



Planning Commission

Larry S. Tanimoto
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

August 8, 1990

Mr. Bryan Harry, Director
National Park Service
P. O. Box 50165
Honolulu, HI 96850

Dear Mr. Harry:

Special Management Area Use Permit Application
Tax Map Key 6-2-02:Portions of 6, 8 and 16

The Planning Commission at its duly held public hearing on July 26, 1990, voted to approve your application, Special Management Area Use Permit No. 299, to allow the construction of a new entrance road to Spencer Beach Park and Pu'ukohola Heiau National Historic Site, and related improvements at Kawaihae, South Kohala, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes (HRS), and Rule No. 9, Special Management Area (SMA) Rules and Regulations of the County of Hawaii, is to preserve, protect, and, where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

A criteria in reviewing an SMA Use Permit application is that "The development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest." The proposed entrance road is not anticipated to have any substantial adverse environmental or ecological effects. The project site is located within an area that is not known to contain any unique ecological systems nor provide habitats for any endangered plant or animal species. Air emissions generated during the construction phase can be

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mitigated by existing regulations. Any potential runoff or discharge as a result of the project can be handled by on-site improvements as may be required by the Department of Public Works. Negative impacts resulting from soil erosion and runoff during site preparation and construction phases are unlikely due to the extremely stony soil cover and the pahoehoe bedrock. However, should erosion and runoff occur, they can be adequately mitigated through compliance with existing regulations.

The proposed roadway is not anticipated to have any significant adverse impacts on coastal ecosystems due to its considerable distance from the coastal waters. Any adverse impacts on the coastal system due to runoff and erosion will be mitigated through compliance with existing regulations.

Further, it is not anticipated that the public's ability to access the coastal areas will be adversely impacted by the proposed roadway. Presently, visitors to Pu'ukohola National Historic Site follow an interpretive trail from the Site's headquarters down a hill to the base of Pu'ukohola Heiau. Visitors who wish to visit Mailekini Heiau must cross the existing Spencer Beach Park access road, creating a conflict between pedestrians utilizing the interpretive trail and vehicular traffic from Spencer Beach Park. The proposed access road will allow visitors to gain direct access to these two popular attractions while eliminating potential conflicts between vehicular and pedestrian traffic.

The proposed roadway is not anticipated to adversely affect any archaeological resources in the area. Archaeological test excavations revealed six (6) archaeological features within or immediately adjacent to the proposed roadway alignment. The features were identified and data recovered with a recommendation that no further data recovery of these features were required. The State Historic Preservation Officer concurred with the applicant's no-effect determination in a letter to applicant dated May 30, 1989. This approval recommendation is conditioned upon notification of the Planning Department and appropriate action should any unidentified sites or remains be found before or during construction activities. In addition, the proposed development would actually reduce the present conflicts that exist with the two existing archaeological features, Pu'ukohola and Mailekini Heiaus. The existing access was found to be causing structural damage to Pu'ukohola and Mailekini Heiaus due to the unstable nature of

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the slope-fill for the road. Further, vibrations from vehicles utilizing the existing Spencer Park access are continuously and cumulatively creating an adverse affect on the two heiaus. The existence of overhead electrical lines and the road itself detracts from the overall historic scene.

The proposed roadway may intensify the visual impact of the area from the Queen Kaahumanu Highway and surrounding areas. However, the proposed access will replace an existing roadway which is visually intrusive to the historic scene presented by Pu'ukohola and Mailekini Heiaus. The proposed access will utilize underground electrical conduits. Therefore, it is anticipated that the overall visual impact will be lessened in the immediate area of Pu'ukohola and Mailekini Heiaus.

Based on the above, it is determined that the proposed development will not have substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to Special Management Area.

Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. A grading permit shall be secured from the Department of Public Works within one year from the effective date of this permit.
3. Construction of the proposed access road and related improvements shall commence within one year from the date of approval of the grading permit and be completed within two years thereafter. The applicant shall monitor traffic at the intersection of the proposed road and the State Highway on an annual basis and submit reports to the State Highways. The applicant shall fully participate on any future intersection improvements as deemed necessary by the State of Hawaii Highways Division.
4. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in

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the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.

5. Comply with all other applicable laws, rules, regulations, and requirements including those of the Departments of Public Works and Health.
6. 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 and the Planning Director acknowledges that further reports are not required.
7. 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 shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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

Sincerely,



Fred Y. Fujimoto
Chairman, Planning Commission

xc: Mr. Hugh Ono
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
DBED, CZM Program w/background
DLNR

bcc: Plan Approval Section