

CERTIFIED MAIL

January 26, 1982

Mr. Robert Emory  
RR No. 1, Box 124H  
Capt. Cook, HI 96704

Dear Mr. Emory:

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMIT  
Tax Map Key: 8-2-03:01

Upon careful review of your SMA Use Permit request, we have found that it complies with the requirements for a Minor Permit set forth in Rule 9.7 of the Planning Commissions Rules and Regulations Relating to Environmental Shoreline Protection.

Accordingly, please find enclosed a SMA Minor Permit No. 82-8 for the development of an approximately 3.5-acre macadamia nut farm and related improvements including a service road and garage/storage shed. The area involved is a portion of a 21.319-acre parcel situated directly south of the Old Government Road-Lower Government Road intersection, Waipunaula, South Kona, Hawaii (TMK: 8-2-03:01).

Please note that the permit approval is also subject to the conditions that:

1. That should any unanticipated archaeological features be found during the construction period, work shall immediately cease and the Planning Director and the Historic Sites Section of the Department of Land and Natural Resources shall be immediately notified. Work shall not resume until approval is received from the Planning Director; and
2. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, the SMA Minor Permit may be deemed null and void.

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Should you have any questions regarding the above, please do not hesitate to contact William Moore or Wally Matsunami of this department at 961-8288.

Sincerely,



SIDNEY DUKE  
Planning Director

OWN:smn  
Enclosure  
cc: Chief Engineer

JAN 25 1982  
JAN 27 1982

PLANNING DEPARTMENT - PLANNING COMMISSION

COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. 82-8

SPECIAL MANAGEMENT AREA MINOR PERMIT

The Planning Director completed on January 25, 1982  
an assessment on the application of Robert Emory  
for a Special Management Area (SMA) Minor Permit pursuant to  
Section 9.7.C, Rule No. 9 of the Planning Commission Rules  
Relating to Administrative Procedures, as amended. The permit  
request is for: the development of an approximately 3.5-acre  
macadamia nut farm and related improvements including a service  
road and garage/storage shed. The area involved is a portion  
of a 21.319-acre parcel situated directly south of the Old  
Government Road-Lower Government Road intersection, Waipunaula,  
South Kona, Hawaii (TMK: 8-2-03:01)

As indicated on the attached report, the Director finds  
that the proposed development is:

- (1) not in excess of \$25,000; and
- (2) will not significantly affect the SMA.

Therefore, with the concurrence of the Chief Engineer,  
the Director hereby grants to the applicant a minor permit  
under the authority vested in him by Section 9.7.C of said

Rules, with the following condition(s) that:

1. That should any unanticipated archaeological features be found during the construction period, work shall immediately cease and the Planning Director and the Historic Sites Section of the Dept. of Land and Natural Resources shall be immediately notified. Work shall not resume until approval is received from the Planning Director.
2. That all other applicable rules, regulations and requirements shall be complied with.

for David H. Purnham  
Should any of the foregoing conditions not be met, the SMA Minor  
Chief Engineer, DPW Permit may be deemed null and void.

Gustafson  
Planning Director

Attachment

ROBERT EMORY: SMA ASSESSMENT

Robert Emory is requesting a Special Management Area (SMA) Use Permit to allow the development of an approximately 3.5-acre macadamia nut farm and related improvements including a service road and garage/storage shed. The area involved is a portion of a 21.319-acre parcel situated directly south of the Old Government Road-Lower Government Road intersection, Waipunaula, South Kona, TMK: 8-2-03:01.

More specifically, the proposed improvements include the grubbing of the proposed farm site, the planting of macadamia nut trees and the construction of an access road. Also proposed is the construction of a 400-square foot single story garage/storage structure.

In support of the subject request, the applicant stated, in part, the following:

"The proposed project is of such low scale that it will have virtually no adverse affect on the surrounding area. It will, however, upgrade a non-use property which should have a good effect on the area...All site work will be done with the Soil Conservation Department supervision."

The subject property is within the County's Unplanned (U) zoned district and is designated Agricultural by the State Land Use Commission. The makai portion of the subject area is within the

Kealahou Bay Historic District. Based on the plans submitted, none of the improvements will be situated within the Kealahou Bay Historic District Boundary.

The subject area was previously used for the growing of coffee and as pasture. However, the subject area is presently vacant of any use and is overgrown with brush, grass and monkey pod trees. The subject area is within a fault zone and depicted in the General Plan Facilities Map. There are no flooding hazards associated with the subject area.

The Kealahou Bay Pali intersects the subject property in an east-west direction. The proposed improvements are entirely north or mauka of the pali drop-off.

An archaeological reconnaissance survey of the subject area was conducted. According to the survey report there were no significant features on the surface of the area examined and virtually no likelihood of any subsurface features, consequently no further investigation was warranted.

The total cost of the proposed improvements is approximately \$20,000.

A SMA Minor Use Permit is hereby approved based on the following findings:

1. That the total cost/fair market value of the proposal will not exceed \$25,000.
2. That the proposal will not result in a significant adverse effect on the SMA.

The proposed development should not create any substantial adverse impact on the environmental or ecological resources on the SMA. The applicant proposes to develop an approximately 3.5-acre macadamia nut farm and related improvements including the construction of an access road and storage/garage shed. The subject area was previously used for agricultural activities including pasture use and coffee farming. Consequently, the proposed improvements will not increase the degree of environmental impact over what previously existed. Furthermore, no known rare or endangered flora or fauna are known to exist in the area.

The proposed development is consistent with the Objectives, Policies and SMA Guidelines. These were established to provide guidance for the preservation, protection, and development of coastal resources of the State and County. They identify several areas of management concerns including historic, recreational, scenic resources, coastal ecosystems, economic use, and coastal hazards. Because of the limited nature of the improvements and their distance from the shoreline, the granting of this request will not impact on the identified resources. However, the subject area is adjacent to the Kealahou Bay

Historic District. The findings of the archaeological reconnaissance survey indicate that no sites of historic significance are located on the development site. Furthermore, conditions of approval of this Permit should mitigate any additional concerns which may be uncovered during the improvement of the roadway.

The proposed farm and related improvements are consistent with the Agricultural designation of the General Plan and the Unplanned zoning of the area.

Based on the above, it is determined that the granting of the subject request will not create a significant 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 and Rule 9 of the Planning Commission Relating to the Special Management Area or the General Plan of the County of Hawaii.

A SMA Minor Use Permit is further approved subject to the following conditions:

1. That should any unanticipated archaeological features be found during the construction period, work shall immediately cease and the Planning Director and the Historic Sites Section of the Department of Land and Natural Resources shall be immediately notified. Work

shall not resume until approval is received from the Planning Director.

2. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, the SMA Minor Permit may be deemed null and void.