

CERTIFIED MAIL

December 17, 1987

Mr. David Higa, Chief  
State Department of Transportation  
Harbors Division  
79 So. Nimitz Highway  
Honolulu, Hawaii 96813

Dear Mr. Higa:

Special Management Area (SMA) Use Permit Application  
State Department of Transportation, Harbors Division  
TMK: 7-4-08:3

The Planning Commission at its duly held public hearing on December 9, 1987, voted to approve the application, Special Management Area Use Permit No. 266, to allow further development at the Honokohau Small Boat Harbor, Kealahou, North Kona, Hawaii, Hawaii.

Approval of this request is based on the following:

The proposed project consists of the additional development of the existing Honokohau Small Boat Harbor. These improvements are not anticipated to have any substantial adverse environmental or ecological effects.

The immediate project site having been previously altered is not known to contain any unique ecological systems nor provide habitats for any endangered plant or animal species.

In addition, the purpose of the harbor expansion is to provide for boating and recreational needs of the people in the Kona area which is keeping with the SMA policies of providing adequate, accessible, and diverse recreational opportunities in the coastal zone management area and by providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation including adequate public access to and along shorelines with recreational value.

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While there may be some adverse affect from noise and other impacts associated with the construction phase of the project, these impacts, however, will be short-term and can be mitigated by existing regulations.

The proposed project is consistent with the objectives, policies, and SMA guidelines. These were established to provide guidance for the preservation, protection, and the development of coastal resources of the State and County. They identify several areas of management concern including historic, recreational, open space and scenic resources, coastal ecosystems, economic uses and coastal hazards.

The proposed expansion to the existing boat harbor is consistent with the Open designation of the General Plan as well as the Open zoning designation.

As previously discussed, the proposed project will occur within already altered harbor lands, therefore, no significant archaeological sites will be affected by this proposal.

Based on the foregoing, it is determined that the proposed development will not have any substantial adverse effect on the environment; and therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule No. 9 of the Planning Commission relating to Special Management Area; or the General Plan or Zoning Code of the County of Hawaii.

Approval of this request is subject to the following conditions:

1. The petitioner, its successors or assigns, shall be responsible for complying with all of the stated conditions of approval.
2. Submit construction plans for Plan Approval within one year from the effective date of this SMA Use Permit.
3. Construction shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
4. Secure a Conservation District Use Application (CDUA) from the Department of Land and Natural Resources for all activities within the Conservation District.
5. Comply with all other applicable rules, regulations, and requirements, including those of the U.S. Army Corps of Engineers and the Department of Water Supply.

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6. A coastal water quality monitoring program shall be developed and submitted to the Planning Department prior to commencement of the proposed activities.
7. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the 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. 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.
8. An 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 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 the permit; and 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

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

Sincerely,



Thomas A. Krieger  
Chairman, Planning Commission

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Office - Kona  
DBED, CZM Program w/background  
bcc: Plan Approval Section