

SUMMARY OF PROPOSED COMMITTEE DRAFT:
RESOLUTION 21-267
GRANTING A SPECIAL MANAGEMENT AREA ("SMA") USE PERMIT FOR
THE PUNALUU STREAM RESTORATION PROJECT.

The **PROPOSED CD1** makes the following amendments:

- A. Amends the title by deleting "("SMA")."
- B. Clarifies that the "Project" is specified in the 1st WHEREAS clause and the "Project site" is specified in the 2nd WHEREAS clause.
- C. Specifies the date of receipt and the communication number of the communication from the DPP that transmitted the resolution to the Council.
- D. Amends Condition A by clarifying that construction on the Project must be in general conformity with the Project as described in the DPP's findings and recommendations and as depicted in Exhibits F through V.
- E. Amends Condition D as follows:
 - 1. Removes the condition relating to surveying the Project site for potential nesting Oahu Elepaio and the prohibition of potentially disruptive activities during the breeding season of the Oahu Elepaio;
 - 2. Groups certain conditions into two categories:
 - a. Prior to the commencement of work on the Project site; and
 - b. During work on the Project site;
 - 3. Clarifies that prior to the commencement of work on the Project site, a qualified biological monitor must conduct Hawaiian waterbird and Hawaiian waterbird nest surveys of the Project site; and
 - 4. Clarifies that:
 - a. Revised Condition D.2.a and D.2.b relates to Hawaiian waterbirds; and
 - b. Revised Condition D.2.c and D.2.d relates to Hawaiian waterbirds and the Oahu Elepaio.
- F. Makes miscellaneous technical and nonsubstantive amendments.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. **21-267, CD1**

PROPOSED

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT FOR THE PUNALUU STREAM RESTORATION PROJECT.

WHEREAS, on August 26, 2021, the Department of Planning and Permitting ("DPP") accepted the application (DPP Reference Number 2021/SMA-45) from the Kamehameha Schools (the "Applicant") for a Special Management Area ("SMA") Use Permit to allow for the restoration of the Punaluu Stream on an approximately 599-acre site zoned AG-2 General Agricultural District, Country District, and P-1 Restricted Preservation District, located in the Punaluu watershed on Oahu, and identified by Tax Map Keys 5-3-001:041 and 052, and 5-3-003:001, as depicted in Exhibits A through E attached hereto (the "Project"); and

WHEREAS, the restoration activity will occur on a 121-acre portion (the "Project site") of the 599-acre site, and 53.1 acres of the Project site are located within the SMA; and

WHEREAS, on October 15, 2021, the DPP held a public hearing that was attended by a representative of the Applicant (attending remotely), the Applicant's Agent, DPP staff members, and Department of Information Technology support staff. No member of the general public was in attendance in person, virtually over the phone, or online; therefore, no one provided oral testimony in person or virtually at the hearing; and

WHEREAS, on November 15, 2021, within 20 working days after the close of the public hearing, the DPP, having duly considered all evidence and the objectives, policies, and guidelines, as established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu 1990 ("ROH"), and Sections 205A-2 and 205A-26, Hawaii Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendation for approval to the City Council; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on November 18, 2021, by Departmental Communication 767 (2021), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Use Permit with the conditions enumerated below; now, therefore,

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



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- A. Construction must be in general conformity with the Project described in the DPP's findings and recommendations referenced above, and as depicted in Exhibits F through V attached hereto and incorporated herein by this reference. Any changes in the size or nature of the Project, which have a significant effect on coastal resources addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA Use Permit. Any change that does not have a significant effect on coastal resources will be considered a minor modification and, therefore, permitted under this resolution, upon review and approval of the DPP Director.
- B. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the Applicant shall stop work and contact the Department of Land and Natural Resources, State Historic Preservation Division ("SHPD"), immediately. Work in the immediate area shall be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.
- C. Artificial light from exterior light fixtures, including but not necessarily limited to floodlights, uplights, or spotlights, used for decorative or aesthetic purposes, is prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS Section 205A-71(b).
- D. The Applicant shall coordinate with the U. S. Fish and Wildlife Service ("USFWS") to comply with all of the following conditions relating to flora and fauna mitigation measures:
 - 1. Prior to the commencement of work on the Project site, a qualified biological monitor must conduct Hawaiian waterbird and Hawaiian waterbird nest surveys of the Project site. The USFWS must be notified of, and provided with the results of the preconstruction Hawaiian waterbird and Hawaiian waterbird nest surveys immediately prior to Project initiation.
 - 2. During work on the Project site:
 - a. Any observed or documented Hawaiian waterbird nests or broods within the Project site must be reported to the USFWS within 48 hours of discovery;



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- b. A 100-foot buffer must be established and maintained around all active Hawaiian waterbird nests and broods until the chicks/ducklings have fledged. No potentially disruptive activities or habitat alternation may occur within this buffer;
 - c. If an endangered Hawaiian waterbird or Oahu Elepaio is observed within the Project site, or flies into the site while activities are occurring (within 100 feet), all potentially disruptive activities (including human activity, mechanical or construction disturbance) must be stopped until the observed bird voluntarily leaves the area;
 - d. A biological monitor must be present on the Project site during all construction or earth moving activities to ensure that Hawaiian waterbirds, Hawaiian waterbird nests, and the Oahu Elepaio are not adversely impacted; and
 - e. To minimize impacts to the Hawaiian hoary bat's habitat, woody plants greater than 15 feet in height shall not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15).
- E. Approval of this SMA Use Permit does not constitute compliance with any other Land Use Ordinance ("LUO") or other governmental requirements, including but not limited to grading and grubbing permit approvals. They are subject to separate review and approval. The Applicant shall be responsible for ensuring that the final plans for the Project approved under this SMA Use Permit comply with all applicable LUO and other governmental provisions and requirements.
- F. The Applicant shall obtain a development permit for the Project within two years after the effective date of this SMA Use Permit. Failure to obtain a development permit within this period will render this permit null and void; provided that this period may be extended as follows:
- 1. The Director of the DPP may extend this period if the Applicant demonstrates good cause, but the period may not be extended beyond one year from the initial deadline set by the City Council.
 - 2. If the Applicant demonstrates good cause for an extension exceeding one year, the Director shall prepare and submit to the Council a report on the proposed extension, which report must include the Director's findings and recommendations thereon. The Council may approve the proposed



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extension or an extension for a shorter or longer period, or deny the proposed extension, by adoption of a committee report or resolution.

3. If the Council fails to take final action on the proposed extension within the first to occur of: (a) 60 days after receipt of the Director's report; or (b) the Applicant's then-existing deadline for obtaining a development permit, the extension will be deemed to be denied.



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BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Joey Char, Land Asset Manager, Community Engagement and Resources Group, Kamehameha Schools, 567 South King Street, Suite 200, Honolulu, Hawaii 96813; Brendan Belby, ICF Project Manager, ICF, 980 9th Street, Suite 1200, Sacramento, California 95814; Dean Uchida, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; and Mary Alice Evans, Director of the Office of Planning and Sustainable Development, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawaii 96804.

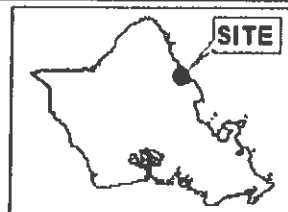
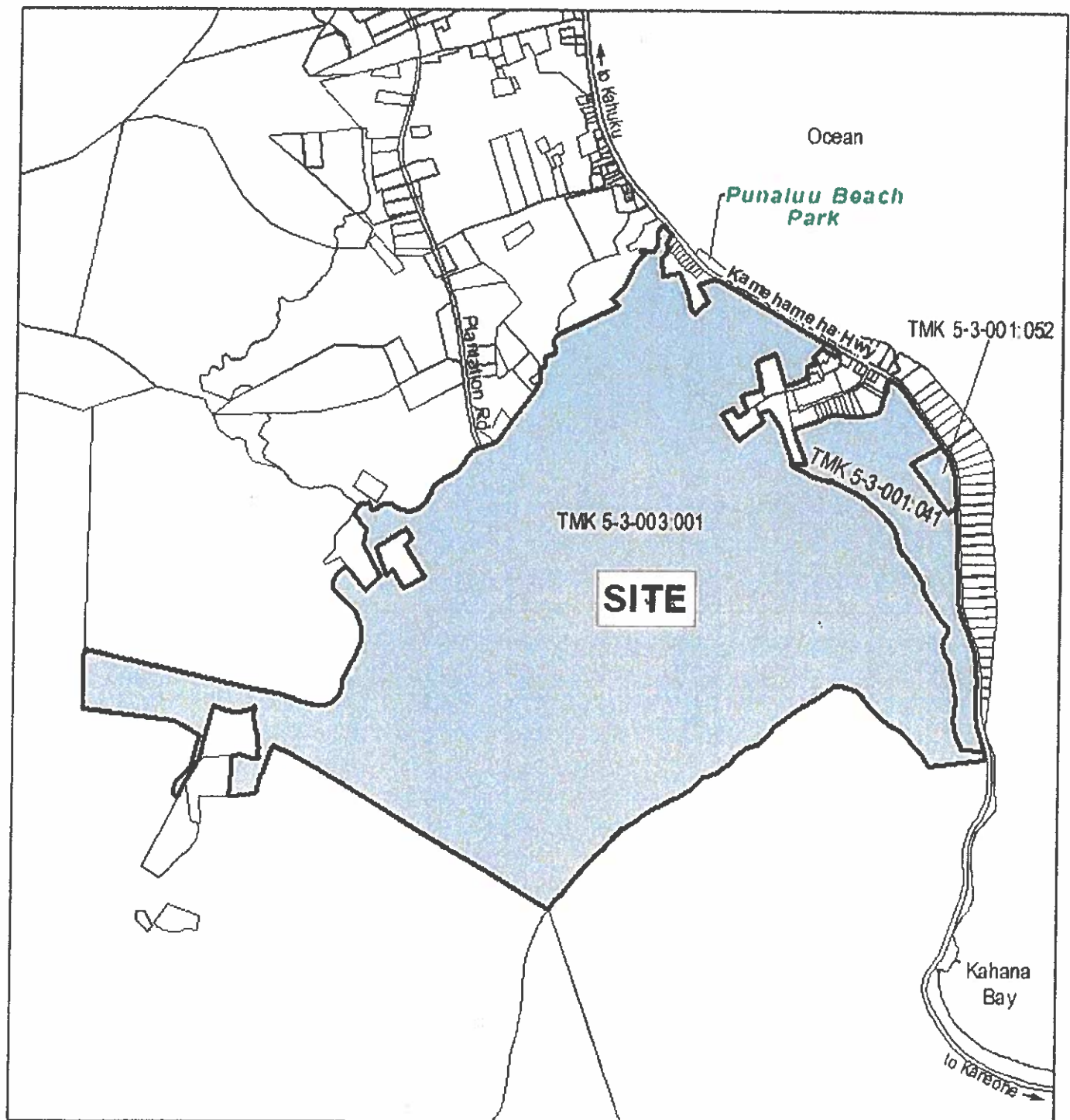
INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

November 24, 2021
Honolulu, Hawaii

Councilmembers



VICINITY MAP

1,500 750 0 1,500
Scale in feet



LOCATION MAP PUNALUU

TAX MAP KEY(S): 5-3-001:041, 5-3-001:052, and
5-3-003:001

FOLDER NO.: 2021/SMA-45

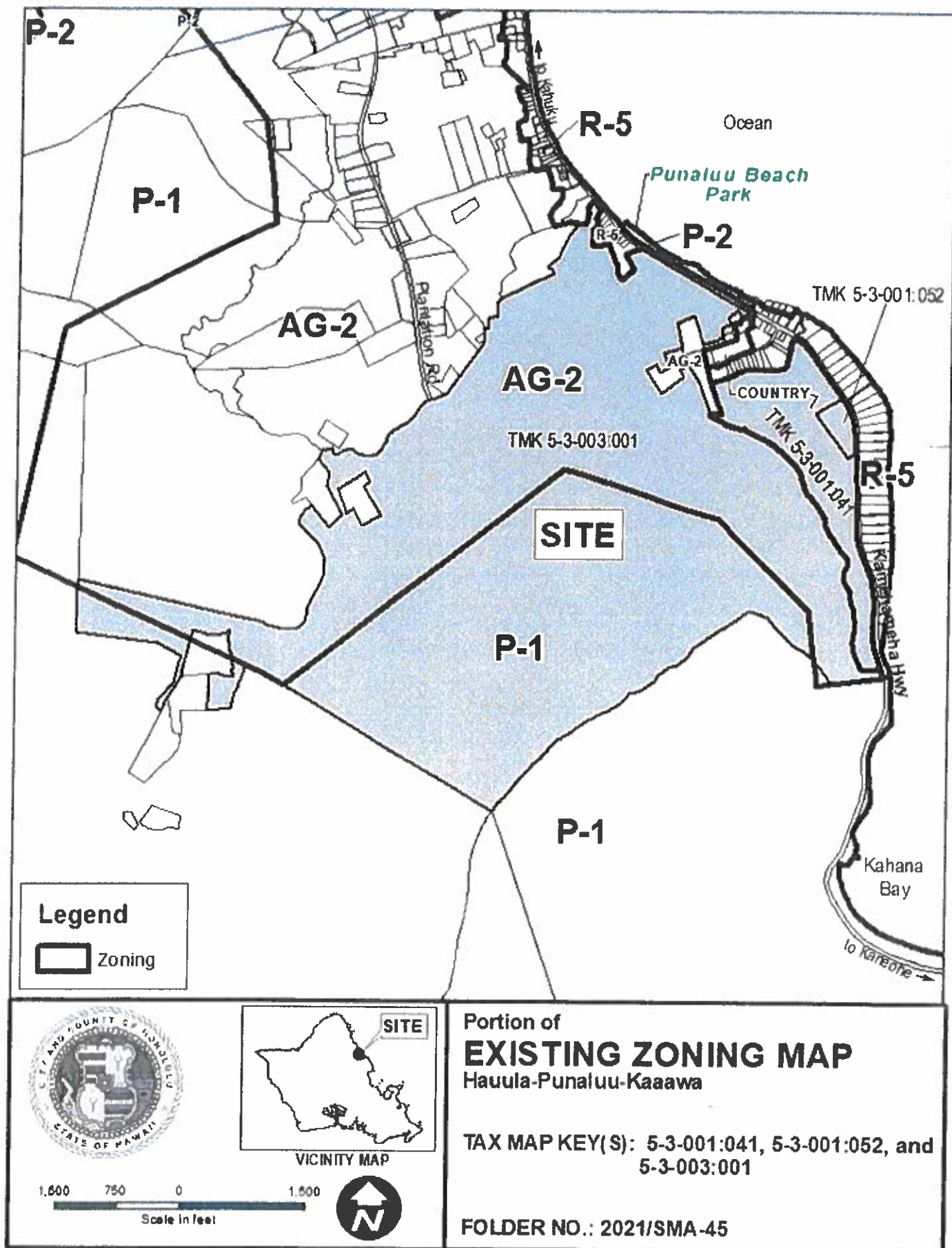
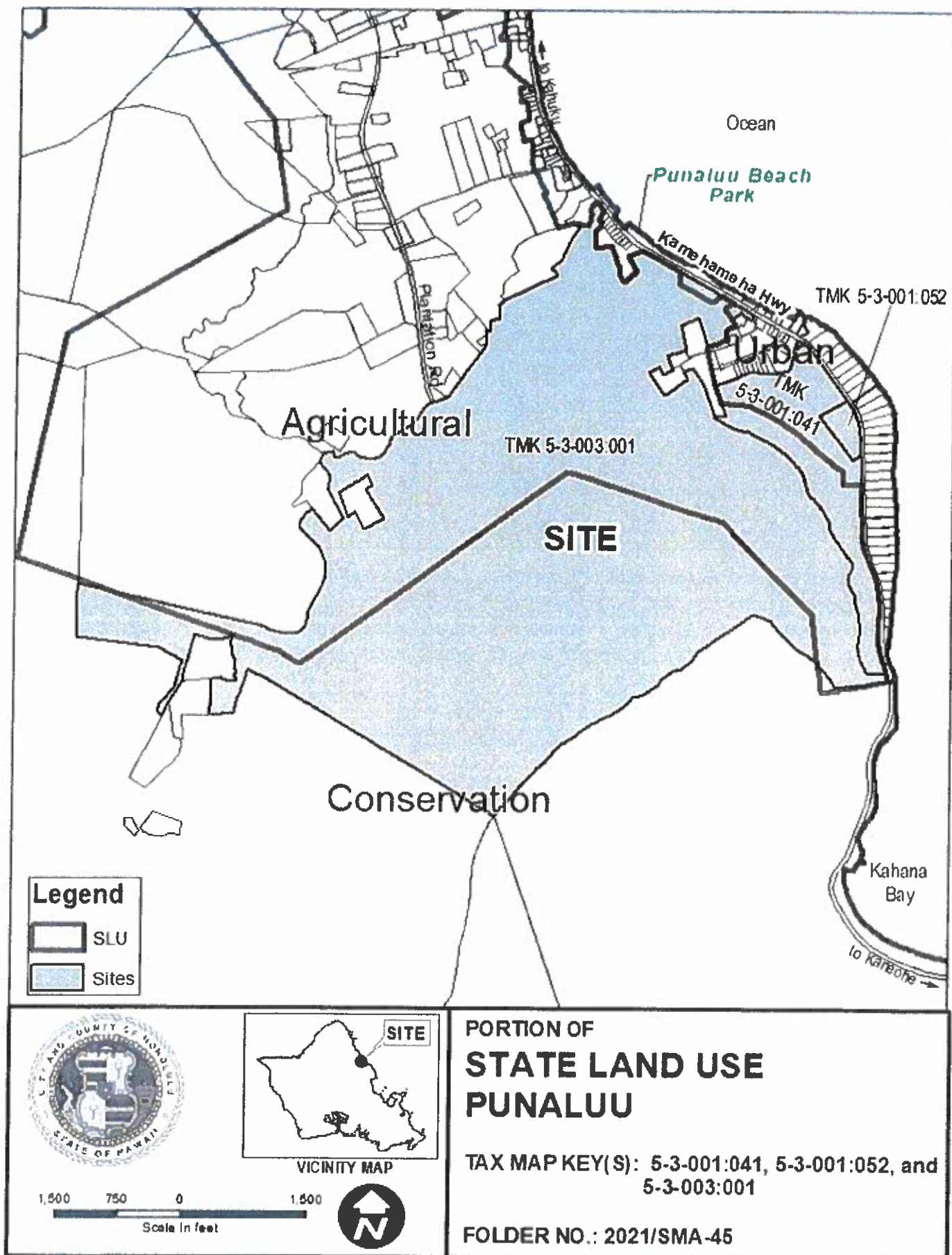














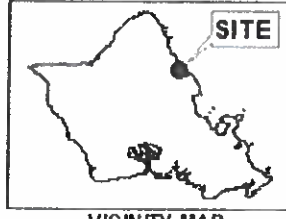
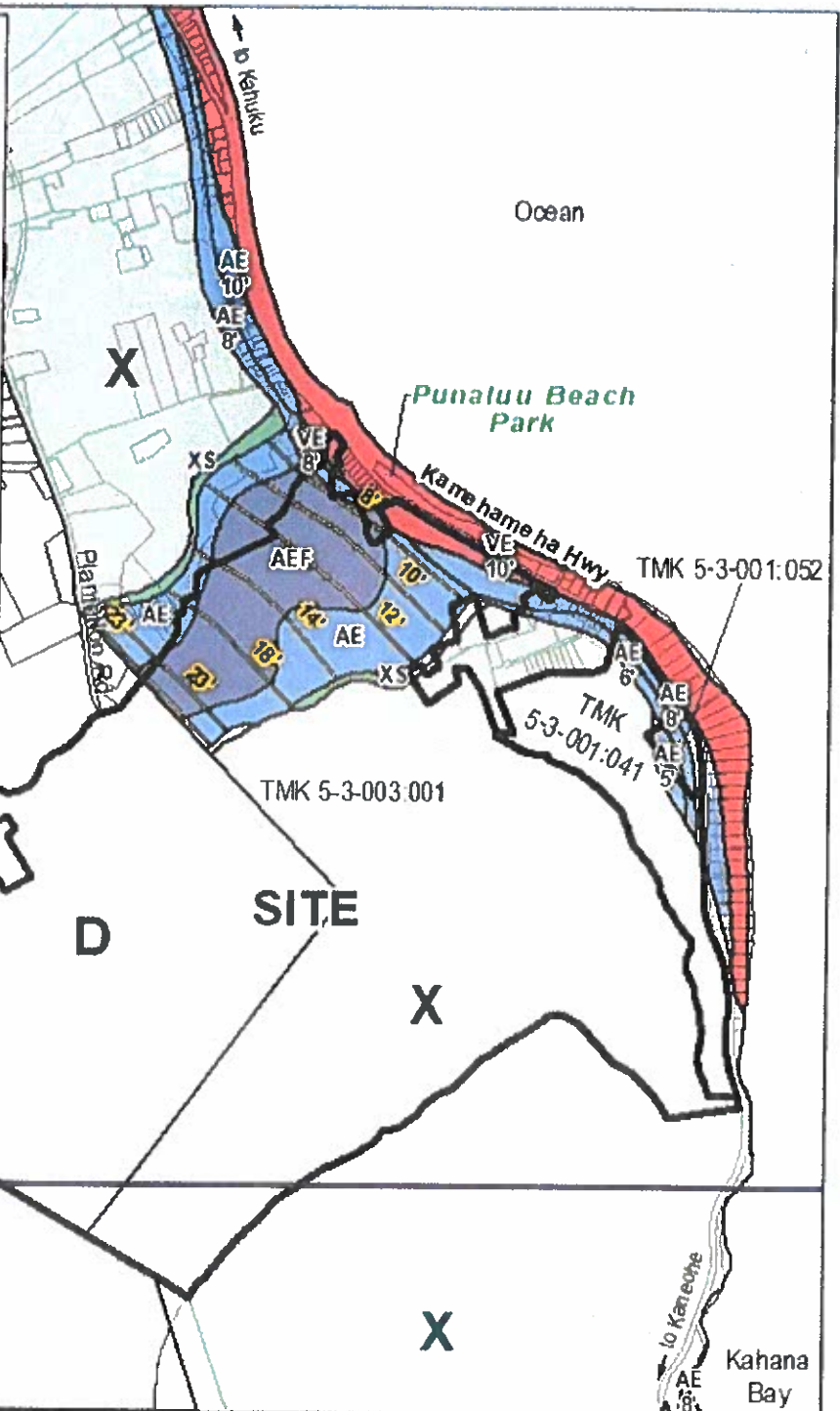


EXHIBIT C



Legend

-  Sites
-  Flood Elevation Lines 2014
-  FIRM Flood Panel (Index) 2014
-  A
-  AE
-  AEF
-  AH
-  AO
-  D
-  VE
-  VE and FLOODWAY
-  X
-  X PROTECTED BY LEVEE
-  XS



1,500 750 0 1,500
Scale in feet



FLOOD HAZARD MAP PUNALUU

TAX MAP KEY(S): 5-3-001:041, 5-3-001:052, and
5-3-003:001

FOLDER NO.: 2021/SMA-45

Legend

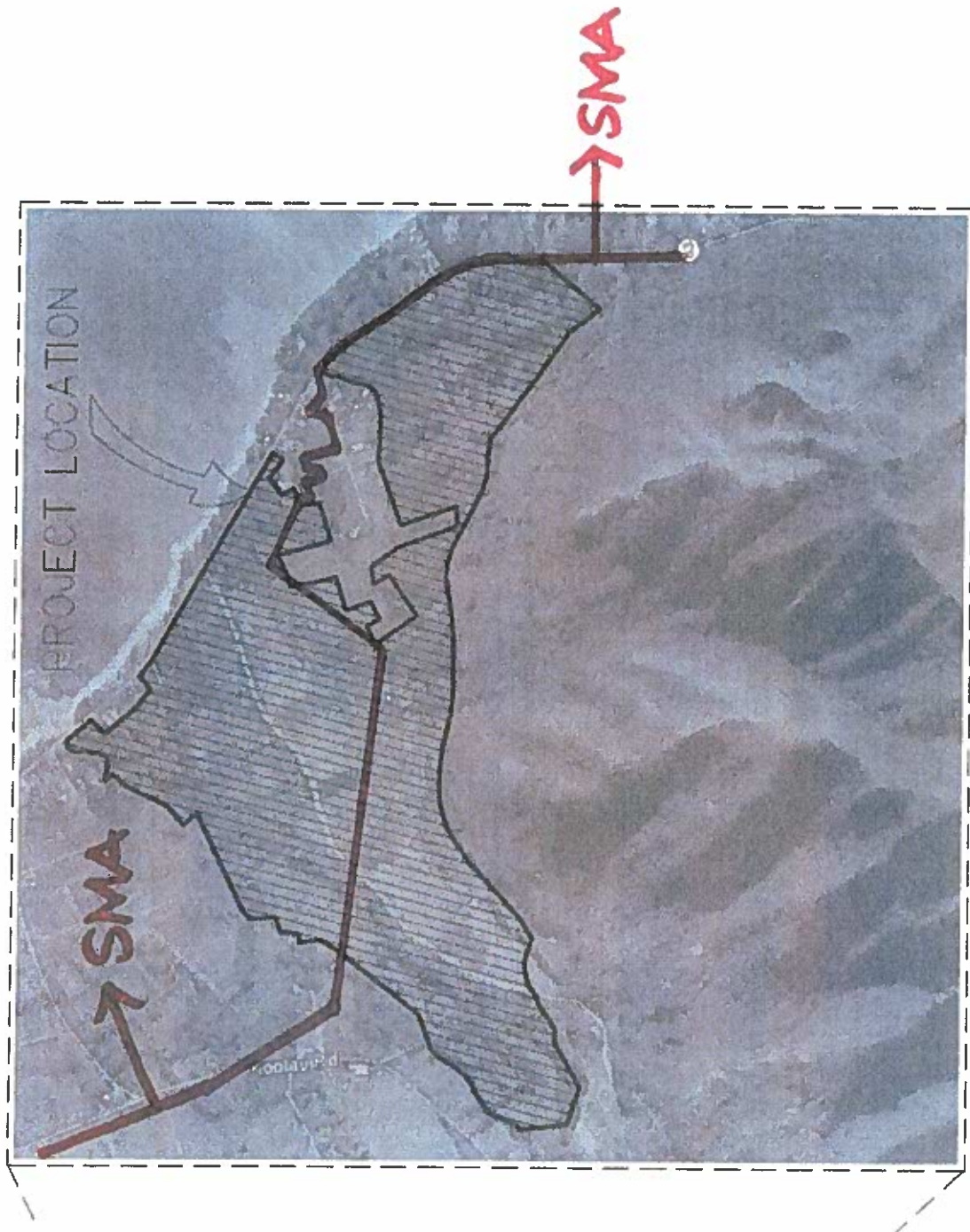
- Existing culvert
- New culvert
- River station
- Raise elevation
- Lower elevation
- New setback berm with new Green Valley Road
- New unpaved access route
- Decommission Green Valley Road
- Existing unpaved road
- Punalu'u Stream
- Existing topographic contour (interval = 10 feet)
- Sub-basin boundary
- Non-KS tax parcel boundary
- New Kahana flow path

Scale: 0 to 1200 Feet

North Arrow

Map Annotations:

- 1. Deepen and widen existing on-site property
- 2. Upgrade floodplain to enhance riparian habitat and increase conveyance capacity
- 3. New vegetation type (colored polygons)
- 4. Remove artificial stream bank along entire channel
- 5. Raise to Green Valley Road on top of embankment alignment
- 6. Raise ground elevation along SE side of road to create new sustainable agricultural field
- 7. Reconfigure for topography to improve flow into tributary culvert inlet
- 8. Grade ground for proposed facility/agricultural use area
- 9. New existing bank channel
- 10. Existing bank channel
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PROJECT SITE

EXHIBIT G

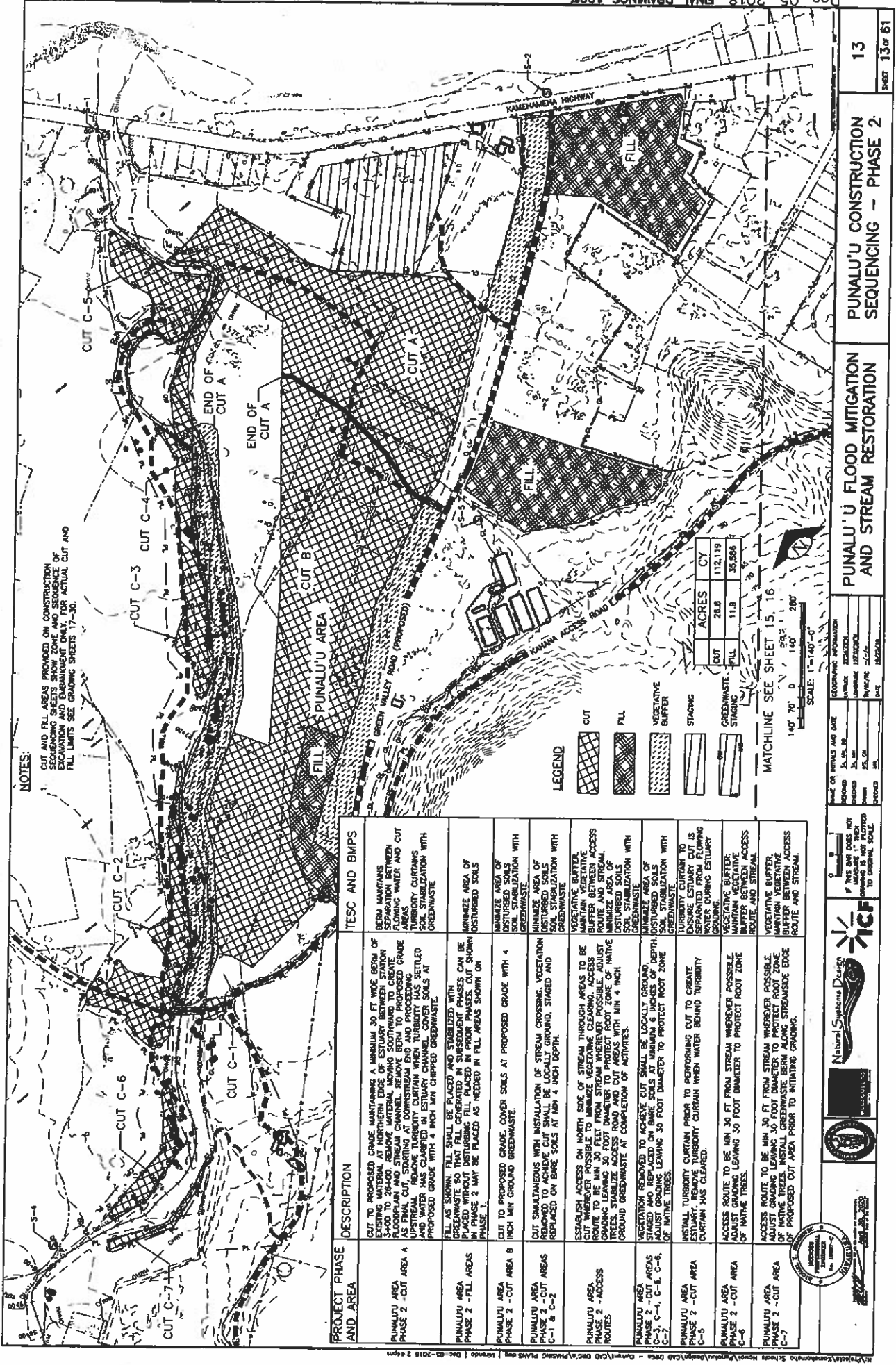
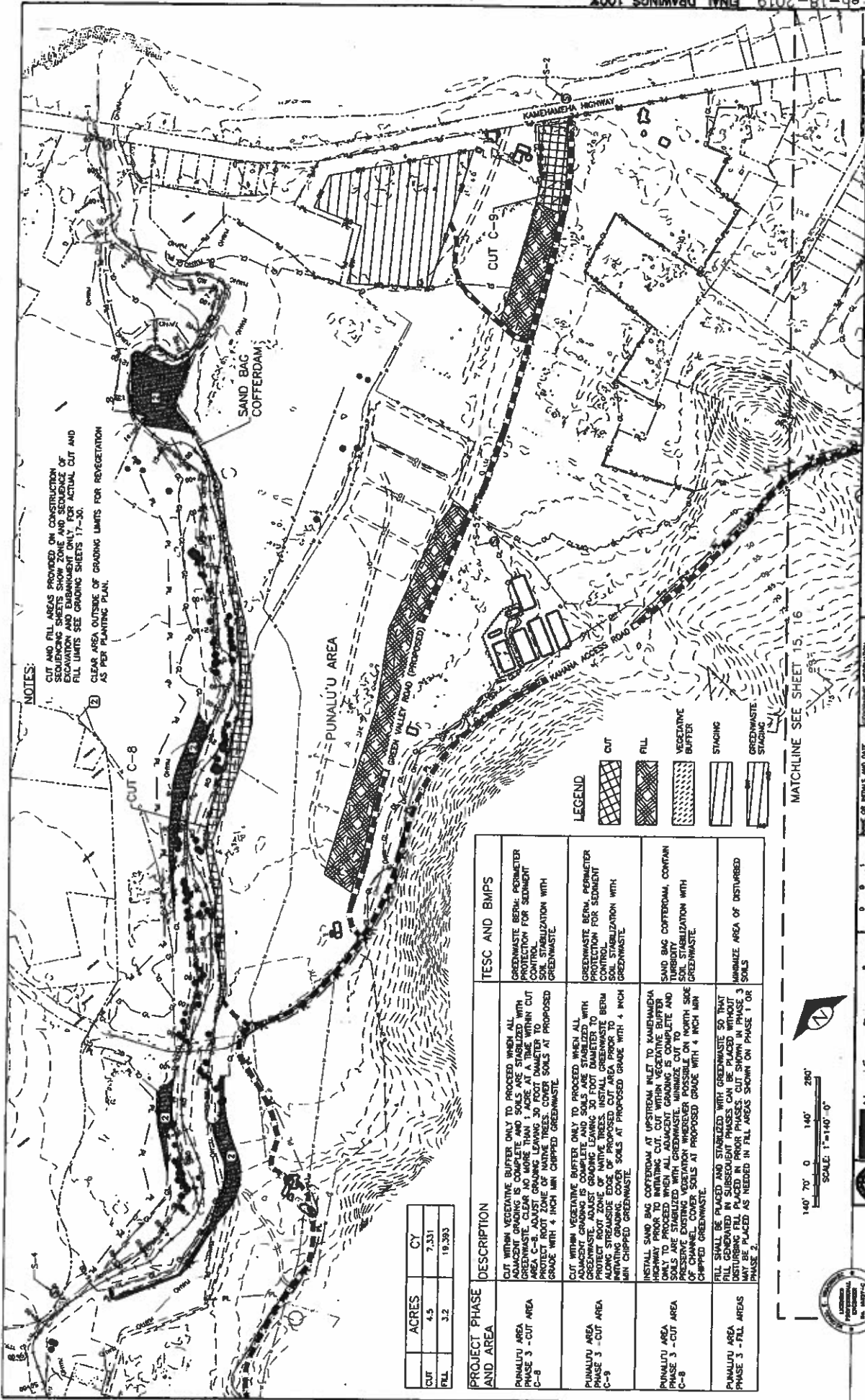


EXHIBIT I



14

PUNALU'U CONSTRUCTION SEQUENCING - PHASE 3

PUNALU'U FLOOD MITIGATION AND STREAM RESTORATION

14

SHEET 14 OF 61

DATE OF INITIALS AND DATE

DESIGNED BY: J. M. M.

CHECKED BY: J. M. M.

APPROVED BY: J. M. M.

DATE: 10/10/2019

IF THIS SHEET DOES NOT MEASURE 1" X 1" TO ORIGINAL SCALE

ICF

Natural Systems Design

140' 70' 0' 140' 280'

SCALE: 1"=140'-0"

MATCHLINE SEE SHEET 15, 16

EXHIBIT J

GENERAL LEGEND

	PROPERTY/PARCEL LINE
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	PROPOSED MINOR CONTOUR
	EXISTING ACCESS ROAD
	TEMPORARY ACCESS ROAD
	EXISTING ORDINARY HIGH WATER MARK
	PROPOSED ORDINARY HIGH WATER MARK
	EXISTING WATER LINE
	PROPOSED WATER LINE
	PROJECT LIMIT
	GRADING LIMIT
	GREEN WASTE STAGING AREA
	SILT FENCE OR GREENWASTE BERM
	TURBIDITY CURTAIN
	EXISTING OVERHEAD POWER LINE
	PROPOSED DITCH CENTERLINE
	PROPOSED STREAM BYPASS
	TEMPORARY STREAM CROSSING
	DEMOLITION/REMOVAL AREA
	STAGING AREA/GREENWASTE PROCESSING AREA
	REVEGETATION AREA TO BE CLEARED OUTSIDE OF GRADING LIMIT
	PROPOSED CULVERT
	EXISTING STRUCTURE
	EXISTING CULTURAL AREA
	NATIVE TREE TO PROTECT
	NATIVE TREE TO RELOCATE
	TURBIDITY MONITORING STATION AND NUMBER

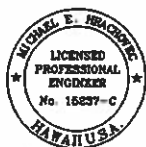
DETAIL A



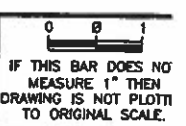
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L

SECTION
SCALE: 1"

EXHIBIT L



APPROVED BY ME OR UNDER MY SUPERVISION
April 30, 2020
Expiring Date of the License



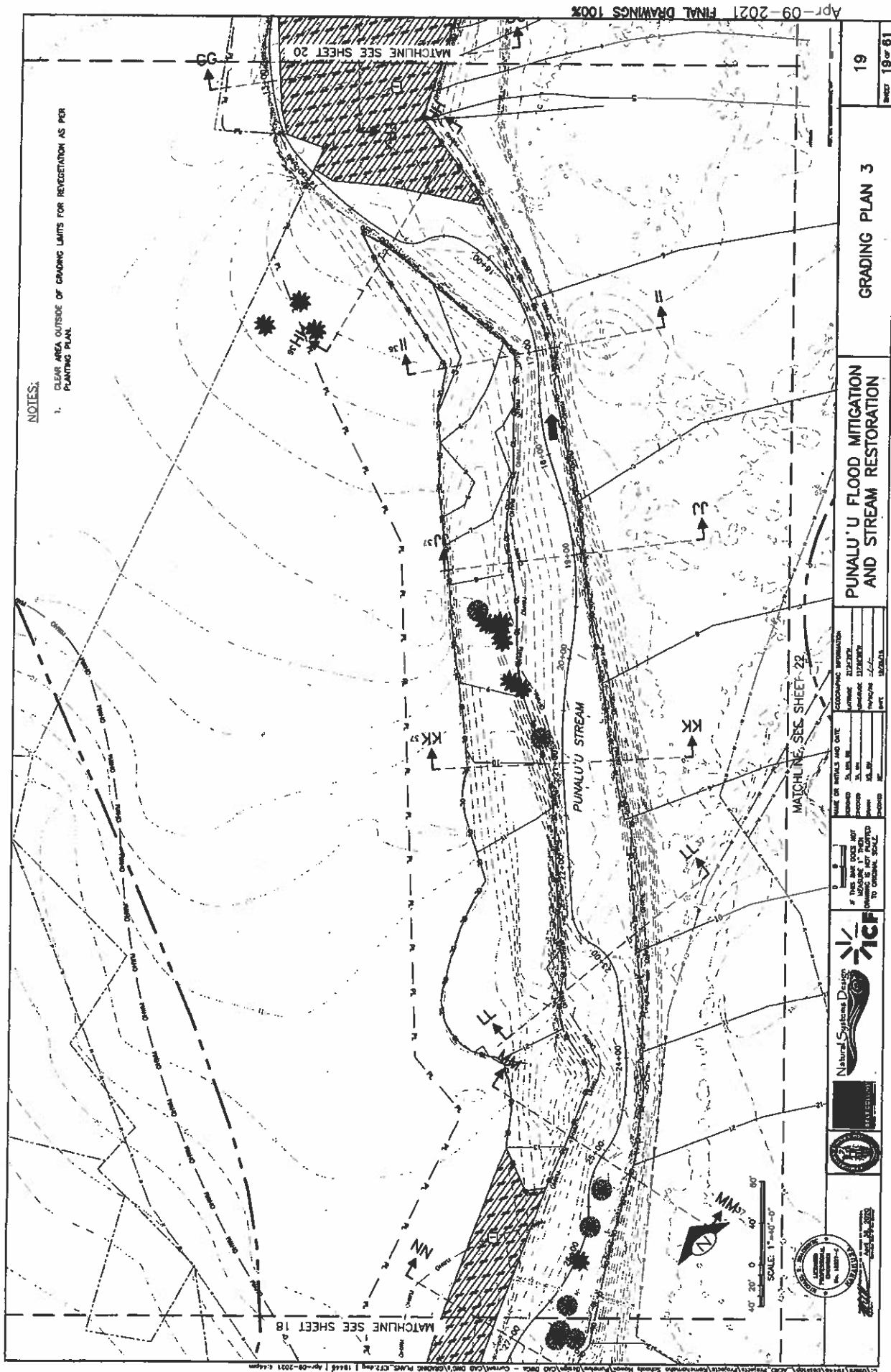
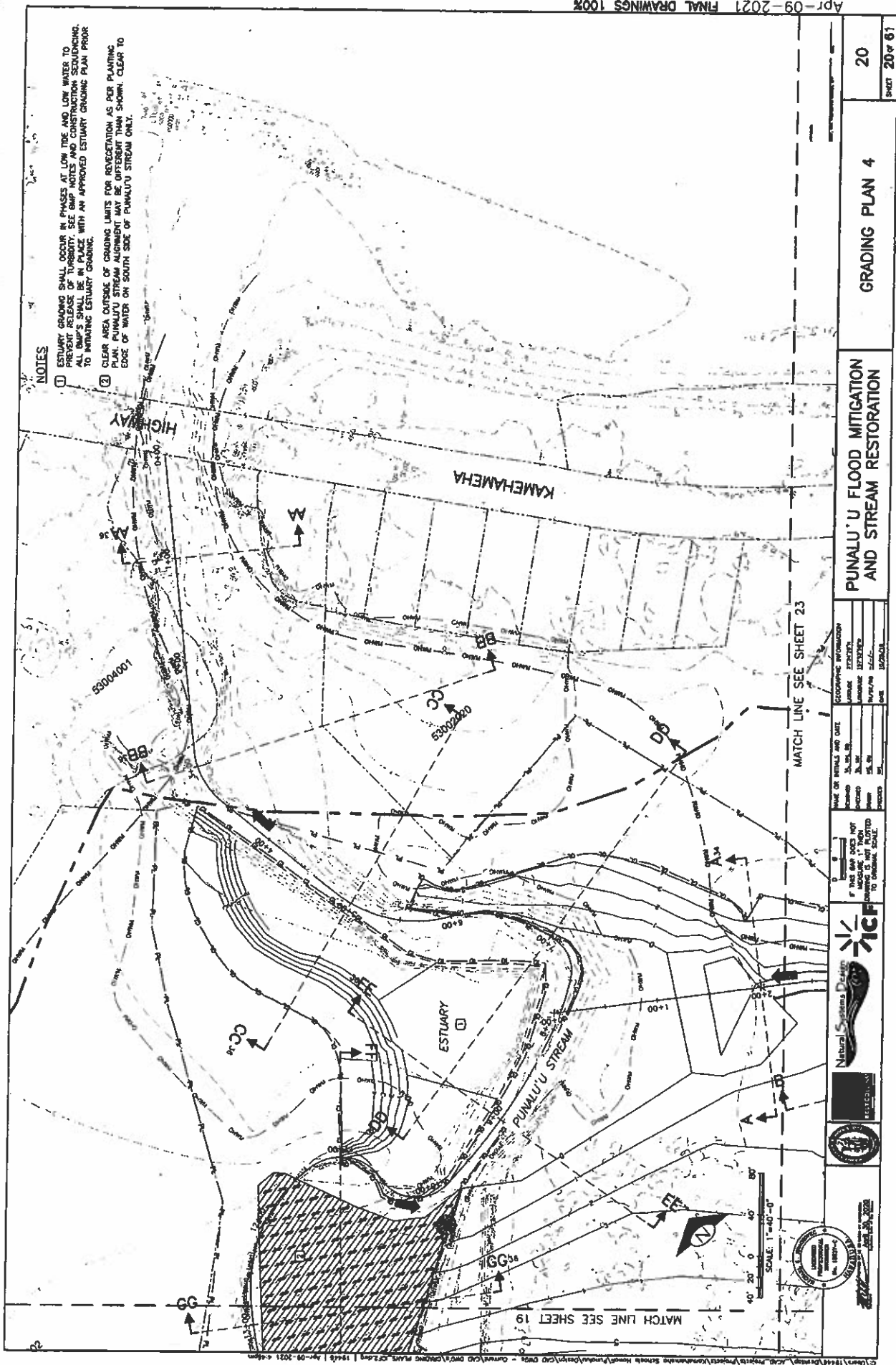


EXHIBIT M



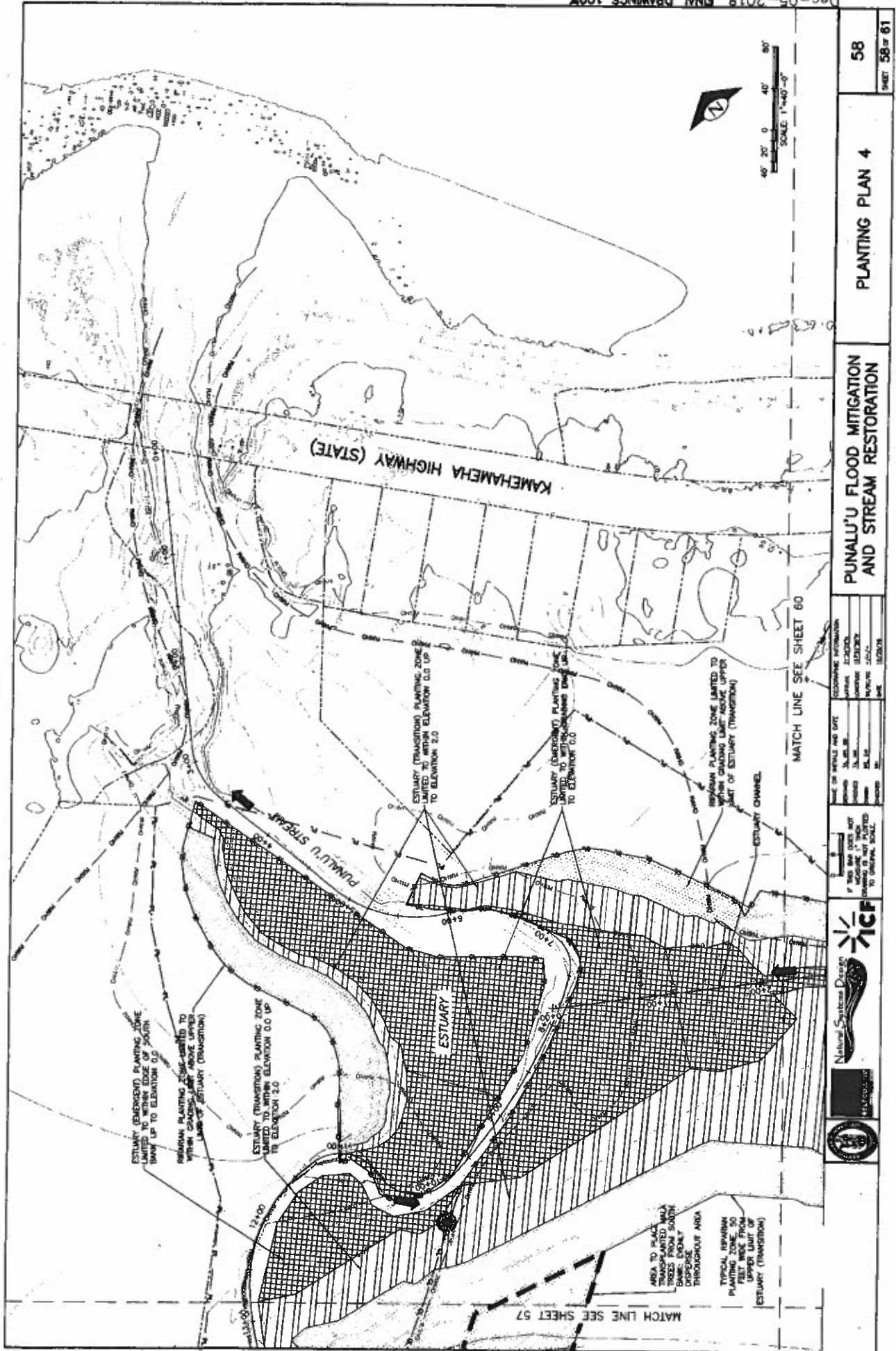
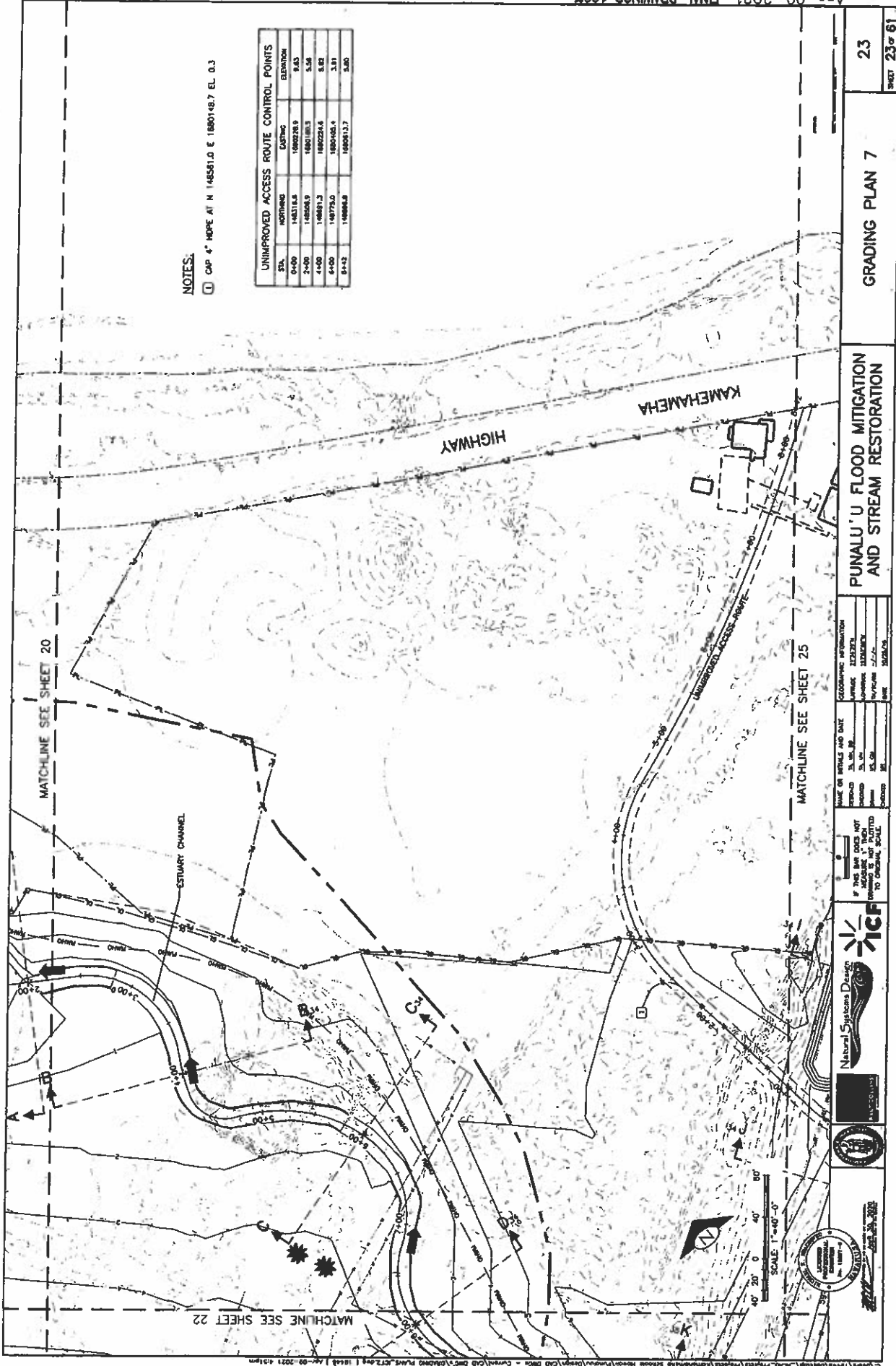


EXHIBIT P



DATE OF REVISION AND SHEET		ECONOMIC INFORMATION	
DESIGNED	DATE	APPROVED	DATE
DRAWN	DATE	REVIEWED	DATE
CHECKED	DATE	APPROVED	DATE
DATE	DATE	DATE	DATE

IF THIS SHEET DOES NOT MATCH THE PROJECT DRAWINGS, IT SHALL BE DISCARDED AND NOT USED FOR CONSTRUCTION	
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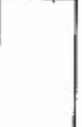
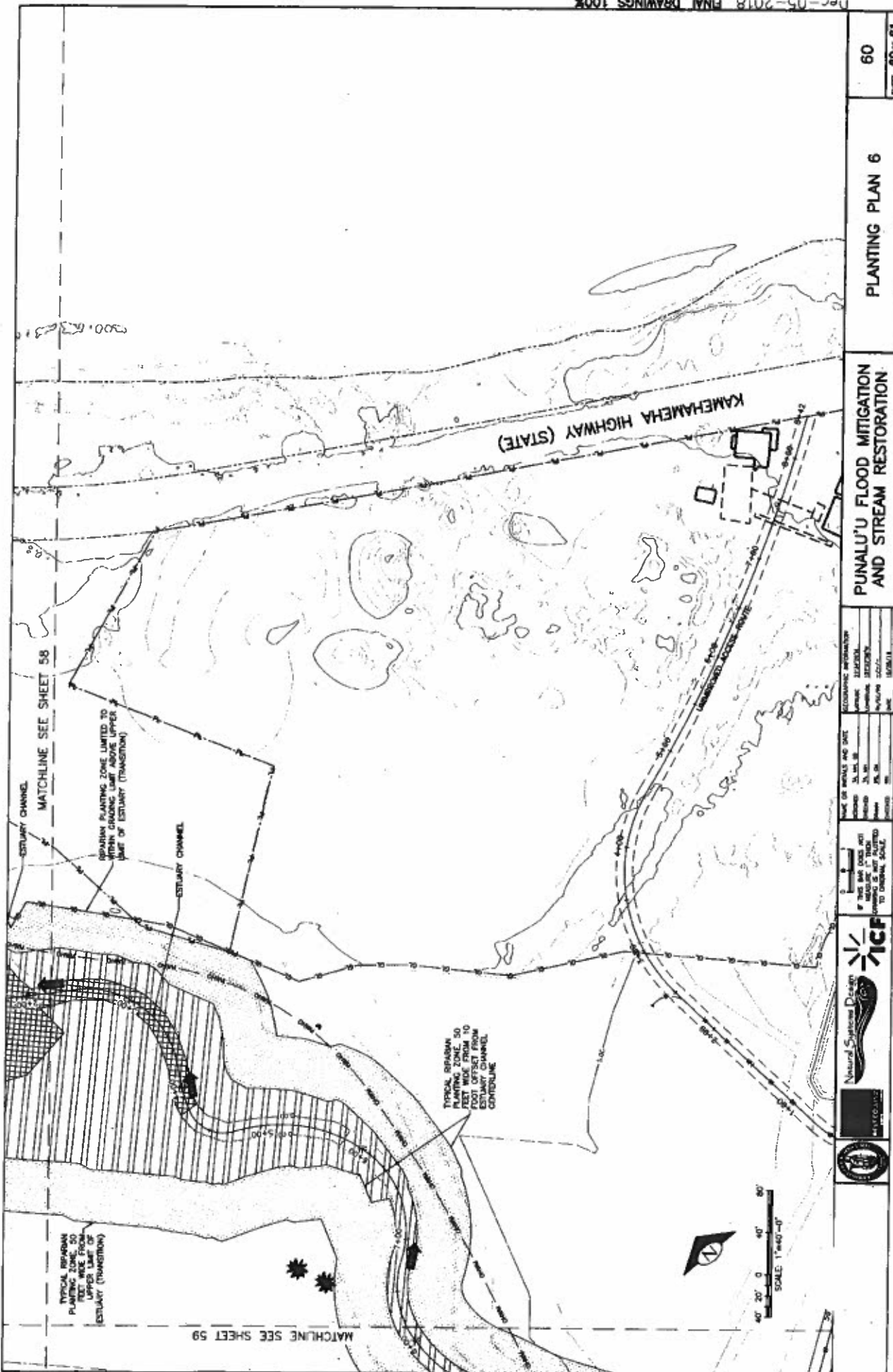


EXHIBIT T



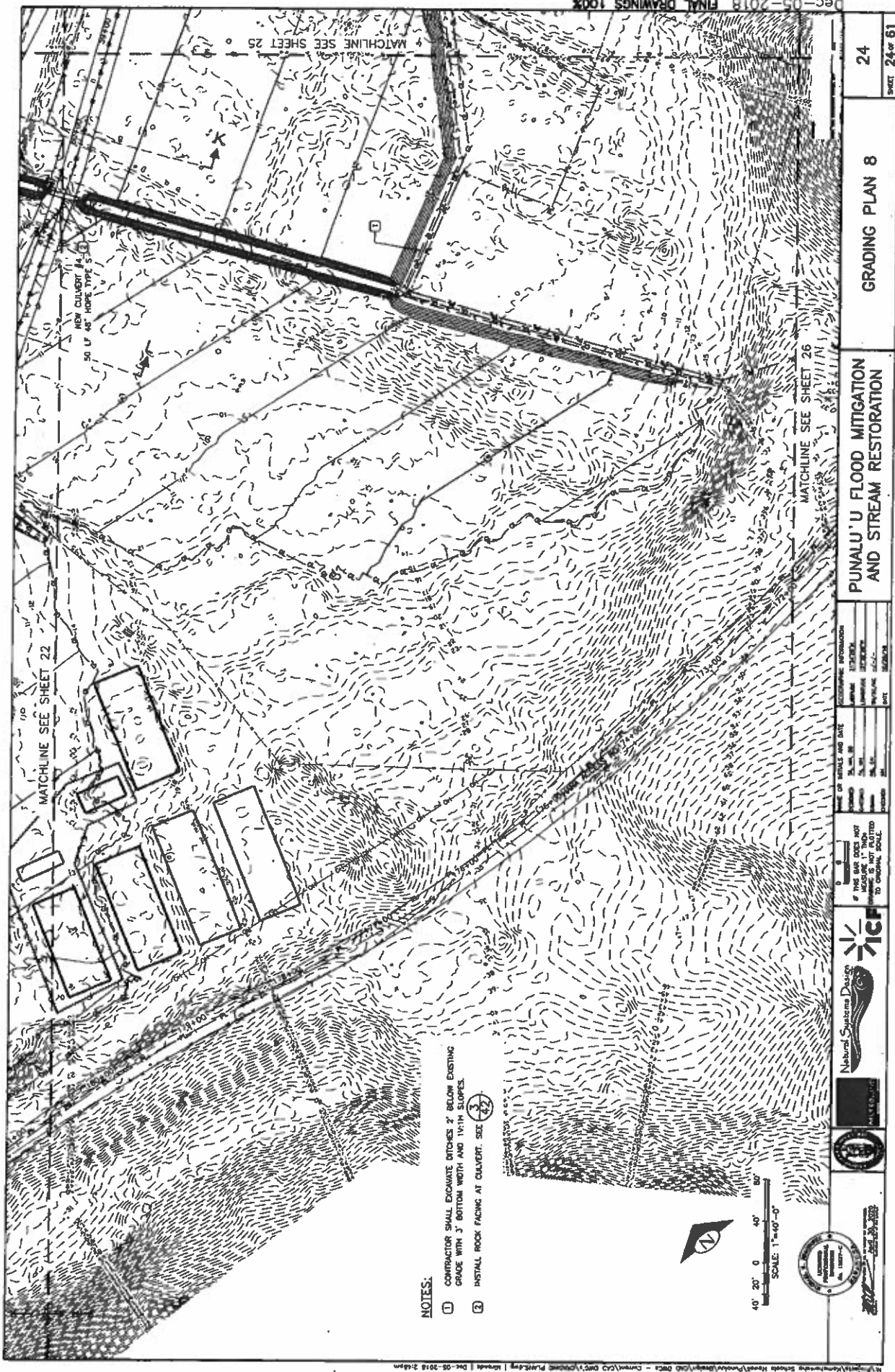


EXHIBIT U

