

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for)
SPECIAL MANAGEMENT AREA)
USE PERMIT)
by)
STATE OF HAWAII, DEPARTMENT) SMA USE PERMIT NO. 41
OF TRANSPORTATION,)
LAND TRANSPORTATION)
FACILITIES DIVISION)
for)
HIGHWAY CONSTRUCTION)
in)
KAWAIHAE 2nd, SOUTH KOHALA, HAWAII)
_____)

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on October 3, 1977, considered the application of State of Hawaii Department of Transportation, Land Transportation Facilities Division, for a Special Management Area Use Permit in accordance with Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, to allow the construction of a .6-mile section of the proposed new Waimea-Kawaihae Road which is situated within the Special Management Area at Kawaihae 2nd, South Kohala, Hawaii, Tax Map Key: 6-2-02: Portion of 6.

The Commission has found:

That the approval of the proposed project will not be in conflict with the Environmental Shoreline Protection Act (Act 176, SLH 1975) and Rule 9 of the Planning Commission. The purpose of the proposal is to improve driving conditions from Kawaihae to Waimea with features such as a wide pavement, larger curve radii, safer sight distance and roadway grades. The proposed project will also include safety features such as guardrails, as well as truck-climbing lane and escape ramps. It will be part of the first section of a two-section project for the planned improvement of the Mud Lane-Kawaihae portion of the State Highway system and will provide an improved and safer access between the two areas. This is in concert with the goals and policies of the General Plan. The General Plan document calls for the provision of safe, efficient transportation systems and the continual improvement of existing thoroughfares and streets.

The proposed improvements are consistent with Rule 9.1B and 9.3 of the Commission's Rules and Regulations Relating to Environmental Shoreline Protection in that it seeks to provide adequate public access to public beaches. Further, archaeological and historical researches initiated by the Department of Transportation determined that although sites were found within the highway corridor, none

will be affected by this proposal. However, necessary archaeological salvage of low priority archaeological features will be conducted as required prior to construction.

The subject action is not expected to have any substantial adverse environmental or ecological effects on the surrounding area. Some unavoidable adverse environmental effects from noise, dust, erosion and water problems will be temporarily created during construction. The cumulative impact in terms of temporary inconvenience should be balanced against the improved safety aspects of the proposal.

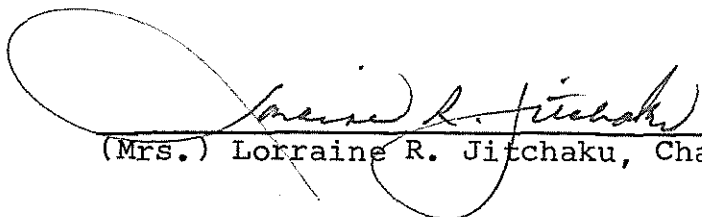
Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of a .6-mile section of the proposed new Waimea-Kawaihae Road which is situated within the Special Management Area at Kawaihae 2nd, South Kohala, Hawaii, pursuant to the authority vested in it by Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, subject to the following conditions:

1. That the proposed improvements shall conform substantially to the plans submitted and the representations made by the petitioner.
2. That the Planning Director shall be notified of the commencement and completion dates of construction within thirty (30) days after the awarding of the construction contract.
3. That the rules and regulations of the Department of Health, particularly regarding fugitive dust control, shall be complied with.
4. That the petitioner shall submit to the Planning Director a copy of the memorandum of agreement with the State Historic Preservation Officer addressing the archaeological and historical concerns of the project upon execution of the said memorandum.
5. That all other applicable rules and regulations shall be complied with.

Should these conditions not be met, the Special Management Area Use Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be October 3, 1977.

Dated at Hilo, Hawaii, this 27th day of October, 1977.


(Mrs.) Lorraine R. Jitchaku, Chairman

APPROVED as to FORM and LEGALITY	
<i>Roxanna Garcia</i>	
CORPORATION COUNSEL COUNTY OF HAWAII	
Date	OCT 24 1977

ISTANT