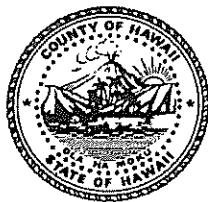


Harry Kim
Mayor



County of Hawaii

PLANNING COMMISSION

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7000 0600 0024 2904 3814

SEP 05 2002

Mr. Ronald A. Sato
SSFM International Inc.
501 Sumner Street, #501
Honolulu, Hawaii 96817

Dear Mr. Sato:

Special Management Area Application (SMA 02-002)
Applicant: County of Hawai'i, Department of Public Works
Request: Construction of the Kalapana Road realignment project
Tax Map Key: 1-3-02 and 1-3-03

The Planning Commission at its duly held public hearing on August 15, 2002, voted to approve the above-referenced application. Special Management Area No. 425 is hereby issued to allow the construction of the Kalapana Road realignment project. The project sites are located between Kalapana Seaview Estates Subdivision and MacKenzie Beach State Park, Kauaea and Kamā'ili, Puna, Hawaii.

Approval of this request is based on the following:

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.

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. Such adverse effect shall include, but not be limited to, the potential cumulative impact

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of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options. The project involves the realignment of two sections of the existing Kapoho-Kalapana Beach Road affected by coastal erosion and wave inundation occurring along the adjacent coastline. Normal wave and high surf activities have resulted in the erosion of the shoreline near the Kapoho-Kalapana Beach Road in the Opihikao and Kamaili area of Puna. The wave activity has undermined the roadway and occasional wave wash occurs onto the road during high surf conditions. One of the major factors contributing to the present condition of the roadway is ground subsidence from earthquakes and the gravitational settling of the volcano mass. The objective of the road renovation project is to realign two sections of the roadway further inland to provide residents and the public with continued safe vehicular access into and out of the area.

There would be no adverse impact to recreational and visual resources, access to and along the shoreline or coastal ecosystems. The project area consists of two areas inland of Kapoho-Kalapana Beach Road, referred to as Site Nos. 3 (TMK: 1-3-003:06) and 5 (TMK: 1-3-002: 76, 78 and 108). The realignment sites are generally situated between the Kalapana Seaview Estates Subdivision to the southwest and MacKenzie Beach Park to the northeast.

- Site No. 3, the more northern of the two realignment sites being proposed, is located about 2,300 feet northeast of the intersection of Kamaili Road with Kapoho-Kalapana Beach Road and is an undeveloped area overgrown with trees and other vegetation. The segment of this road proposed to be realigned is situated along a steep, rocky cliff being eroded and undermined by ocean waves. The length of this roadway to be realigned is approximately 1,300 feet long and the average distance from the shoreline is approximately 178 feet. The estimated construction cost for the improvement is \$375,000.
- Site No. 5 is located approximately 10,500 feet (two miles) southwest of the intersection of Kamaili Road with Kapoho-Kalapana Beach Road. It is heavily vegetated and not used for any public use. This section of the roadway has a large gradual drop in the roadway elevation from the northern end and rises toward the southern end. The lower section of this roadway is the area closest to the shoreline that needs to be realigned. The length of this roadway to be realigned is approximately 800 feet long and the average distance from the shoreline is approximately 141 feet. The estimated construction cost for the improvement is \$425,000.

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The realignment of portions of the roadway will require the consolidation and re-subdivision of affected parcels.

The area surrounding the proposed project is rural in character with limited residential development along the coastline, and much of the surrounding area is undeveloped. Along the coastline near the project area, there are larger lots inland of Kapoho-Kalapana Beach Road. Properties makai of the roadway are undeveloped. The proposed project would not impact the immediate adjacent properties, as the area is currently largely undeveloped. Access to the properties is from Highway 137 Kapoho-Kalapana Beach Road, a County-owned roadway with a pavement width varying from 16 to 20 feet.

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. According to the Department of Water Supply, there are no waterlines located within Kapoho-Kalapana Beach Road at the realignment sites. Residences in the area rely on individual roof catchment systems. There is no County wastewater collection and treatment system in the area of the realignment sites. Cesspools and septic systems are used by residences in the area. The Flood Insurance Rate Maps (FIRM) indicate that the properties are in Zone "X", areas located outside of the 500-year flood plain (minimal tsunami inundation).

The vegetation at the two locations is dominated by mixed forests of Java plum, monkeypod, guava and strawberry guava, as well as scattered groves of coconut and planting of ironwood. No threatened or endangered species are present at the sites. Mammalian species present in the project area include the domestic dog, small Indian mongoose, rats and mice. No native avian species or endangered, threatened, or candidate species by the U.S. Fish and Wildlife Service or the State was discovered at the sites. Paul H. Rosendahl, Ph.D., Inc. conducted an archaeological inventory survey for the project as part of the Final Environmental Assessment and no archaeological sites were identified at Site No. 5. However, human skeletal remains were discovered in close proximity to the proposed realignment at Site No. 3. A draft Burial Treatment Plan has been prepared and will be coordinated with the Hawai'i Island Burial Council and the State Historic Preservation Office to finalize and secure approval of this plan. Upon acceptance and approval, the plan will be implemented by the County of Hawaii as part of the road alignment project. Approval of the Final Burial Treatment Plan by the Hawai'i Island Burial Council and State Historic Preservation Office, as well as the submittal of the report to the Planning Director, will be made a condition of this permit.

The proposed project will not substantially affect scenic vistas and viewplanes identified in County or State plans or impact viewplanes of nearby residents. Further, the proposed project will not adversely impact any recreational or visual resources, scenic or open space resources to the shoreline and coastal ecosystems. Air quality issues include short-term construction related emissions such as fugitive dust. Fugitive dust emissions and construction noise are not expected to cause disturbances or annoyances to surrounding properties since properties in the project area are undeveloped with no residences, and the affected properties in the immediate vicinity of the realignment route. The emission of carbon monoxide from vehicular traffic occurring along this roadway is not considered to be a factor since this project only involves the renovation of two short sections of an existing roadway. The construction phase of any development would generate some noise levels due to equipment noise and other related activities. However, any noise impact from these activities would be relatively short-term and minor given the short roadway segments being constructed. The existing noise generated in the area comes primarily from the vehicular traffic on Kapoho-Kalapana Beach Road. Given the limited nature of the improvements, no significant long-term air and noise quality impacts are anticipated.

The proposed development is consistent with the County General Plan and Zoning Code. The proposed project conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates this area for Orchards. The Orchards designation are those agricultural lands which though rocky in character and content, support productive macadamia nuts, papaya, citrus and other similar agricultural products. The proposed project is also consistent with the General Plan's Land Use, Economic, Transportation, Environmental Quality and Natural Resources and Shoreline elements. The subject properties are not located within an area recognized by the General Plan as an example of natural beauty. The properties are zoned Agricultural (A-1a and A-10a).

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 proceedings to revoke this permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Subdivision Approval shall be secured prior to the completion of the two roadway improvements.
3. Construction of the two roadway sections shall be completed within five (5) years from the effective date of this permit.
4. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects in the State of Hawaii.
5. Should any historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials 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 mitigation measures have been taken.
6. A copy of the approved Final Burial Treatment Plan shall be approved by the Hawai'i Island Burial Council and the State Historic Preservation Office and submitted to the Planning Director prior to obtaining any land alteration permits.
7. The applicant shall comply with Chapter 27 (Flood Control), Hawaii County Code, in the construction of the project.
8. Comply with all applicable laws, rules, regulations and requirements of other affected agencies.
9. 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, its 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 original reasons for the granting of the permit.

Mr. Ronald A. Sato

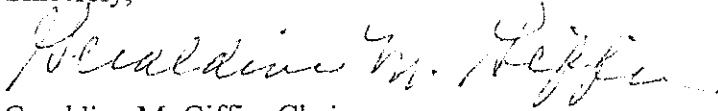
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- C. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

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.

Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,



Geraldine M. Giffin, Chairman
Planning Commission

LDPW02.dot

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Brian Minaai, Director/DOT-Highways, Honolulu
DLNR-HPD