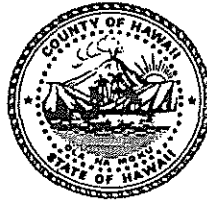


Harry Kim
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL

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MAY 04 2001

Mr. Lee Sichter
Belt Collins Hawaii Ltd.
680 Ala Moana Boulevard, Suite 100
Honolulu, HI 96813

Dear Mr. Sichter:

Special Management Area Use Permit Application (SMA 00-014) ✓
Use Permit Application (USE 00-005)
Request: Development of an 18-Hole Golf Course, Clubhouse, Related
Facilities and Infrastructure
Applicant: White Sand Beach Limited Partnership
Tax Map Key: 6-8-1:Portion of 22

The Planning Commission at its duly held public hearing on April 6, 2001, voted to approve the above-referenced applications. Special Management Area (SMA) Use Permit No. 415 and Use Permit No. 184 are hereby issued for the development of an 18-hole golf course, driving range, clubhouse, parking area, pump house, related maintenance support facilities, a small lake, and associate improvements and infrastructure. The project area is located within the Mauna Lani Resort area, Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

Special Management Area Use Permit

The purpose of Chapter 205A, Hawaii Revised Statutes (HRS), and Special Management Area 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 an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

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MAY 04 2001

The proposed development of a 18-hole golf course, driving range, clubhouse and other related facilities and improvements on the project site will not have any substantial 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. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options.

The proposed development is consistent with the County General Plan and Zoning Code. The proposed project does conform to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates this area for Urban Expansion. Urban Expansion allows for a mix of high density, medium density, low density, industrial and/or open designations in areas where new settlements may be desirable, but where the specific settlement pattern and mix of uses have not yet been determined. Within areas designated for development as resorts, portions of the resort area may be included in the Urban Expansion Area. While not typical of urban types of use due to its extensive, structured landscaping and minimal amount of structures, a golf course does provide direct support of resort uses. Its proximity to existing resort areas at Mauna Lani is essential for it provides a much-desired recreational amenity for both tourists and residents alike.

The project site is located approximately one-quarter of a mile from the shoreline. The distance of the project site from the shoreline would preclude any substantial adverse impacts the proposed development may have upon coastal recreational and visual resources, public access to and along the shoreline, or upon the coastal ecosystem. The proposed development will not severely interfere with the coastal view plane. The General Plan does identify the viewplane from the Queen Kaahumanu Highway looking both mauka and makai as an example of natural beauty. The project site is situated makai of the Queen Kaahumanu Highway. The open space characteristics of the proposed golf course will not significantly impact the viewplane from the Queen Kaahumanu Highway. The proposed golf course will add diversity to the coastal viewplane by providing a green oasis amongst the relatively stark lava landscape that defines this section of South Kohala. In addition, the location of the project site approximately one-quarter mile from the shoreline would also preclude any visual impacts along the shoreline. The project site is situated makai of the Queen Kaahumanu Highway on lands that are relatively flat (4 to 6% slope). The two proposed structures (golf clubhouse and maintenance building) will not exceed a maximum height of 28 feet. With existing vegetation and proposed golf course landscaping, the proposed development is not anticipated to generate a significant adverse impact to coastal viewplanes from the Queen Kaahumanu Highway. Figures 5 and 6 of the Applicant's Special Management Area Use Permit Application dated

August 4, 2000, graphically illustrates the limited visual characteristics of the proposed golf course clubhouse and maintenance facilities buildings, respectively.

There are no known public access facilities or easements within the project site that provides access to coastal areas. While there currently is an emergency evacuation road from the Puako Beach Lots Subdivision through the project site, this roadway is not dedicated towards providing coastal access. Public shoreline access is available at the nearby Mauna Lani Resort and the Orchid at Mauna Lani complexes. Puako Beach Drive, situated to the north of the project site, also provides access to coastal areas. The location of the project site from the shoreline and the availability of other existing public shoreline accesses in the vicinity will ensure that public access to and along the shoreline will not be affected by the proposed golf course development. The applicant has indicated that an existing emergency evacuation road from the Puako Beach Lots Subdivision to the existing Mauna Lani Resort maintenance roadway will be relocated to accommodate the proposed project. Preservation of this emergency evacuation roadway is viewed as essential to the residents of Puako Beach Lots Subdivision. Therefore, the Director recommends that the relocated emergency evacuation roadway be shown on plans submitted for plan approval review as well as ensure that its construction is completed prior to the elimination of its existing alignment.

The application of pesticides and herbicides during construction and maintenance of the golf course will be done so in compliance with Best Management Practices as will be prescribed in an Integrated Pest Management Program (IPMP) being developed by the applicant. This IPMP, to be approved by the Planning Director in consultation with the Department of Health, will be required as a condition of this approval recommendation. The implementation of this approved program will minimize any adverse impact to groundwater and coastal marine water resources within the affected area. The applicant has agreed to cooperate with Protect Puako to develop an assessment/study of groundwater hydrology in the Puako area that will assist both the applicant and Protect Puako in understanding the quality and quantity of groundwater available for golf course irrigation purposes. The applicant has also agreed to an ongoing groundwater and nearshore water quality monitoring program for which the applicant will assume the costs associated with such a monitoring program for a period of two years from the effective date of this Special Management Area Use Permit and the accompanying Use Permit. Finally, the applicant has agreed to register the proposed golf course under the Audubon's International Gold Signature Program and will strive to achieve Gold Certification upon completion of the golf course. These agreements will be incorporated into conditions of this approval recommendation.

In response to recommendations received from the State Department of Health regarding the implementation of appropriate management measures to control potential sources of nonpoint pollution resulting from the construction and operation of the

proposed golf course, the Director recommends that the applicant comply with the "Golf Course Management Measures" contained in the "Hawaii's Coastal Nonpoint Pollution Control Program Management Plan." The goal of these management measures is to minimize and prevent the migration of nonpoint source pollutants from golf courses into ground, surface, and coastal waters. The applicant shall also comply with the Department of Health's "Guidelines Applicable to Golf Courses in Hawai'i" (June 2000). These guidelines are intended to promote, protect and enhance environmental quality and public health. These recommendations cover measures that could prevent groundwater and surface water pollution, soil contamination, chemical spills, and noise and solid waste nuisances.

A Botanical Resources Assessment of the project site was prepared by Char and Associates in May 2000. No federal or state listed threatened or endangered species of plants were identified within the project site. In general, the project site consisted of kiawe forest and buffel grass. Lava areas include some native species such as 'ilima and 'uhaloa. Portions of the project site also included maintained vegetation as part of the Mauna Lani Resort development and included a variety of ornamentals and weedy species.

A Survey of Avian and Mammalian Species was conducted by Mr. Reginald David of Rana Productions, Ltd. between April 30 and May 1, 2000. A total of 676 individual birds of 15 species, representing 10 separate families were identified within the project site. Fourteen of these identified species were alien to the islands. The indigenous migratory Pacific golden plover was detected within the project site. Mammals within the project site included dogs, cats, and mongoose. It is assumed that rats and mice also inhabit the site. The Hawaiian Hoary Bat, an endemic mammal, may overfly the project site as may the endangered Dark Rumped Petrel. The study concluded that the project site "*does not provide resources necessary for the sustenance or nesting of native avian species.*" In summary, the project site does not provide a habitat for any endangered species of plant or animal.

An archaeological inventory survey of the project site was conducted in April 2000 by Paul H. Rosendahl, Ph.D., Inc. (PHRI). The survey identified 14 archaeological sites and 30 component features of these individual sites. PHRI recommended no further archaeological work and no preservation of these sites. The 14 sites consisted of 10 single feature sites that included walls, mounds, marine shell concentrations, a possible cart path, and modified crop with cultural deposits. The 14 sites also included four complexes consisting of remnants of a historic/modern cattle ranch, another consisting of two enclosures, a third comprising an enclosure and mound, and the last consisting of three overhangs. By letter to the Planning Director dated September 14, 2000, the Department of Land and Natural Resources-Historic Preservation Division (SHPD) has concurred with the findings of the survey and agreed

that all sites were adequately described and that none of the sites merit preservation. SHPD then determined that the proposed golf course development will have no effect upon significant historic sites. Should archaeological features be discovered during construction, a condition of this approval requires the applicant to contact the State Department of Land and Natural Resources and secure their clearance prior to continuing with any development activities. There are no air quality monitoring stations in the West Hawaii Region. The principle source of short-term air quality impacts will be associated with the construction of the proposed golf course and related facilities. Mitigative measures to preserve air quality during the course of construction of the golf course will be implemented in accordance with existing government regulations and modern construction practices. These practices may include limiting the area under construction at any given time and the application of mulching or chemical stabilizers to inactive construction areas. Noise generated by construction activities upon surrounding areas, especially the Puako Beach Lots community, will also be of concern. The applicant will limit construction activities during daylight hours as well as use of mufflers on construction equipment when possible. Given the relatively short duration of construction activities, the Director anticipates that long-term adverse impacts to air quality and noise will be minimal. The very nature and popularity of golf as a recreational activity is based upon the maintenance of a tranquil environment. Any noise that could adversely affect surrounding properties during golf course operation will definitely affect the quality of play.

Wastewater generated by the proposed development will be accommodated by the existing Mauna Lani wastewater treatment plant. Any potential runoff or discharge which could reach ocean waters can be handled by on-site improvements provided in accordance with existing County regulations. Likewise, any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing County erosion and sedimentation control regulations as well as standard construction practices.

The project site is not situated within an area that may be impacted by coastal flooding hazards due to its distance from the shoreline. However, approximately three-fourths of the project site is situated within the 100-year flood area (Zone AO). An area within the northern portion of the project site is also designated within a flood area (Zone AE). Remaining areas outside of these flood areas are Zone X (areas outside of the 500-year flood area). The Department of Public Works (DPW) is recommending that a drainage study be prepared for the project site and a recommended drainage system installed meeting with their approval. If deemed necessary by the DPW, the applicant will be required to prepare a flood study for submittal to the Federal Emergency Management Agency (FEMA). These recommendations from the DPW will be made a condition of this approval recommendation. With the implementation of all flood and drainage improvements as may be required by the Department of Public Works, we find

that the proposed project will not have a significant adverse impact to the County's drainage systems.

With these precautionary measures in place, the proposed development is not anticipated to have any substantial adverse effects upon the coastal resources or environment.

As discussed in detail above, the Planning Director finds that the proposed development is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure.

Based on the above findings, it is determined that the proposed development will not have any 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 the Special Management Area.

Approval of this request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit.
3. Final Plan Approval for the proposed golf course, clubhouse, driving range, ground maintenance facilities and related improvements shall be secured from the Planning Director. Plans shall identify the proposed structures, vehicular traffic, paved driveway access and parking stalls associated with the proposed use.
4. The applicant shall preserve the potential use of the existing emergency evacuation roadway traversing through the project site until such time the applicant has completed construction of a realigned emergency evacuation roadway in a location approved by the Planning Director. The closure of the existing emergency evacuation roadway and use of the new, realigned emergency evacuation roadway will occur with the written approval of the Planning Director.

5. A detailed drainage study shall be prepared by the applicant for review and approval by the Department of Public Works prior to submittal of plans for Final Plan Approval review for the golf course and/or clubhouse, whichever is submitted first. A drainage system shall be installed meeting with the approval of the Department of Public Works, prior to issuance of a certificate of occupancy for the golf clubhouse or opening of the golf course, whichever occurs first.
6. As may be deemed necessary by the Department of Public Works, the applicant shall prepare a flood study for submittal to the Federal Emergency Management Agency (FEMA) for a Letter of Map Revision (LOMR), if required, prior to the submittal of plans for Plan Approval Review and/or prior to the commencement of any land alteration activities. A Conditional Letter of Map Revision (CLOMR) from FEMA may be necessary before development may proceed on portions of the proposed development. Should a flood study be required, issuance of Final Plan Approval of the proposed golf course development, or any portion thereof, will be subject to concurrence by the Department of Public Works.
7. The applicant shall develop an Integrated Pest Management Program (IPMP) for the review and approval of the Planning Director, in consultation with the State Department of Health, prior to the issuance of Final Plan Approval for the golf course or any of its related components and facilities.
8. The applicant shall cooperate with Protect Puako in the development of a groundwater hydrology study/assessment that will assist both parties in the understanding of groundwater quality and quantities within the affected area that are available for golf course irrigation. The scope of the study/assessment and its participants and costs shall be agreed upon by both the applicant and Protect Puako, prior to the submittal of plans for Plan Approval Review for any portion of the proposed golf course development. In the event the parties are unable to reach agreement, the terms of the proposed study/assessment shall be approved by the Planning Department in consultation with the Department of Water Supply, the Commission on Water Resource Management, and the Puako Community Association.

9. The applicant shall conduct a groundwater and nearshore water quality monitoring program within the affected area for a period of two (2) years from the date of issuance of this permit. The scope of the monitoring program, which shall be consistent with accepted monitoring standards and sufficient to detect and assess changes to groundwater and the nearshore marine environment in the vicinity of the project site, shall be approved by the Planning Director, in consultation with the Department of Health, prior to the issuance of Final Plan Approval for the golf course clubhouse or the opening of the golf course, whichever comes first.
10. The applicant shall register the proposed golf course with the Audubon International's Gold Signature Program prior to the opening of the golf course and shall use its best efforts to obtain and continue Gold Certification.
11. The applicant shall comply with the Department of Health's "Guidelines Applicable to Golf Courses in Hawai'i" dated June 2000, and the "Golf Course Management Measures" contained in the "Hawaii's Coastal Nonpoint Pollution Control Program Management Plan."
12. A Solid Waste Management Plan shall be prepared and submitted for approval to the Department of Public Works prior to submitting plans for Final Plan Approval. Approved recommendations and mitigation measures shall be implemented in a manner meeting with the approval of the Department of Public Works.
13. Wastewater generated by the proposed development shall be disposed of in a manner meeting with the approval of the Department of Health.
14. During construction, best effort measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such best effort measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.
15. The use of pesticides and herbicides in conjunction with all phases of the golf course operation shall conform with the applicable regulations of appropriate governmental agencies.
16. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological

clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.

17. Comply with all other applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed development within the subject property.
18. An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this permit. This condition shall remain in effect until all of the conditions of approval have been complied with and the Director acknowledges that further reports are not required.
19. An initial 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.
 - (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).

Use Permit

Rule 7 (Use Permits) of the Planning Commission's Rules of Practice and Procedure states that the Planning Commission may approve a use permit based on certain criteria. Section 7-6, Criteria for Granting a Use Permit, states:

"The Commission may approve a use permit upon finding that:

- "(a) The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan;

- "(b) The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties; and
- "(c) The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure."

The granting of the request for a Use Permit will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan. The establishment of a golf course, driving range, clubhouse, water features and other related improvements and facilities, on a project site located within the State Land Use Agricultural District and zoned Agricultural-5 acre (A-5a) by the County is a permitted use through the Use Permit review process, provided that the Land Study Bureau's Detailed Classification System classifies the project site as having a master productivity rating of C, D or E. The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses as well as the goals and policies of the General Plan. The intent and purpose of the Zoning Code is to promote health, safety, morals or the general welfare of the community through regulations and restrictions relative to the location and use of buildings, off-street parking, the percentage of lots that may be occupied, the density of population and land for trade, industry, residence or other purposes.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject area for Urban Expansion, which allows for a mix of high, medium and low density urban uses, industrial and/or open designations in areas where new settlements may be desirable, but where specific settlement patterns and mix of uses have not yet been determined. The Land Study Bureau's Detailed Land Classification System classifies soils within the project area having an overall master productivity rating for agricultural use of "E" or "Very Poor."

Mindful of the type of service and opportunities the applicant will provide to the residents of West Hawaii, the proposed project will compliment the following goals, policies and standards of the Land Use Elements of the General Plan:

Land Use

- Designate and allocate land areas in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.

- The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

The proposed request would also complement the following goals and policies of the Recreational, Environmental Quality, Natural Resources and Shorelines, and Natural Beauty Elements of the General Plan.

Recreational

- Provide a wide variety of recreational opportunities for the residents and visitors of the County.
- Maintain the natural beauty of recreation areas.
- Provide a diversity of environments for active and passive pursuits.

Environmental Quality

- Maintain, and if feasible, improve the existing environmental quality of the island.
- Encourage the concept of recycling agricultural and municipal waste material. The proposed use would also conform to the following:

Natural Resources and Shorelines

- Protect and conserve the natural resources of the County of Hawaii from undue exploitation, encroachment and damage.
- Provide opportunities for the public to fulfill recreational, economic, and educational needs without despoiling or endangering natural resources.
- Protect and promote the prudent use of Hawaii's unique, fragile and significant environmental and natural resources.
- Protect rare or endangered species and habitants native to Hawaii.
- Protect and effectively manage Hawaii's open space, watersheds, and natural areas.

- Ensure that alterations to existing land forms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.
- The County of Hawaii should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse effects on the environment.
- Encourage the use of native plants for screening and landscaping.

Natural Beauty

- Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources.
- Protect scenic vistas and view planes from becoming obstructed.
- The County shall consider structural setback from major thoroughfares and highways and shall establish development and design guidelines to protect important view planes.

The proposed use would also conform to the following goals and policies of the Economic Element goals and policies of the General Plan.

Economic

- Provide residents with opportunities to improve their quality of life.
- Economic development and improvement shall be in balance with the physical and social environments of the island of Hawaii.
- The County of Hawaii shall strive for an economic climate which provides its residents an opportunity for choice of occupation.
- The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. The project site and surrounding area is identified as a Major Resort Area by the General Plan.

The proposed project will allow the applicant to develop a golf course that can be integrated as part of nearby Mauna Lani Resort area. While the project site and its immediately surrounding area consist primarily undeveloped lands, the Mauna Lani Resort area itself is a mixture of resort, multiple family and single family residential developments. Approval of the applicant's requests will allow them to provide a recreational amenity that is typically found in major resort areas. Furthermore, a golf course can be defined as another form of open space use, which will not severely detract from its current undeveloped and open character.

An archaeological inventory survey of the project site was conducted by the applicant and found a total of 14 archaeological sites consisting of 30 component features. The applicant's consulting archaeologist recommended that no further archaeological work be required with no preservation of any of these sites. By letter to the Planning Director dated September 14, 2000, the Department of Land and Natural Resources concurred with the findings and recommendation of the consulting archaeologist and determined that the proposed project will not have an adverse effect upon significant archaeological sites.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure. Water will be made available to the project site via water commitments issued to Mauna Lani Resort. Potable water will be provided by the County via an 8-inch waterline that connects to a 24-inch water main located along the Mauna Lani Resort main entrance road. Estimated demand for potable water is 14,050 gallons per day. Irrigation water will be obtained from two wells which will provide water to the proposed irrigation lake through a new 8-inch transmission line to be installed by the applicant. From this location, water will then be distributed throughout the proposed golf course. The applicant anticipates that projected irrigation requirements at 310,000 gallons per day. The Department of Water Supply has issued a conditional approval for water service to the proposed project upon satisfaction of all applicable requirements, such as the construction of all necessary water system improvements that will support the proposed project. Satisfaction of these requirements by the applicant will be made a condition of this approval recommendation.

Access to the golf course site from the Queen Kaahumanu Highway will be along the privately-maintained Mauna Lani Drive. From Mauna Lani Drive, access will continue along an existing maintenance road that maintains a pavement width of 30 feet within a 80-foot wide right-of-way. The final segment of this access will be along a new golf course entry road that will be constructed with a pavement width of 24 to 30 feet. The Department of Public Works had no objections regarding access to the project site. The State Department of Transportation did offer several recommendations regarding the proposed project. Most significant of these recommendations was the preparation of a

traffic impact analysis report to assess whether any improvements were required to the Queen Kaahumanu Highway-Mauna Lani Drive intersection. The need for a TIAR will not be included as part of this approval recommendation since the proposed golf course is not anticipated to generate a significant adverse impact to traffic conditions at the Queen Kaahumanu Highway-Mauna Lani Drive intersection.

Wastewater disposal will be accommodated at the existing and privately-operated Mauna Lani Resort wastewater treatment facility for treatment and disposal. The applicant anticipates that the proposed golf course development will generate approximately 14,370 gallons of wastewater per day. This wastewater generated throughout the golf course will be transported to the proposed golf clubhouse via a collection network and central pump station. From this pump station, the wastewater will be transported to the treatment facility.

Due to the location of the project site approximately one-quarter of a mile from the shoreline, coastal flooding concerns are not an issue. However, as recommended by the Department of Public Works, a drainage study of the project site will be required and drainage system improvement(s) meeting with the approval of the Department of Public Works (DPW) must be installed prior to commencing operations of the golf course. Approximately three-fourths of the project site is situated within the 100-year flood area. If deemed necessary by the DPW, the applicant will be required to prepare a flood study for submittal to the Federal Emergency Management Agency (FEMA). These recommendations from the DPW will be made a condition of this approval recommendation. With the implementation of all flood and drainage improvements as may be required by the Department of Public Works, we find that the proposed project will not have a significant adverse impact to the County's drainage systems.

The applicant has indicated that an existing emergency evacuation road from the Puako Beach Lots Subdivision to the existing Mauna Lani Resort maintenance roadway will be relocated to accommodate the proposed project. Preservation of this emergency evacuation roadway is viewed as essential to the residents of Puako Beach Lots Subdivision. Therefore, the Director recommends that the relocated emergency evacuation roadway be shown on plans submitted for plan approval review as well as ensure that its construction is completed prior to the elimination of its existing alignment.

Other public utilities, facilities and services required to support the proposed golf course project are or will be made available. These utilities, facilities and services already support the nearby Mauna Lani Resort and can therefore be easily directed in support of the proposed golf course development. Therefore, it has been determined that any impacts generated from the proposed development will not be substantial nor negatively impact upon the surrounding area nor upon existing infrastructural systems.

The applicant has agreed to cooperate with Protect Puako to develop an assessment/study of groundwater hydrology in the Puako area that will assist both the applicant and Protect Puako in understanding the quality and quantity of groundwater available for golf course irrigation purposes. The applicant has also agreed to an ongoing groundwater and nearshore water quality monitoring program for which the applicant will assume the costs associated with such a monitoring program for a period of two years from the effective date of this Use Permit and the accompanying Special Management Area Use Permit. Finally, the applicant has agreed to register the proposed golf course under the Audubon's International Gold Signature Program and will strive to achieve Gold Certification upon completion of the golf course. These agreements will be incorporated into conditions of this approval recommendation.

In response to recommendations received from the State Department of Health regarding the implementation of appropriate management measures to control potential sources of nonpoint pollution resulting from the construction and operation of the proposed golf course, the Director recommends that the applicant comply with the "Golf Course Management Measures" contained in the "Hawaii's Coastal Nonpoint Pollution Control Program Management Plan." The goal of these management measures is to minimize and prevent the migration of nonpoint source pollutants from golf courses into ground, surface, and coastal waters. The applicant shall also comply with the Department of Health's "Guidelines Applicable to Golf Courses in Hawai'i" (June 2000). These guidelines are intended to promote, protect and enhance environmental quality and public health. These recommendations cover measures that could prevent groundwater and surface water pollution, soil contamination, chemical spills, and noise and solid waste nuisances.

Approval of this request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with the requirements of the Department of Water Supply prior to the issuance of a certificate of occupancy for the golf course clubhouse or the opening of the golf course, whichever comes first. These requirements shall include the construction of all necessary water system improvements as may be required by the Department of Water Supply to support the proposed golf course development.

3. Final Plan Approval for the proposed golf course, clubhouse, driving range, and its related improvements and facilities shall be secured from the Planning Director. Plans shall identify the proposed structures, landscaping, paved driveway access and parking stalls associated with the proposed use. Plans shall also indicate the alignment of the relocated emergency evacuation roadway.
4. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit.
5. The applicant shall cooperate with Protect Puako in the development of a groundwater hydrology study/assessment that will assist both parties in the understanding of groundwater quality and quantities within the affected area that are available for golf course irrigation. The scope of the study/assessment and its participants and costs shall be agreed upon by both the applicant and Protect Puako, prior to the submittal of plans for Plan Approval Review for any portion of the proposed golf course development. In the event the parties are unable to reach agreement, the terms of the proposed study/assessment shall be approved by the Planning Department in consultation with the Department of Water Supply, the Commission on Water Resource Management, and the Puako Community Association.
6. The applicant shall conduct a groundwater and nearshore water quality monitoring program within the affected area for a period of two (2) years from the date of issuance of this permit. The scope of the monitoring program, which shall be consistent with accepted monitoring standards and sufficient to detect and assess changes to groundwater and the nearshore marine environment in the vicinity of the project site, shall be approved by the Planning Director, in consultation with the Department of Health, prior to the issuance of Final Plan Approval for the golf course clubhouse or the opening of the golf course, whichever comes first.
7. The applicant shall register the proposed golf course with the Audubon International's Gold Signature Program prior to the opening of the golf course and shall use its best efforts to obtain and continue Gold Certification.
8. The applicant shall comply with the Department of Health's "Guidelines Applicable to Golf Courses in Hawaii" dated June 2000, and the "Golf Course Management Measures" contained in the "Hawaii's Coastal Nonpoint Pollution Control Program Management Plan."
9. The applicant shall preserve the potential use of the existing emergency evacuation roadway traversing through the project site until such time the applicant has completed construction of a realigned emergency evacuation

roadway in a location approved by the Planning Director. The closure of the existing emergency evacuation roadway and use of the new, realigned emergency evacuation roadway will occur with the written approval of the Planning Director.

10. A drainage study shall be prepared by the applicant for review and approval by the Department of Public Works prior to submittal of plans for Final Plan Approval review for the golf course and/or clubhouse, whichever is submitted first. A drainage system, if required, shall be installed meeting with the approval of the Department of Public Works, prior to issuance of a certificate of occupancy for the golf clubhouse or opening of the golf course, whichever occurs first.
11. As may be deemed necessary by the Department of Public Works, the applicant shall prepare a flood study for submittal to the Federal Emergency Management Agency (FEMA) for a Letter of Map Revision (LOMR), if required, prior to the submittal of plans for Plan Approval Review and/or prior to the commencement of any land alteration activities. A Conditional Letter of Map Revision (CLOMR) from FEMA may be necessary before development may proceed on portions of the proposed development. Should a flood study be required, issuance of Final Plan Approval of the proposed golf course development, or any portion thereof, will be subject to concurrence by the Department of Public Works.
12. The applicant shall develop an Integrated Pest Management Program (IPMP) for the review and approval of the Planning Director, in consultation with the State Department of Health, prior to the issuance of Final Plan Approval for the golf course or any of its related components and facilities.
13. A Solid Waste Management Plan shall be prepared and submitted for approval to the Department of Public Works prior to submitting plans for Final Plan Approval. Approved recommendations and mitigation measures shall be implemented in a manner meeting with the approval of the Department of Public Works.
14. Wastewater generated by the proposed development shall be disposed of in a manner meeting with the approval of the Department of Health.
15. Prior to construction, the applicant shall demonstrate to the satisfaction of the Planning Department that all proposed off-site construction material such as topsoil or sand are being supplied from an approved quarry or recourse site.
16. During construction, best effort measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such best effort measures shall be

in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.

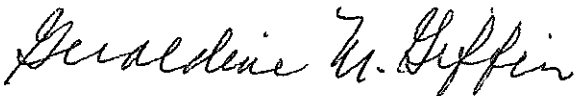
17. The use of pesticides and herbicides in conjunction with all phases of the golf course operation shall conform with the applicable regulations of appropriate governmental agencies.
18. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
19. Comply with all other applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed development within the subject property.
20. An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this Use Permit. This condition shall remain in effect until all of the conditions of approval have been complied with and the Director acknowledges that further reports are not required.
21. An initial 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.
 - (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).

Mr. Lee Sichter
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These approvals do 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.

Should you have any questions, please contact Daryn Arai of the Planning Department West Hawaii Office at 327-3510 or Alice Kawaha of the Planning Department Hilo Office at 961-8288.

Sincerely,



Geraldine M. Giffin., Chairman
Planning Commission

LwhitesandsmausePC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Office of Planning, CZM Program (w/Background)
Department of Land and Natural Resources
Brian Minaai, Director/DOT-Highways, Honolulu
Mr. Norman Hayashi
Mr. Jeffrey Darrow
Plan Approval Section
Mr. Paul B. Fay, Esq.