparation and will be submitted concurrently with the final archaeological preservation plan for the shoreline area. The site plan will include 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 and CDUA, including measures for access, parking, signage, emergency response, use restrictions, recreational improvements, restroom facilities, trails and archaeological preservation and interpretive measures.

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Mr. Christopher J. Yuen, Planning Director
April 17, 2003
Page 3

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The Lodge plans will comply with Chapter 27 of the Hawaii County code and a detailed drainage study shall be submitted to Department of Public Works for review and approval prior to submittal of plans for plan approval. A solid waste management plan for the entire project has been approved by the Department of Public Works.

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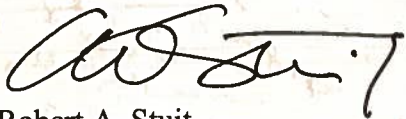
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Mr. Christopher J. Yuen, Planning Director
April 17, 2003
Page 4

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Should you have any questions regarding this information, please contact me at (808) 324-4212.

Sincerely yours,



Robert A. Stuit
Vice President of Planning & Design

Cc: Jack Dwyer
Linda Simon

2003 APR 21 PM 1 31
 PLANNING DEPARTMENT
 COUNTY OF HAWAII

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.
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	In Process	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
2003 Annual Report
Page 2 of 4

Condition No.	Condition	Status	Date of Compliance
SMA 401-7	<p>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.</p> <p>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.</p>	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	<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>	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 401-9	<p>All electrical and communication utilities and systems within the project site shall be placed underground.</p>	In Process	<p>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.</p> <p>Hokuli'a agrees to comply with this condition.</p>

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
2003 Annual Report
Page 3 of 4

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 <u>was bonded</u> 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 mitigative measures have been taken..	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
2003 Annual Report
Page 4 of 4

Condition No.	Condition	Status	Date of Compliance
SMA 401-15	The applicant shall comply with all applicable laws, rules, regulations and requirements.	Ongoing	Hokuli'a agrees to comply with this condition.
SMA 401-16	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.	On-Going	<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 agrees to comply with this condition.
SMA 401-17	An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances: <ol 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 are not the result of their fault or negligence. B. Granting of the time extension would not be contrary to the General Plan or Zoning Code. C. Granting of the time extension would not be contrary to the original reasons for the granting of this 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). This approval does not, however, sanction the specific plans submitted with the applications they may be subject to change given specific code and regulatory requirements of the affected agencies.	On-Going	Hokuli'a acknowledges that a time extension for compliance with the conditions of approval may be granted by the Planning Director.