

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKUPĀ'ĀINA 'O HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

KENNETH S. FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OLELE

In reply, please refer to:
File:

01009EJT.26

January 20, 2026

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7021 0350 0002 0414 6881

Mr. Len Dempsey
Senior Vice President, Heavy Division
Hawaiian Dredging Construction Company, Inc.
605 Kapiolani Boulevard
Honolulu, Hawaii 96813

Dear Mr. Dempsey:

Subject: Notice of Violation and Order
Docket No. 2025-CW-EO-44
Hawaii Water Pollution Rules and Regulations
Agricultural Road in Hanapepe
Hanapepe, Island of Kauai, Hawaii
File No. HIU010809

The Department of Health (DOH), Clean Water Branch (CWB), is serving the enclosed Notice of Violation and Order (NOVO) to Hawaiian Dredging Construction Company, Inc. (HDCC) for violations of Hawaii's Water Pollution rules and regulations. The violations include discharging pollutants into a Hanapepe River tributary and Kapahili Gulch and conducting construction activities on an agricultural road and two (2) connecting roads in Hanapepe without the required National Pollutant Discharge Elimination System (NPDES) permit coverage.

Under Hawaii Revised Statutes (HRS) Section 342D-9, the DOH is ordering corrective actions and assessing a monetary penalty of \$390,000.00. Corrective actions being ordered include submittal of a Notice of Intent to obtain coverage under Hawaii's NPDES General Permit authorizing discharges of storm water associated with construction activities; development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) compliant with the General Permit; and removal of pollutants from the Hanapepe River tributary and Kapahili Gulch. The SWPPP must detail erosion and sediment controls that will reduce the potential for polluted discharges from HDCC's

Mr. Len Dempsey
January 20, 2026
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construction activities along the Agricultural Road, as well as address the removal of soil, rocks, and vegetation discharged to State waters by HDCC's construction activities.

The enclosed NOVO shall become final twenty (20) calendar days after it is served unless you properly file a hearing request as described in the NOVO. Furthermore, if the penalty is not paid to the DOH within thirty (30) calendar days after it becomes due and payable, the Director of Health may initiate a civil lawsuit to recover the penalty.

Please be aware that the NOVO only addresses the specific violations cited. The DOH-CWB reserves its right to seek full penalties for any other violations of the HRS Chapter 342D, found pursuant to this notice of failures to meet the included Order.

Inspection Report No. PA2239 was previously provided to you on September 30, 2025 and is attached as Exhibit A to the NOVO. Please note that there is a typographical error on page 12. The label "(4) 1-8-006-004" on Figure 1 is erroneous and should read "(4) 1-7-006-004".

Should you have any questions, please contact Ms. Jamie Tanimoto of the Enforcement Section, CWB, at (808) 586-4309.

Sincerely,

Kathleen Ho

KATHLEEN S. HO
Deputy Director for Environmental Health

JT:ph

Enclosures: 1. Notice of Violation, Docket No. 2025-CW-EO-44
 2. Exhibit A
 3. Certification
 4. Certificate of Service

c: Mr. Dale Sakata, Deputy Attorney General, Department of the Attorney General (w/encl.)
 Ms. Joanna Yeh, Deputy Attorney General, Department of the Attorney General (w/encl.)
 Mr. Ryder Coelho, Sr. Project Manager, Hawaiian Dredging Construction Company, Inc.
 (w/encl.)

**STATE OF HAWAII
DEPARTMENT OF HEALTH
NOTICE OF VIOLATION AND ORDER**

TO: Hawaiian Dredging Construction Company, Inc. 605 Kapiolani Boulevard Honolulu, Hawaii 96813 Attn: Len Dempsey Sr. Vice President, Heavy Division Respondent	NOVO No. 2025-CW-EO-44 <i>Please write this NOVO number on all correspondence</i> Re: Unauthorized Discharge of Pollutants to State waters, Failure to Obtain National Pollutant Discharge Elimination System Permit Coverage Properties: Tax Map Key Parcels (4) 1-7- 006:004, (4) 1-7-006:006, (4) 1-8-006:002, (4) 1-8-006:003, (4) 1-8-007:010, (4) 1-8- 007:012, Hanapepe, Hawaii 96716
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The Department of Health (DOH) issues this Notice of Violation and Order (NOVO) under Hawaii Revised Statutes (HRS) Chapters 91 and 342D based on findings from the August 25, 2025 inspection performed by the DOH Clean Water Branch (CWB) of the earth-disturbing construction activities performed on an agricultural road and two (2) connecting roads located on Tax Map Key (TMK) Parcels (4) 1-7-006:004, (4) 1-7-006:006, (4) 1-8-006:002, (4) 1-8-006:003, (4) 1-8-007:010, and (4) 1-8-007:012 in Hanapepe, Hawaii 96716.

The DOH Inspection Report No. PA2239 documenting the inspection conducted on August 25, 2025, is attached as Exhibit A.

This case deals only with violations alleged below. The DOH may bring other cases for other violations. This case does not limit cases by any other public agency or private party.

Statutes/Rules

Nature of the Violation

<p>HRS §342D-1, HRS §342D-9, HRS §342D-31, HRS §342D-50(a), HRS §342D-50(d), HAR §11-55-04(a)</p>	<p>Earth-disturbing Construction Activities on an Agricultural Road and Two (2) Connecting Roads in Hanapepe, Island of Kauai, Hawaii</p> <p><u>Background</u></p> <p>On August 8, 2025, the County of Kauai, Department of Public Works (DPW), notified the DOH of grading activities that appeared to require National Pollutant Discharge Elimination System (NPDES) permit coverage and were largely being conducted without erosion and sediment controls.</p> <p>On August 25, 2025, the DOH conducted an inspection of the construction activities performed on the agricultural road and the two (2) connecting roads in response to the information provided by the DPW. Ryder Coelho, Senior Project Manager, and Chansen Oshiro, Project Engineer, of Hawaiian Dredging Construction Company, Inc. (HDCC) were present during the inspection as representatives of the Respondent. Other representatives also present for the inspection included Mahealani Contrades-Brun and Tony T. Brun, of Circle 5 Ranch; and Howard Greene, Vice President, and Erin Wada, Director of Real Estate, of Gay & Robinson, Inc.</p> <p>During the inspection, DOH inspectors observed evidence of grading and earth-disturbing construction activities along the agricultural road and the two (2) connecting roads in Hanapepe. The agricultural road spans numerous TMK parcels, but the construction activities on the agricultural road and the two (2) connecting roads occurred only on TMK parcels (4) 1-7-006:004, (4) 1-7-006:006, (4) 1-8-006:002, (4) 1-8-006:003, (4) 1-8-007:010, and (4) 1-8-007:012. Findings from the inspection are identified in Inspection Report No. PA2239 (Exhibit A).</p> <p>The following information was obtained through research conducted as a part of the inspection and from the various representatives' statements during the inspection:</p> <ol style="list-style-type: none"> 1. Earth-disturbing construction activities on the agricultural road occurred on TMK parcels (4) 1-7-006:004, (4) 1-7-006:006, (4) 1-8-006:002, (4) 1-8-006:003, and (4) 1-8-007:010 (hereinafter referred to as the Agricultural Road). Earth-disturbing construction activities also occurred on a connecting road on TMK parcel (4) 1-7-006:004 (hereinafter referred to as the Access Road). Lastly, earth-disturbing
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	<p>construction activities also occurred on a second connecting road on TMK parcels (4) 1-7-006:006 and (4) 1-8-007:012 (hereinafter referred to as the Side Road).</p> <ol style="list-style-type: none"> 2. The Department of Hawaiian Home Lands (DHHL) is conducting the Hanapepe Subdivision Phase 2 project (Subdivision Project) and has contracted HDCC to execute construction activities including mass grading, utility trench work, construction of a permanent detention basin, asphalt concrete paved roads, concrete sidewalks, height adjustment walls, and utilities (such as water, sewer, and drainage systems). The northern portion of the Subdivision Project meets the Access Road. 3. Tony T. Brun leases TMK parcel (4) 1-8-006:003, a State-owned property to the north, and has agreed to accept excess soil from the DHHL Subdivision Project for use on his leased property. T. Brun intends to lay the soil in denuded areas to regrow vegetation and prevent further erosion. 4. The Agricultural Road, Access Road, and Side Road run through both State-owned and privately-owned properties. The Agricultural Road and the Access Road connect the DHHL Subdivision Project and T. Brun's leased property. 5. HDCC performed grading and earth-disturbing work on the Agricultural Road to maintain the road and widen it where possible. HDCC intended to utilize the Agricultural Road to transport soil from the DHHL Subdivision Project to T. Brun's property to the north. 6. HDCC performed grading and earth-disturbing work to clear the Side Road, which extends south from the Agricultural Road and had once been used in past agricultural activities. The Side Road was previously overgrown and had not been used for over two (2) decades. 7. HDCC also performed earth-disturbing work to utilize the Access Road that lies to the west of the DHHL Subdivision Project and provides access from the Subdivision Project to the Agricultural Road and eventually to T. Brun's property. <p>The DOH inspection found that the work performed by HDCC on the Agricultural Road, Side Road, and Access Road resulted in earth disturbance of approximately 3.26 acres and resulted in the discharge of soil, rocks, and vegetation to Kapahili Gulch and a tributary of Hanapepe River. Based on observations made during the inspection, approximately twelve (12) cubic yards of material</p>
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	<p>had fallen into the Hanapepe River tributary and over 100 cubic yards had fallen into Kapahili Gulch. The DOH has no records of NPDES permit coverage being applied for or issued to any entity for the earth-disturbing construction activities conducted on the Agricultural Road, Side Road, and Access Road. Due to a lack of erosion and sediment controls, there was a high risk of sediment-laden storm water discharges from the three (3) roads to State waters.</p> <p>HRS §342D-1 defines "State waters" as all waters, fresh, brackish, or salt, around and within the State, including but not limited to coastal waters, wetlands, streams, rivers, drainage ditches, ponds, reservoirs, canals, ground waters, and lakes; provided that drainage ditches, ponds and reservoirs required as part of a water pollution control system are excluded.</p> <p>HRS §342D-1 defines "Water pollutant" to include "dredged spoil, solid refuse, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, sediment, cellar dirt and industrial, municipal, and agricultural waste."</p> <p>HRS §342D-9 authorizes the Director of Health to order measures to be taken to correct violations and impose penalties for violations of HRS Chapter 342D.</p> <p>HRS §342D-31 states that "the [D]irector is authorized to impose by order the penalties specified in [HRS §]342D-30."</p> <p>HRS §342D-30 states that violators shall be fined not more than \$60,000 per day for each separate offense and that each day of each violation constitutes a separate offense.</p> <p>HRS §342D-50(a) states that "[n]o person, including any public body, shall discharge any water pollutant into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit, water quality certification, or variance issued by the [D]irector."</p> <p>HRS §342D-50(d) states that "[n]o person, including any public body, shall violate any rule adopted pursuant to this chapter or any permit, water quality certification, or variance issued or modified pursuant to this chapter."</p> <p>The Hawaii Administrative Rules (HAR) §11-55-04(a)(4) states that a person shall submit a complete NPDES permit application</p>
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	<p>or complete notice of intent (NOI) “[b]efore beginning construction activities that disturb one or more acres of land”.</p> <p>1. <u>Discharge of Pollutants to State waters – Hanapepe River Tributary</u></p> <p>During the August 25, 2025, inspection, the DOH inspectors observed dirt, rocks and vegetation from the Agricultural Road discharged into a tributary of Hanapepe River, a Class 2, inland State water. The dirt, rocks, and vegetation appeared to have been pushed into the tributary while earth-disturbing construction activities were performed on the Agricultural Road. The discharge to State waters occurred as a result of work performed by HDCC and was not authorized under a permit or variance by the DOH.</p> <p>Based on the details above, the DOH finds that the Respondent violated HRS §342D-50(a) by causing and/or allowing the discharge of twelve (12) cubic yards of soil, rocks, and vegetation to the Hanapepe River tributary without any type of authorization issued by the DOH.</p> <p>2. <u>Discharge of Pollutants to State waters – Kapahili Gulch</u></p> <p>During the August 25, 2025, inspection, the DOH inspectors observed dirt, rocks and vegetation from the Agricultural Road discharged into Kapahili Gulch, a Class 2, inland State water. The dirt, rocks, and vegetation appeared to have been pushed into Kapahili Gulch while earth-disturbing construction activities were performed on the Agricultural Road. The discharge to State waters occurred as a result of work performed by HDCC and was not authorized under a permit or variance by the DOH.</p> <p>Based on the details above, the DOH finds that the Respondent violated HRS §342D-50(a) by causing and/or allowing the discharge of 108 cubic yards of soil, rocks, and vegetation to Kapahili Gulch without any type of authorization issued by the DOH.</p> <p>3. <u>Conducting Construction Activities Without NPDES Permit Coverage</u></p> <p>During the August 25, 2025, inspection, the DOH inspectors observed earth-disturbing construction activities along the Agricultural Road, Access Road, and Side Road. Utilizing Global Positioning System waypoints and tracking, the DOH estimated construction activities were conducted on approximately 2.85 miles of the Agricultural Road, as well as 1,374 feet along the Side Road and 1,027 feet on the Access Road. With an</p>
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	<p>estimated minimum width of eight (8) feet along these roads, the DOH calculated a conservative, approximate area of disturbance of 3.26 acres. DOH records indicate no NPDES permit application or NOI was submitted to obtain NPDES permit coverage for the earth-disturbing construction activities performed by HDCC on the three (3) roads. HDCC conducted the construction activities without NPDES permit coverage for 30 days from June 16, 2025, to July 15, 2025.</p> <p>Based on the details above, the DOH finds that the Respondent violated HRS §342D-50(d) and HAR §11-55-04(a)(4), a rule adopted pursuant to the HRS Chapter 342D, for 30 counts by conducting construction activities that exceeded one (1) acre of earth disturbance without first submitting a complete NPDES permit application on NOI to obtain NPDES permit coverage.</p>
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The facts of this case and the law justify the following order.

ORDER

Respondents are ordered to:

- 1) Immediately cease the discharge of pollutants into State waters.
- 2) For areas disturbed by the Respondent at the Agricultural Road, Access Road, and Side Road (**Site**), immediately implement pollution control strategies, Best Management Practices (**BMPs**) and the requirements set forth in the Hawaii NPDES, General Permit authorizing the discharge of storm water associated with construction activities, HAR Chapter 11-55.
- 3) Within 30 calendar days from the date this NOVO becomes final (**Effective Date**), submit a NOI to obtain NPDES permit coverage for discharges of storm water associated with construction activities at the Site.
- 4) Within 30 calendar days from **Effective Date**, develop and submit a comprehensive Storm Water Pollution Prevention Plan (**SWPPP**) to address and mitigate construction-related storm water pollution sources at the Site. The SWPPP must meet the requirements of the HAR 11-55, Appendix C.

The SWPPP must also address the removal of soil, rocks, and vegetation from the Hanapepe River tributary and Kapahili Gulch. The SWPPP must describe how the material will be removed, the BMPs to be implemented to prevent further illegal discharges of pollutants, and the final stabilization of the tributary and gulch banks.

The SWPPP must be approved by the DOH. If the DOH deems the SWPPP insufficient, the Respondent must revise the SWPPP to DOH's satisfaction and re-submit the revised SWPPP for approval.

- 5) Within fourteen (14) calendar days of receiving DOH's approval of the SWPPP, implement the SWPPP. The Respondent may at any time implement BMPs or take action that the Respondent deems vital to preventing polluted discharges.
- 6) Within 30 calendar days of completing all corrective actions, submit a final report to the DOH that includes photographs of the restored site.
- 7) Pay an administrative penalty of \$390,000.00 within twenty (20) calendar days of the Effective Date. Send a certified check for \$390,000.00 to: Clean Water Branch, Department of Health, 2827 Waimano Home Road #225, Pearl City, Hawaii 96782. The payment should be made payable to "State of Hawaii" and include the NOVO reference number, 2025-CW-EO-44.

All submittals made pursuant to any Order in this NOVO shall be certified and signed by a person legally authorized to sign on behalf of Respondents. All documents submitted pursuant to any Order in this NOVO must include the following Certification Statement:

"I certify under penalty of law that this document and its attachments were prepared either by me personally or under my direction or supervision in a manner designed to ensure that qualified and knowledgeable personnel properly gathered and presented the information contained therein. I further certify, based on my personal knowledge or on my inquiry of those individuals immediately responsible for obtaining the information, that to the best of my knowledge and belief the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fines and imprisonment for knowing and willful submission of a materially false statement."

The provisions of this NOVO shall become final unless, within twenty (20) calendar days after receipt of service, Respondent submits a **written** request for a hearing, along with a copy of the NOVO, with exhibit(s), to:

In Person

Hearings Office
c/o Director of Health
1250 Punchbowl Street, Third Floor
Honolulu, Hawaii 96813

By Mail

Hearings Office
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801

Respondent may file the hearing request in person at the Director's office listed above during regular business hours or by mail to the above address within the allotted time. The DOH must **receive** the written request for hearing within twenty (20) calendar days of Respondent's receipt of service. **Failure to timely file the hearing request and related documents may result in a denial of the hearing request.**

The hearing will be conducted in accordance with HRS Chapter 91 and HAR Chapter 11-1. At the hearing, DOH may seek the maximum penalty of \$60,000 per day, per violation.

Parties may be represented by legal counsel at their own expense. An individual may appear on his/her own behalf, or a member of a partnership may represent the

partnership, or an officer or authorized employee of a corporation, or trust, or association may represent the corporation, trust or association.

All inquiries regarding this matter, other than the request for hearing, shall be directed to Ms. Bobbie Teixeira, Supervisor of the Enforcement Section, CWB, at (808) 586-4309.

If due to a disability you have special needs that will aid you in participating in the hearing or pre-hearing conference, please contact the Hearings Officer at (808) 586-4409 (voice) or through the Telecommunications Relay Service (711), at least 10 working days before the hearing or pre-hearing conference date.

Approved as to Form:

Kathleen Ho

KATHLEEN S. HO
Deputy Director for Environmental Health

Date: Jan 20, 2026

Dale K. Sakata

DALE K. SAKATA
Deputy Attorney General



Hawaii Department of Health
Clean Water Branch
Complaint Inspection Report

On August 25, 2025, I, Jamie Tanimoto, along with Ryan Grenier and Bobbie Teixeira, of the Department of Health (DOH), Clean Water Branch (CWB) (hereinafter, Inspection Team), conducted an inspection of unpermitted grading work performed to improve an existing agricultural road (hereinafter, Site or Agricultural Road).

The DOH-CWB received information from the County of Kauai, Department of Public Works (DPW), Engineering Division, that grading work was conducted in Hanapepe that resulted in more than one (1) acre of earth disturbance. DPW informed the DOH-CWB that Hawaiian Dredging Construction Company, Inc. (HDCC) performed the grading work on an existing road that would be used to transport soil from a Department of Hawaiian Home Lands (DHHL) subdivision project to a receiving site. DPW also informed the DOH-CWB that HDCC's erosion and sediment control practices at the DHHL subdivision project were not in compliance with Kauai County Code.

During the inspection, discharges of soil, rocks, and vegetative debris to Kapahili Gulch and the Hanapepe River system were observed. Additionally, the area of disturbance observed at the Site exceeded one (1) acre, which was performed without the required National Pollutant Discharge Elimination System (NPDES) permit coverage. Best Management Practices (BMPs) to stabilize disturbed soil and prevent storm water pollution from the Site were absent and the potential for sediment-laden storm water discharges from the Site to the Hanapepe River system appeared high.

This inspection report documents observations noted by the Inspector during the inspection of the Site. An annotated photograph log is included as a part of this report and referenced as applicable.

Site Information

Site Name: Hanapepe Unpermitted Grading

Site Location: North/Northeast and West of Moi Road in the Hanapepe Watershed, Kona Moku of Kauai

Tax Map Key(s) (TMKs): (4) 1-7-006:004, 1-7-006:006, 1-8-006:002, 1-8-006:003, 1-8-007:010, 1-8-007:012



Hawaii Department of Health
Clean Water Branch
2827 Waimano Home Rd., Rm. 225
Pearl City, Hawaii 96782

**NPDES Complaint Inspection
Inspection Report**
Site Name: Hanapepe Unpermitted Grading
File No.: HIU010809

Complaint File Number: HIU010809

Receiving Water(s): Hanapepe River, Hikiula Gulch, Papalu Gulch, and Kapahili Gulch
(tributaries to the Hanapepe River System) (Class 2, Inland)

Inspection Information

Inspection Date: August 25, 2025

Weather: Sunny with no evidence of recent precipitation.

Inspection Report Number: PA2239

Announced: Yes

Time In: 8:45 AM

Time Out: 12:00 PM

Inspection Team:

Jamie Tanimoto

Ryan Grenier

Bobbie Teixeira

808-586-4309

DOH-CWB Enforcement Section

Other Onsite Inspectors:

Bryan Wienand

Michael Moulle

Paul Togioka

County of Kauai, DPW, Engineering
Division

808-241-4883

Site Representatives and Titles:

Howard Greene

Erin Wada

Mahealani Contrades-Brun

Ryder Coelho

Chansen Oshiro

Reynold Lee

Vice President, Gay and Robinson, Inc. (G&R)

Director of Real Estate, G&R

Property Lessee, Circle 5 Ranch

Sr. Project Manager, HDCC

Project Engineer, HDCC

Land Agent, State of Hawaii, Department of Land and
Natural Resources (DLNR)

Site Representatives Contacted: Yes

Additional Site Information:

Mailing Address: Hawaiian Dredging Construction Company, Inc., 605 Kapiolani Boulevard,
Honolulu, HI 96813



Background

On August 8, 2025, the DPW notified the DOH-CWB of grading work performed by HDCC in Hanapepe that did not have a grading permit and was not compliant with Kauai County Code. DPW notified the DOH-CWB of the following circumstances:

- HDCC had graded the Agricultural Road without a County grading permit and the work resulted in more than one (1) acre of earth disturbance (Figure 1). The County issued a Stop Work Order on July 15, 2025 to HDCC for the work on the road.
- HDCC is the earthworks contractor for the Hanapepe Residential Subdivision Phase II project owned by DHHL (hereafter referred to as Subdivision Project). The Subdivision project is located on TMK (4) 1-8-007:003, southwest of the Agricultural Road.
- The DPW also received an application for a stockpiling permit for TMK (4) 1-8-006:003 which is leased by Mr. Tony T. Brun. The DPW understood the application to be for stockpiling of material (soil) received from the Subdivision project and transported by HDCC via the Agricultural Road.
- The DPW issued a Notice of Apparent Violation on May 21, 2025 to HDCC for grading or grubbing more than ten (10) acres at the Subdivision Project without approved erosion and sediment control plans, which is in violation of Kauai County Code 22-1.17(b). The DPW expressed concerns to the DOH-CWB that the Subdivision Project's erosion and sediment control measures were absent or inadequate.
- The Agricultural Road runs through several properties owned by the State of Hawaii, Robinson Family Partners (RFP), and G&R (Figure 1). DLNR leases out the State-owned properties. Table 1 lists the properties through which the Agricultural Road runs and respective property ownership and leasing information.
- The August 1, 2025 letter from Carlsmith Ball LLP, who represents RFP and G&R, states, "To the extent the Robinsons may have been neighborly and allowed Tony Brun ("**Brun**") access over the G&R lands, any such access rights were unwritten and personal to Brun and certainly do not extend to any third parties, including HDCC. Brun was never authorized to grant further access rights to third parties on the Robinsons' behalf...Notably, Brun has historically always contacted a representative of the Robinsons for approval prior to any minor road maintenance that he would conduct on the G&R Lands."

The letter also states, "Since the cessation of its sugar operations over 15 years ago, G&R has not conducted regular maintenance on the access road, other than minor work on approximately an annual basis...the sheer magnitude of the earthwork undertaken by HDCC with large, heavy machinery should not and cannot be compared to the relatively minor level of work that G&R undertakes to maintain the road."



Table 1. The properties related to the existing agricultural road and unpermitted grading work, along with property owners, lessees, and the work that occurred

TMK	Owner	Lessee	Work on the Property
(4) 1-7-006:004 ^{1, 2}	Robinson Family Partners	Gay & Robinson, Inc.	Grading work on the existing agricultural road that meets with DHHL project
(4) 1-7-006:006 ^{1, 2}	Robinson Family Partners	Gay & Robinson, Inc.	Grading work on the existing agricultural road
(4) 1-8-007:010 ¹	State of Hawaii	Gay & Robinson Inc.	Grading work on the existing agricultural road
(4) 1-8-007:012 ¹	Robinson Family Partners; Gay & Robinson, Inc.	n/a	Grading work on an old, unused agricultural road that appeared grown over
(4) 1-8-006:002 ¹	State of Hawaii	Gay & Robinson Inc.	Grading work on the existing agricultural road
(4) 1-8-006:003	State of Hawaii	Tony T. Brun	Grading work on the existing agricultural road; no stockpiling yet

¹ DPW Stop Work Order issued on July 15, 2025 applies to grading work on these properties

² Property ownership and lessee information sourced from August 1, 2025 letter from Carlsmith Ball LLP to Cades Shutte

The DPW provided the DOH-CWB with contact information for G&R and HDCC. From August 18-22, Bobbie Teixeira and I contacted the following people to plan the August 25 inspection: Ryder Coelho and Len Dempsey of HDCC, Erin Wada, Howard Greene, and Brian Yamase of G&R; and Bryan Wienand of the DPW.

Inspection Findings

The following findings were made either before, during, or after the inspection of the Site. The findings are not a comprehensive list of all possible areas of non-compliance with Hawaii Water Pollution laws and NPDES permit conditions.

The Hawaii Revised Statutes Chapter 342D-50 states that no person, including any public body, shall discharge any water pollutant into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit, water quality certification, or variance issued by the director.

The HRS Chapter 342D-1 defines a "[w]ater pollutant" as dredged spoil, solid refuse, incinerator refuse, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials,



radioactive materials, heat, wrecked or discharged equipment, rock, sand, soil, sediment, cellar dirt and industrial, municipal, and agricultural waste.

The Hawaii Administrative Rules Chapter 11-55-04(a)(1) and (4) states that a person shall submit a complete NPDES notice of intent before discharging any pollutant or before beginning construction activities that disturb one (1) or more acres of land or construction activities that disturb less than one (1) acre of total land that is part of a larger common plan of development of sale if the larger common plan will ultimately disturb one (1) acre or more of total land area.

Observations and Statements

1. On August 25, 2025, I, Jamie Tanimoto, along with Bobbie Teixeira and Ryan Grenier, of the DOH-CWB, conducted an inspection of the grading activities on the existing agricultural road. The purpose of the inspection was to assess what earth disturbance occurred, if an NPDES permit was required, if any discharges had occurred to state waters, and the potential threat of discharges to state waters. For the inspection, Howard Greene and Erin Wada were present to provide access to lands owned or leased by RFP and G&R, Mahealani Contrades-Brun of Circle 5 Ranch was present to provide access to State-owned lands leased by Tony T. Brun, Reynold Lee was present as a DLNR Land Agent, and Ryder Coelho and Chansen Oshiro were present to represent HDCC. Bryan Wienand and Michael Moule from the County of Kauai DPW were also present to observe the extent of work performed on the State lands leased by T. Brun.
2. The inspection started at the northernmost point of Moi Road where there is an access to the Agricultural Road (Figure 1, Photograph 1). The Inspection Team entered the Agricultural Road (Photograph 2) and drove directly to the property leased by T. Brun (Brun Property). At the Brun Property, the Inspection Team observed work done on a short portion of the Agricultural Road and where the Bruns would like to lay down the soil from the DHHL project. The Inspection Team then continued back down the Agricultural Road to observe the grading work as well as a side road that extends southeast off the Agricultural Road. The inspection concluded with a visit to a short segment of the Agricultural Road south of the initial access at Moi Road; the segment meets with the DHHL Subdivision Project.

Brun Property Inspection – Observations and Statements

3. The Brun Property is identified as TMK (4) 1-8-006:003 and is generally to the north of the parcels through which the Agricultural Road runs (Figures 1-2). The Agricultural Road extends to the Brun Property and terminates where there is an open area with a stable.



4. Within the Brun Property, we came to a gate that M. Contrades-Brun opened for us (Photograph 3). Just after entering the gate, I observed a bench adjacent and to the east of the Agricultural Road (Figure 2, Photographs 3-6).
 - a. B. Teixeira and I measured the width of the bench. The bench was at least thirty feet wide at some points and extended for at least 150 feet (Photograph 4). The bench appeared to reach over 12 feet high (Photograph 5-6). R. Coelho stated that HDCC had worked on the bench, but also that the bench was already existing and no material was brought in from off-site and used on the Agricultural Road or the bench. He indicated that the bench was graded to provide an additional lane that could be driven on.
 - b. I observed fresh tracks from heavy equipment, some of which were heavily compacted (Photograph 7).
 - c. At the east and west sides of the bench, I observed loose soil with dried vegetation mixed in, indicating that vegetated areas had recently been grubbed and graded (Photographs 5, 6, 8 and 9). To the east of the bench, dirt and grubbed vegetation was pushed to the edge of the valley and in some locations, were over two (2) feet high (Photographs 8-9). The west slope of the bench was comprised of loose soil and cut vegetation (Photographs 5-6). It appeared the bench had been widened.
 - d. Since the road and the recently graded bench are not stabilized, there is a high potential that they will be eroded during the next rain event and discharge soil-laden storm water to Hanapepe River to the east and Hikiula Gulch to the west (Figure 3). I observed erosion rills at the southern end of the bench (Photograph 10). It appears that the sediment-laden runoff will enter a tributary to the Hanapepe River system (Figure 3). I did not observe any Best Management Practices (BMPs) installed at the Agricultural Road or the bench to prevent erosion or capture sediment-laden storm water.
5. M. Contrades-Brun opened another gate along the Agricultural Road and north of the bench (Photograph 11). Beyond the gate, I observed an open area with a stable, fencing, and horses (Photograph 12). The ridge above the stable was not stabilized (Photograph 13). M. Contrades-Brun stated that the soil on the ridge doesn't support the growth of vegetation, and they plan to place the material brought in by HDCC and regrow ground cover. I did not observe evidence of recent earthwork in the area beyond the gate and on the ridge above the stable. Further, M. Contrades-Brun and R. Coelho both stated that work had not occurred in this area.



6. R. Coelho stated that HDCC began work on the Agricultural Road somewhere around late June and stopped in mid-July due to access being halted by G&R. R. Coelho stated that work was conducted during normal operating hours and HDCC operators were instructed to establish the road. As previously mentioned, R. Coelho explained that no material was brought from off-site for use on the Agricultural Road or the bench. He stated that the purpose of the earthwork was to maintain and improve the Agricultural Road and widen it to two (2) lanes where possible. R. Coelho further explained that having two (2) lanes where possible would increase transportation capacities and there is 14,000 cubic yards of surplus material from the DHHL site. They estimated that moving the material would take approximately 1,800 loads over three (3) to four (4) years. HDCC had two (2) off-road trucks and regular dump trucks; they have ten (10) trucks to transport material and were planning to bring in one (1) more from Oahu.
7. R. Coelho and C. Oshiro stated that HDCC was under the impression that they could utilize the Agricultural Road, as T. Brun had been using the road. They also explained that they did not have to obtain codes to open the gates' locks as people already had them.

Existing Agricultural Road – Observations and Statements

8. After visiting the Brun Property, the Inspection Team drove down the Agricultural Road and observed the earthwork that had occurred along the road (Figure 3, Photographs 14-15).
 - a. In multiple locations along the Agricultural Road, I observed dirt and grubbed vegetation pushed to the sides of the road and small trees that had been pushed over (Photographs 15-18). It appeared that vegetation growing along the existing Agricultural Road was pushed over or grubbed when the road was worked on and widened.
 - b. In several locations, I observed areas of fresh red dirt on the side of the Agricultural Road that appeared to be turnouts or shoulders that would allow for trucks to pass as R. Coelho had previously explained (Photograph 14-15, 19-21).
 - c. The Inspection Team estimated the length of the Agricultural Road that was recently worked on by utilizing GPS tracking taken during the inspection. The estimated length of the main Agricultural Road (also referred to as Main Road) is 2.85 miles (Figure 3). The Agricultural Road was minimally eight (8) feet wide at all points. Using the length of the Agricultural Road inspection and the minimum



width of the road, the area of the Agricultural Road worked on by HDCC was at least 2.75 acres.

9. I observed a quarried area along the Agricultural Road (Figure 3, Photographs 22-26).
 - a. I observed a large, quarried area that was dug and scraped out, as well as stockpiles of dirt, rock, and grubbed vegetation (Photographs 25-26). The quarried area appeared to be over 40 feet at its tallest point (Photographs 22-24). It appeared that a large volume of material was taken from the quarry area. R. Coelho stated that the material removed from the quarry area was used on the Agricultural Road.
 - b. Material in front of the scraped quarry wall was gray in color with rock chunks varying in size, and was distinctly different in appearance from the red, powdery soils in the area (Photographs 23-25). In some locations along the Agricultural Road, I observed gray colored dirt and rock that may have originated from the quarry area (Photographs 19, 21, and 27).
 - c. The bare cuts in the quarry area were unstabilized and appear to have a high potential to erode and slough off, posing a significant risk to storm water pollution and safety. In some locations, the cuts hollow out the slope so the top of the cut overhung the bottom (Photographs 23-24). The stockpiles of material were also unstabilized and have the potential to run off with storm water. No BMPs were implemented at the quarried area to prevent erosion or capture sediment-laden storm water.
10. I observed red dirt, vegetation and rocks pushed into a gully identified as part of the Hanapepe River system (Figure 3, Photographs 28-30). The gully originated from the north (Photograph 31) and continued through a culvert that ran under the Agricultural Road (Photograph 28-29). The Hawaii Statewide GIS Program has a GIS map produced by the Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR), that identifies the gully as a tributary to the Hanapepe River system.
 - a. An area adjacent to the Agricultural Road and to the east of the gully appeared to have been widened (Photograph 20 and 28), which may have caused the dirt, rocks, and vegetation to fall into the gully.
 - b. The dirt, rocks, and vegetation are pollutants that have been discharged to the Hanapepe River tributary, which is a state water.



11. I observed red dirt, vegetation and rocks pushed into Kapahili Gulch (Photographs 32-37). The red dirt was loose and fluffy, and appeared to be a recent discharge. Further indicating a discharge into Kapahili Gulch, the dirt and rocks were red and contrasted against the lighter brown dirt and rocks at the gulch floor and in an upstream portion of the gulch.
- a. Kapahili Gulch appeared to be at least eight (8) to ten (10) feet deep with a culvert that ran under the Agricultural Road (Photograph 36). B. Teixeira and C. Oshiro both measured the culvert and estimated it to be approximately 44 to 48 inches in diameter. I observed daylight through the culvert and fresh red dirt accumulated in and around the culvert.
 - b. R. Grenier of the Inspection Team took a GPS waypoint at this location during the inspection. After the inspection, R. Grenier mapped the waypoints, and the map available from the Hawaii Statewide GIS Program and produced by the DLNR-DAR identifies the gulch as Kapahili Gulch (Figure 3).
 - c. R. Grenier and B. Teixeira measured the extent of the dirt and rocks pushed into the gulch (Photograph 37). The material extended approximately 24 feet into Kapahili Gulch from the Agricultural Road and was approximately 27 feet at its widest (Photographs 32 and 37).
 - d. The dirt, rocks, and vegetation are pollutants that have been discharged to Kapahili Gulch, which is a state water.

Old Sugarcane Field Road – Observations and Statements

12. I observed a narrower road (Side Road) extending south from the Agricultural Road (Figure 3, Photographs 38-41).
- a. The Inspection Team walked the length of the Side Road and R. Grenier took GPS points along the road. Based off the GPS points, the Side Road is approximately 1,375 feet in length. The Inspection Team measured the width of the Side Road at approximately eleven (11) feet and eight (8) inches wide. After the inspection, I calculated the area of the Side Road to be approximately 0.34 acres.
 - b. I observed dirt, dried vegetation and tree branches pushed along the edges of the Side Road, indicating it had recently been disturbed and grubbed (Photographs 39-41).



- c. The Side Road terminated at a dead end (Photograph 41). Near the terminus of the Side Road, I observed a few small stockpiles of dirt on the side of the road. I observed grubbed grass and trees on the sides of the road.
- d. I did not observe any BMPs along the Side Road or installed around stockpiles to prevent erosion and control sediment. However, the Side Road is generally flat, which helps to lower the potential for polluted storm water discharges.

Existing Agricultural Road Near the DHHL Project

- 13. The Inspection Team returned to the entrance of the Agricultural Road at Moi Road, where the inspection began. From there, the Inspection Team continued down a short portion of the Agricultural Road that extended southwest from the entrance at Moi Road (hereinafter referred to as Access Road).
 - a. I observed the Access Road, which runs southwest from the entrance at Moi Road and meets up with the northern end of the DHHL Project (Figure 3, Photograph 42). The Access Road is adjacent and to the west of the DHHL Project. The Access Road would allow a direct path to the Agricultural Road from the DHHL Project without having to enter public roads.
 - b. I observed the Access Road to be clear with compacted tire tracks in the soil (Photograph 42).
 - c. R. Grenier took GPS points along the Access Road; based on the GPS points, the Access Road is approximately 1,027 feet in length. The width of the road appeared to be approximately eight feet wide. After the inspection, I calculated the area of the Side Road to be at least 8,200 square feet or 0.19 acres.

Total Disturbance Related to the Agricultural Road

- 14. A conservative estimate of disturbed area includes the Agricultural Road (2.75 acres), the Side Road (0.34 acres), and the Access Road (0.17 acres). The total area of disturbance is estimated to be at 3.26 acres, which exceeds the one (1) acre of disturbance that triggers the need for NPDES permit coverage.
 - a. On September 11, 2025, I requested by email the dates when HDCC began and stopped grading work on the Agricultural Road. R. Coelho replied to my email and stated that HDCC's records show that work occurred from June 16, 2025 to



July 15, 2025. R. Coelho also provided photographs of BMPs installed on the Agricultural Road since the inspection.

- b. At the time of inspection, HDCC did not have NPDES permit coverage for discharges of construction related storm water from the Agricultural Road's ground-disturbing activities. No other entities had NPDES permit coverage for the work. All ground-disturbing work on the Agricultural Road by HDCC, minimally from June 16, 2025 to July 15, 2025, was performed without the required NPDES permit coverage. The work also occurred without erosion and sediment control BMPs in place to prevent polluted discharges to State waters.

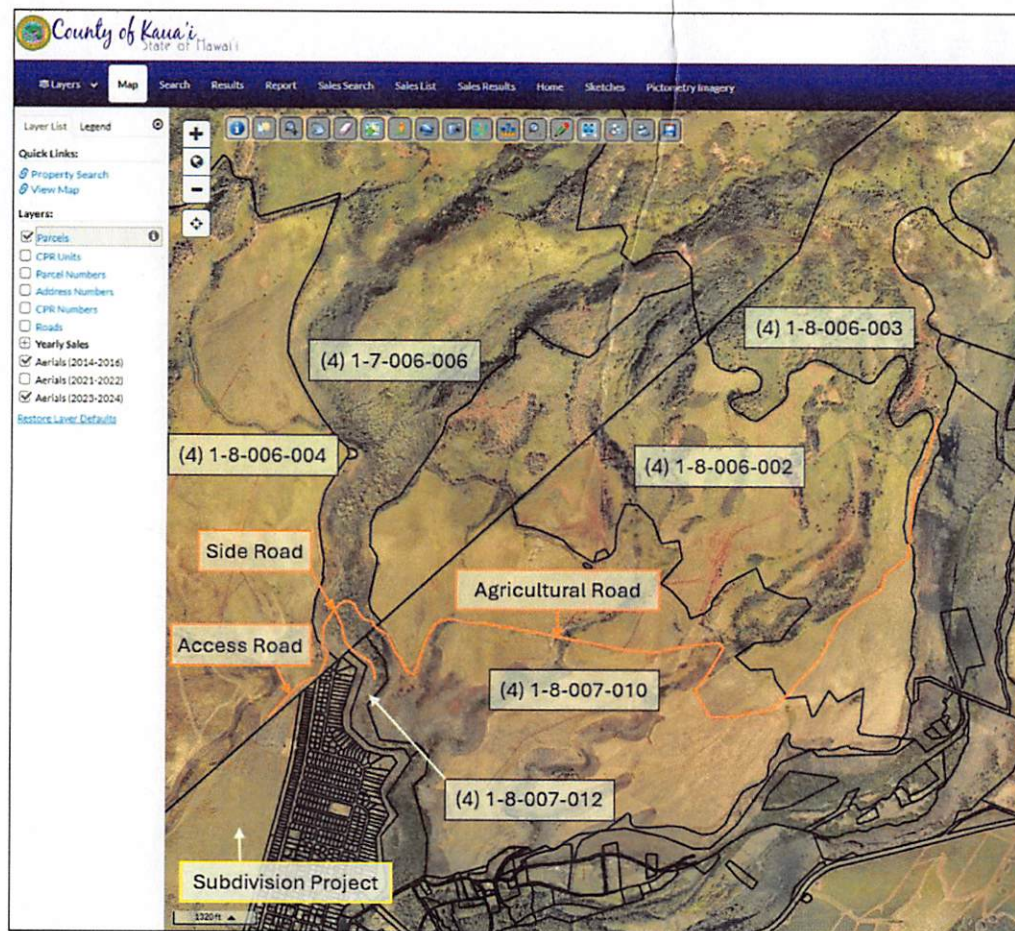


Figure 1. Aerial image of the path of the inspection (orange lines) that followed the Agricultural Road, Side Road, and Access Road. Also shown are the properties the roads ran through. Aerial image with tax map key boundary lines obtained from the County of Kauai Real Property Website, <https://www.qpublic.net/hi/kauai/>.



9Tpe text here



Figure 2. Aerial view of TMK (4) 1-8-006:003, owned by the State of Hawaii and leased by Tony T. Brun. Orange line depicts the Agricultural Road. Aerial image with tax map key boundary lines obtained from the County of Kauai Real Property Website, <https://www.qpublic.net/hi/kauai/>.

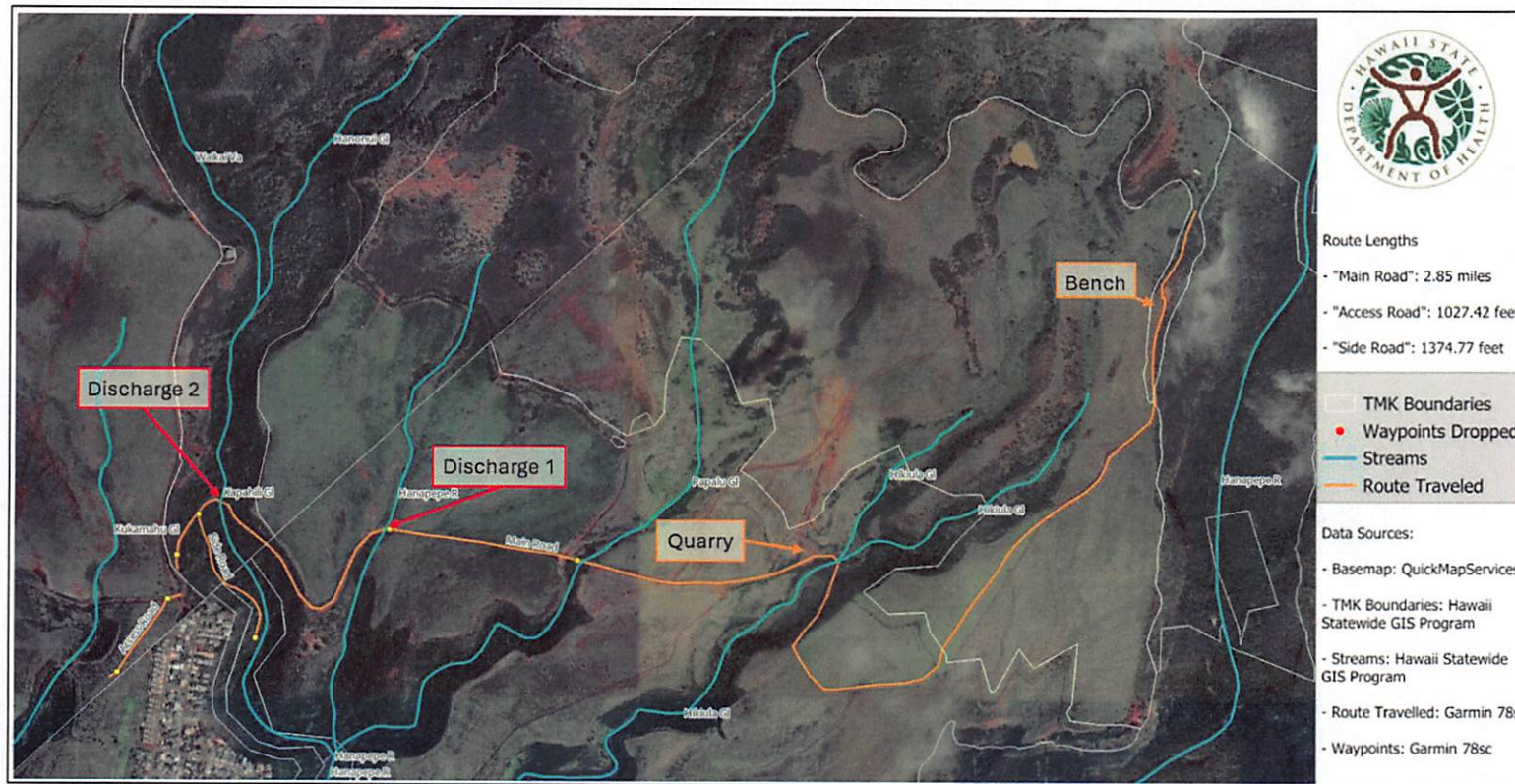


Figure 3. Aerial view of the Agricultural Road (orange lines) and other notable features observed by the Inspection Team on August 25, 2025 inspection.

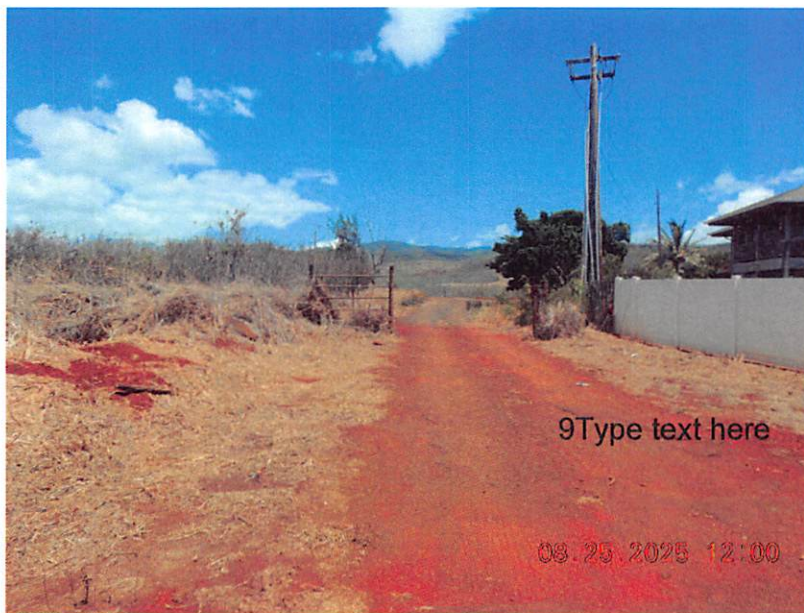
- TMK boundary lines - white lines
- State waters and labels – blue lines
- Discharge 1 – Discharge of dirt, vegetation, and rocks to the Hanapepe River system as described in Item 10
- Discharge 2 – Discharge of dirt, vegetation and rocks to Kapahili Gulch as described in Item 11

TMK boundary lines and state waters were obtained from the Hawaii Statewide GIS Program and the basemap was obtained from QuickMapServices.



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Photograph Log
Site Name: Hanapepe Unpermitted Grading
NGPC File No.: HIU010809



Photograph 1.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing north of the access to the Agricultural Road off Moi Road.



Photograph 2.

Date Photograph Taken: August 25, 2025

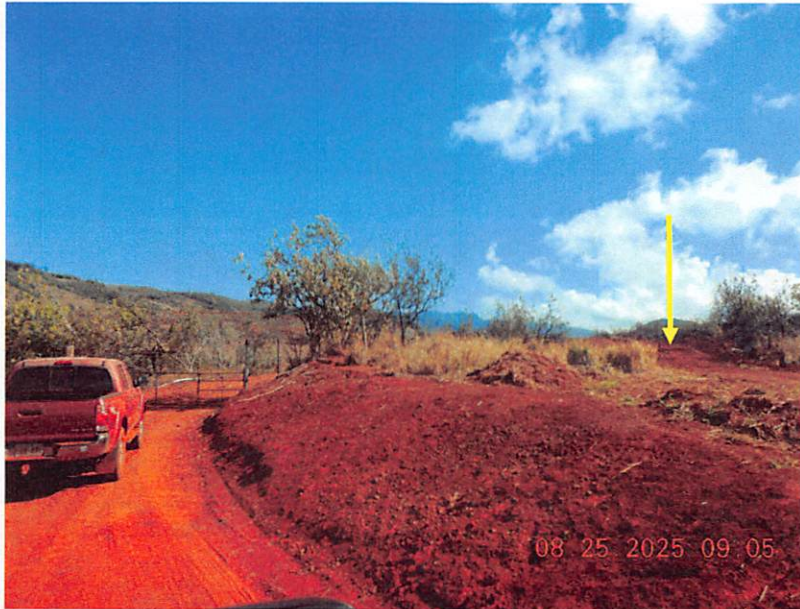
By: Jamie Tanimoto

Description: View facing north of the Agricultural Road where the grading work performed by HDCC was being investigated.



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Photograph 3.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing north of a gate along the Agricultural Road leading into the Brun Property. A bench (yellow arrow) was present to the east of the Agricultural Road.



Photograph 4.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing south of the bench adjacent and to the east of the Agricultural Road inside the Brun Property.



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Photograph 5.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing south of the bench to the east of the Agricultural Road inside the Brun Property. Dirt and vegetation were pushed to the edges of the bench.



Photograph 6.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing south of the bench along the Agricultural Road in the Brun Property.



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Photograph 7.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing east of heavy equipment tracks in the bench. Some tracks were heavily compacted and shiny.



Photograph 8.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing north from atop the bench. Dirt and vegetation were pushed to the east side of the bench and to the edge of a valley leading down to Hanapepe River.



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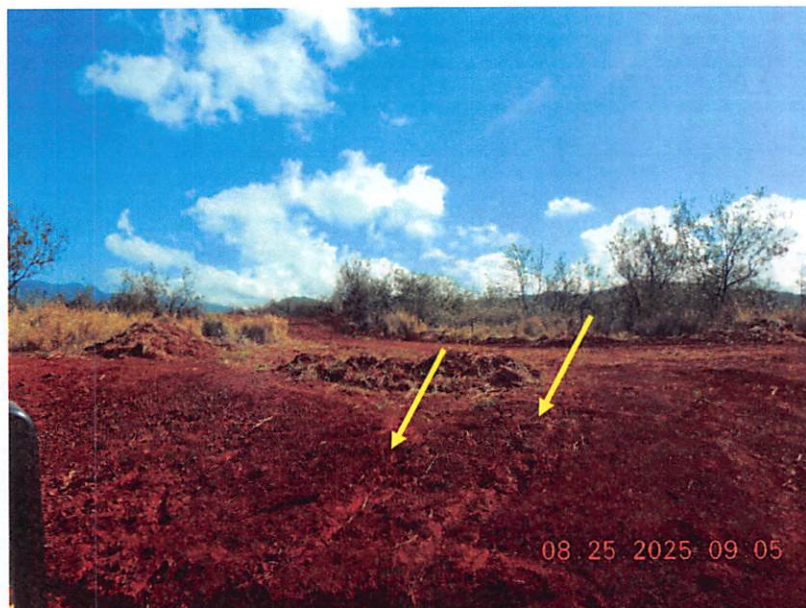


Photograph 9.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing south of dirt and vegetation pushed to the east edge of the bench. The piled dirt and vegetation are at the edge of a valley leading down to Hanapepe River.



Photograph 10.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing northeast of erosion rills (yellow arrows) at the southern end of the bench on the Brun Property.



Photograph 11.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing north of a gate (yellow arrow) just beyond the bench, where the Agricultural Road leads to an open area with a stable (orange arrow) on the Brun Property.



Photograph 12.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing east of the open area on the Brun Property. No evidence of grading or grubbing was observed in this location.



Photograph 13.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing east of the unstabilized ridge on the Brun Property above the stable (orange arrow) and the bench (yellow arrow). No evidence of grading or grubbing was observed on the ridge.



Photograph 14.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing south of the Agricultural Road where HDCC performed grading work. A patch of fresh dirt on the east side of the road appeared to be a turnout (yellow arrow).



Photograph 15.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing northeast of the Agricultural Road where dirt and vegetation were pushed to the sides. The appeared to be a turnout area on the side of the road (yellow arrow).



Photograph 16.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing east of grubbed vegetation pushed to the side of the Agricultural Road.



Photograph 17.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing south of the Agricultural Road where dirt and vegetation were pushed to the side of the road and trees were pushed over.



Photograph 18.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View of dirt on the shoulder of the Agricultural Road.

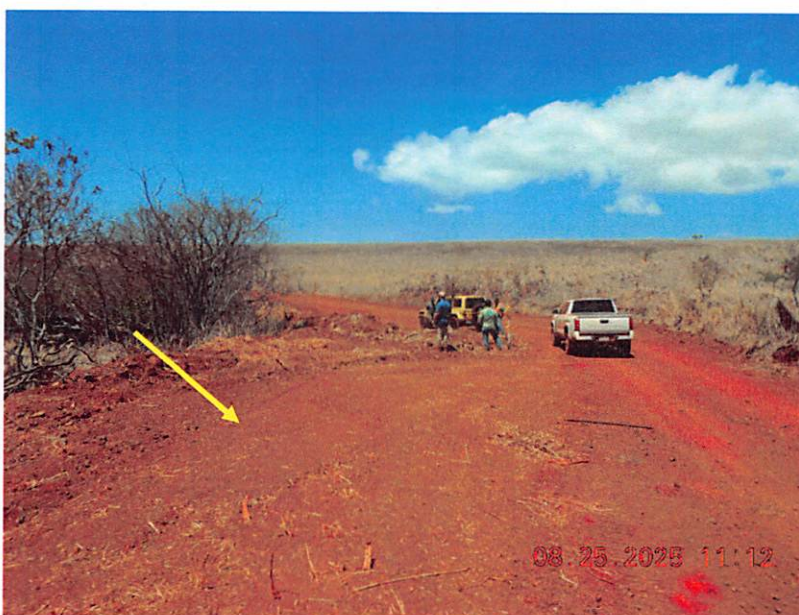


Photograph 19.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing west of the Agricultural Road where there was a turnout area (yellow arrow). Gray rock and soil were present on a part of the road (white arrow).



Photograph 20.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing west of a turnout area (yellow arrow) with dirt and vegetative debris pushed to the side.



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Photograph 21.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing southwest of an area along the Agricultural Road with dirt and rock (yellow arrow) that was a slightly different color than the road. The area appeared to be widened to provide a turnout.



Photograph 22.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing north of a quarried area along the Agricultural Road. The highest point that was dug out (yellow arrow) appeared to be over 40 feet high.



Photograph 23.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: Another view facing north of the quarried area along the Agricultural Road. No BMPs were implemented on the slopes or stockpiles to prevent erosion or capture sediment.



Photograph 24.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: Closer view of the quarried area along the Agricultural Road. Based on the color and the scrapes on the walls, the area appeared to contain red dirt (yellow arrow) and a harder basaltic rock (white arrow).



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Photograph 25.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing northwest of the quarried area along the Agricultural Road. Gray colored soil and rock were stockpiled at the foot of the quarried area.



Photograph 26.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing northeast of stockpiles of red colored dirt and grubbed vegetation in the quarried area.

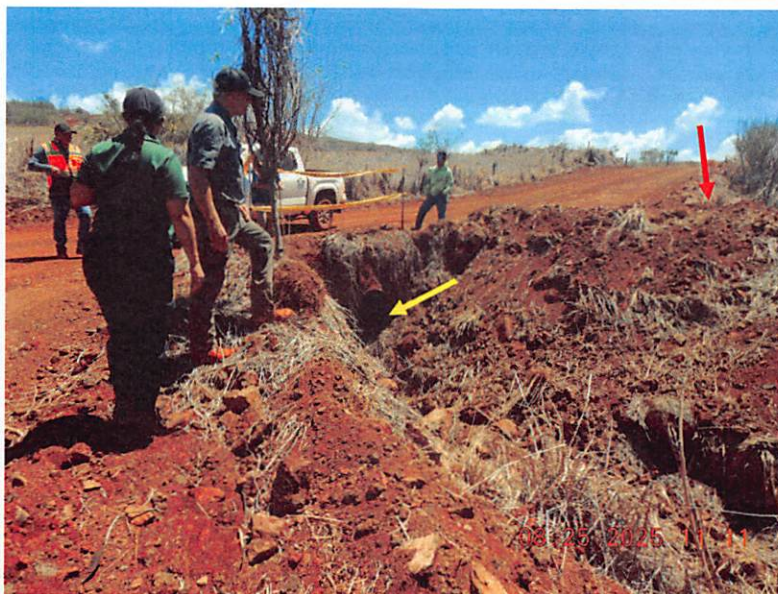


Photograph 27.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View of gray colored soil and rock (white arrow) on the Agricultural Road near the Brun Property. The gray material appeared to originate from the quarried area.



Photograph 28.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing northeast of a gully identified as a tributary of the Hanapepe River system. Dirt, rocks, and vegetation were pushed into the gully on the downstream side of the Agricultural Road. A culvert was installed under the road (yellow arrow). The road appeared to have been widened on the east side of the gully to provide a turnaround (red arrow).

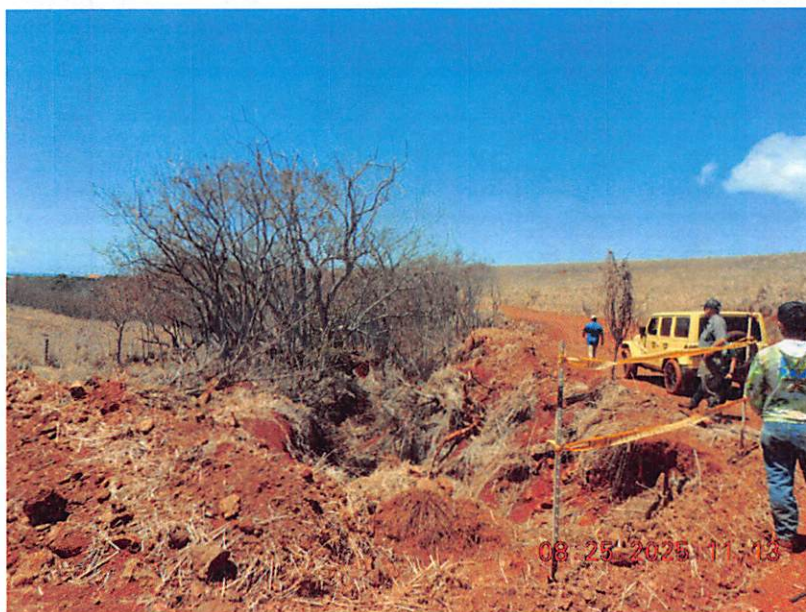


Photograph 29.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing west of the gully identified as a tributary of the Hanapepe Stream. A culvert (yellow arrow) was installed under the Agricultural Road. Dirt, rocks and vegetation were pushed into the gully.



Photograph 30.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing southwest of the gully that is a tributary to Hanapepe Stream, downstream of the Agricultural Road. Dirt, rocks, and vegetation were pushed into the gully.



Photograph 31.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing north of the gully that is a tributary to the Hanapepe River system (yellow arrow). This portion of the gully is upstream of the Agricultural Road.



Photograph 32.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing north of red dirt, rocks, and vegetation (yellow arrows) pushed into Kapahili Gulch from the Agricultural Road. The material was red in color, contrasting with the brown rocks and vegetation in the gulch.



Photograph 33.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing east of red dirt and rocks pushed into Kapahili Gulch from the Agricultural Road.

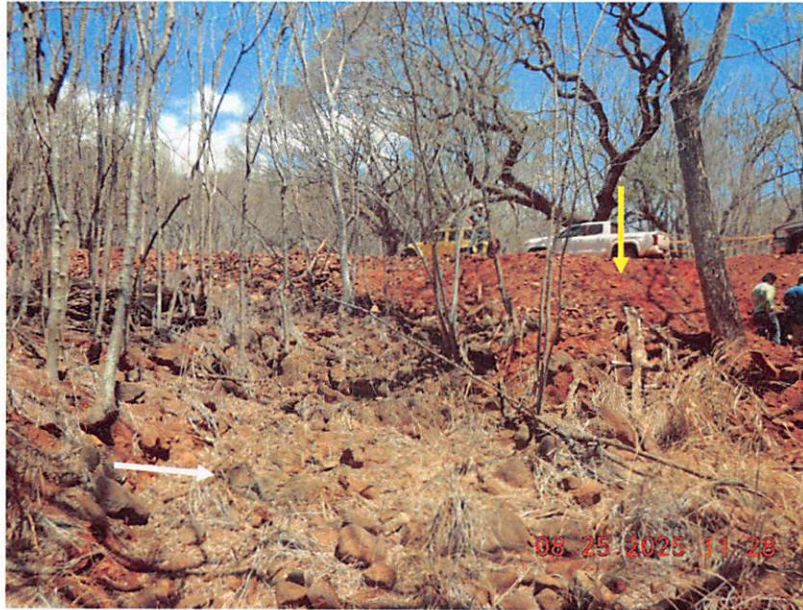


Photograph 34.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: Closer view of red dirt and rocks pushed into Kapahili Gulch from the Agricultural Road.



Photograph 35.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: Another view facing north of the red dirt, rocks, and vegetation (yellow arrow) pushed into Kapahili Gulch from the Agricultural Road. The material was red in color, contrasting with the brown rocks and vegetation (white arrow) in the gulch.



Photograph 36.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing north of the downstream end of a culvert in Kapahili Gulch that ran under the Agricultural Road. Red dirt was inside and around the culvert.



Photograph 37.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View of the Inspection Team measuring the extent of the red dirt, rocks, and vegetation pushed into Kapahili Gulch. Note the contrast in color between the red dirt and rocks of the discharge and the light brown rocks and yellow-brown vegetation in the gulch.

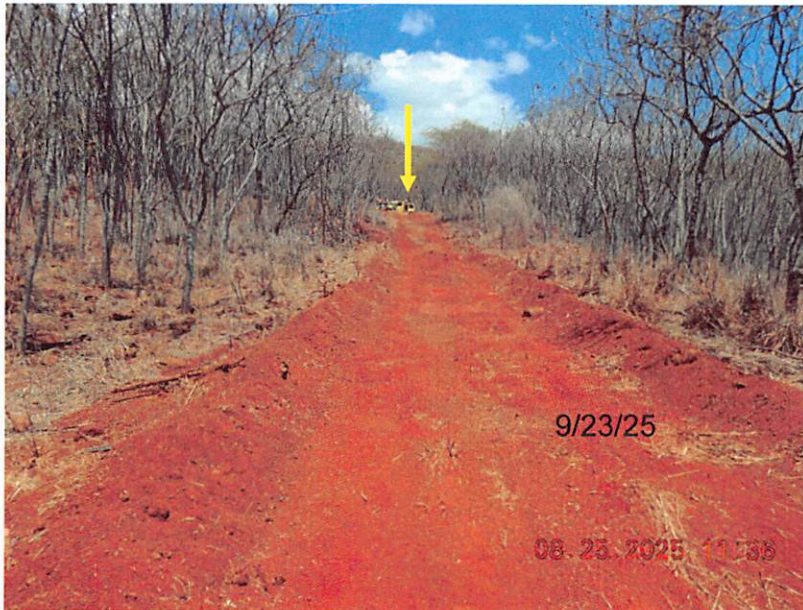


Photograph 38.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing south of the Side Road extending south off the Agricultural Road. The Side Road cuts through existing shrubs and trees.



Photograph 39.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing north of the Side Road. Dirt is pushed to the sides of the road and vegetative debris was on the road. The Agricultural Road (yellow arrow) can be seen at the end of the Side Road.



Photograph 40.

Date Photograph Taken: August 25, 2025

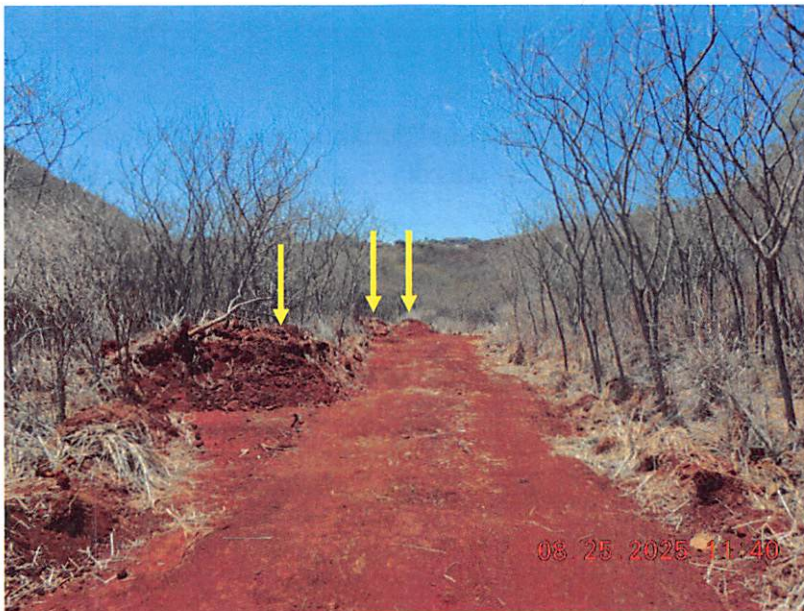
By: Jamie Tanimoto

Description: View facing southeast of the Side Road. Dirt, grubbed grass and trees were pushed away from the sides of the road. Trees growing along the road are pushed away from the road.



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Photograph 41.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing south of the end of the Side Road. A few stockpiles of dirt (yellow arrows) were on the side of the road along with grubbed grass and trees.



Photograph 42.

Date Photograph Taken: August 25, 2025

By: Jamie Tanimoto

Description: View facing northeast of the Access Road that runs on the west side of the DHHL project (yellow arrow).



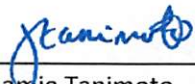
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NPDES Construction Storm Water
Inspection Report Certification
Site Name: Hanapepe Unpermitted Grading
NGPC File No.: HIU010809

Inspection Report Certification

I certify that the statements made in this inspection report are, to the best of my knowledge, a true and accurate representation of what was observed on August 25, 2025, at the Hanapepe Unpermitted Grading site.

I certify that the attached photographs described above were taken by the undersigned and are a true and accurate representation of what was observed on August 25, 2025, at the Hanapepe Unpermitted Grading site.



Jamie Tanimoto
Environmental Health Specialist

9/23/25

Date