

CERTIFIED MAIL

March 21, 1985

Mr. Roger Harris
Mauna Lani Resort, Inc.
P. O. Box 4959
Kawaihae, HI 96743-4959

Dear Mr. Harris:

Special Management Area (SMA) Use Permit Application
Shoreline Setback Variance Application
TMK: 6-8-22:Portion of 9

The Planning Commission at its duly held public hearing on March 13, 1985, voted to approve your application, Special Management Area (SMA) Use Permit No. 84-14 and Shoreline Setback Variance Permit No. 84-6, to allow the construction of a white sand beach within the 40-foot shoreline setback area at Kalahuipuaa, South Kohala, Hawaii.

Approval of this request is based on the following:

The proposed development, as covered by the subject request, consists of excavating the existing material above the certified shoreline, finish grading to the appropriate slope and laying a sand cover. This activity is proposed in conjunction with the removal of coral heads and rock outcrops makai of the shoreline as previously approved by the Board of Land and Natural Resources and the Army Corps of Engineers. The result of these projects will be the creation of a white sand beach which would allow sunbathing and nearshore water activities free of rocky conditions.

The potential negative impacts of this activity include the generation of fine suspended particles during excavation and grading, and by imported fine particles brought in with the sand fill to be used as the beach cover. These impacts could result in decreasing water quality in the nearshore waters and possibly in other coastal areas.

To a great extent, these possible impacts are mitigated by the orientation of the project site itself. The site is

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sheltered by Waawaa Point and by the outer reef of Makaiwa Bay from much of the swells that normally affect the coast. This is confirmed, in part, by the evidence of a pre-existing beach that covered at least part of the subject site.

However, to further mitigate the possible impacts to water quality a series of conditions are imposed that require:

- 1) The supervision of construction by a qualified marine engineer.
- 2) The utilization of a silt curtain during conditions of turbidity in the water. The confined water shall be pumped to the settling ponds located above the project site.
- 3) The creation of a beach slope that should maximize beach stability.
- 4) The use of sand with particles no smaller than the largest particles naturally occurring at the water's edge at the eastern end of the project.
- 5) The monitoring of water quality and marine life before, during, and after construction by a qualified marine biologist.

With these conditions in-place it is expected that the resultant project will broaden the recreational value of the site while creating minimal disturbance to the natural environment.

Given these outcomes, together with the petitioner's continuing public access shoreline program, it is determined that the approval of the subject shoreline setback variance request will be consistent with and supportive of the public interest.

The proposed development is also consistent with the objectives, policies and Special Management Area (SMA) guidelines as established by Chapter 205-A, Hawaii Revised Statutes. These objectives and policies provide guidance for the preservation, protection and development of coastal resources of the State and County. Due to the prior land altering activities that have occurred in this area, the excavation, grading, and sand laying activities are not expected to result in the loss of any significant scenic or historic

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resources. The recreational potential of the area will, however, be changed into a form that many residents and visitors find enjoyable. Furthermore, the improvement of the resort recreational facilities are consistent with the policy of encouraging and concentrating coastal dependent development in existing locations.

Public access to the shoreline is presently available through an existing easement. It is expected and conditioned that the petitioner will allow public use of the new white sand beach area.

The proposed development is consistent with the General Plan, the Zoning Code and other applicable ordinances. The General Plan Land Use Pattern Allocation Guide (LUPAG) map and the Zoning Code identifies the area as Open. The proposed activities are permitted uses under these land use designations.

Based on the foregoing, it is therefore determined that the proposed development will not have any substantial adverse environmental or ecological impacts on the surrounding area. Furthermore, its approval will be consistent with the objectives and policies of Chapter 205-A, HRS, Relating to Coastal Zone Management, Rule 8 of the Planning Commission Relating to Shoreline Setbacks, and Rule 9 of the County of Hawaii Planning Commission Relating to the Special Management Area, Chapter 25 (Zoning Code) of the Hawaii County Code, as amended, and the General Plan of the County of Hawaii.

Approval of this SMA Use Permit and Shoreline Setback Variance request is subject to the following conditions:

- 1) The petitioner, its assigns or successors, shall be responsible for complying with all conditions of approval.
- 2) The supervision of construction shall include the service of a qualified marine engineer.
- 3) The petitioner shall utilize a silt curtain during conditions of turbid water. The confined water shall be pumped to the settling ponds located above the project site.
- 4) The beach slope created should be designed to maximize beach stability.
- 5) The sand to be deposited shall have similar or coarser texture as compared with the sand found naturally occurring at the water's edge at the eastern end of the project.

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- 6) The petitioner shall submit a water quality and marine life monitoring plan meeting with the approval of the Planning Director. No construction activity shall start prior to the approval of the monitoring plan.
- 7) Public use of the area excavated and filled with sand shall be permitted subject to reasonable control as approved by the Planning Director.
- 8) This permit covers the initial excavation, grading, and filling of the subject area. No subsequent beach sand replenishment is covered by this permit.
- 9) All other applicable rules, regulations, and requirements shall be complied with.
- 10) In the event that any previously unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, work shall stop and the Planning Department contacted at 961-8288 immediately. Work in the immediate area should be stopped until our office is able to assess the impact and make further recommendations for mitigative activity if warranted.
- 11) Should the Planning Director determine that any of the foregoing conditions not be met or complied with in a timely fashion, the permit shall be void.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Donald Thompson
Chairman, Planning Commission

cc: DPED, CZM Program (w/background)
Department of Public Works
Department of Water Supply
County Real Property Tax Division
County of Hawaii, Kona Office

bcc: Plan Approval Section