



Planning Department

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

Lorraine R. Inouye
Mayor

Norman K. Hayashi
Director

Tad Nagasako
Deputy Director

CERTIFIED MAIL

December 17, 1991

Mr. Dan Lutkenhouse
Hawaii Tropical Botanical Garden
248 Kahoa Road
Hilo, HI 96720

Dear Mr. Lutkenhouse:

Special Management Area (SMA) Minor Use Permit No. 91-27
Applicant: Hawaii Tropical Botanical Garden
Tax Map Key: 2-7-09:2 and 2-7-10:22

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 Commission's Rules and Regulations Relating to Special Management Area.

Accordingly, please find enclosed a SMA Minor Use Permit No. 91-27 to construct a new 10-foot wide 500 feet long paved driveway access, parking and turnaround area, an 8-foot wide 120 feet long foot bridge across Onomea Stream, foot trails, a rain shelter, restroom facilities and public access trail. The project will occur makai of the Old Mamalahoa Highway (Scenic Drive), with a major portion of the improvements situated north of Onomea Stream. The project site is situated within the ahupua'a of Kahalii and Onomea, South Hilo, Island of Hawaii, Tax Map Key 2-7-09:2 and 2-7-10:22.

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

1. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions.
2. Detailed plans for Plan Approval shall be submitted to the Planning Department within one year from the effective date of this SMA Minor Use Permit.

3. Construction of the proposed improvements shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. A comprehensive public access plan shall be submitted for review and approval by the Planning Department, in consultation with the Department of Land and Natural Resources, prior to submittal of plans for plan approval or land alterations, whichever comes first. The comprehensive public access plan shall include, but not be limited to, the delineation of a mauka-makai access; lateral shoreline access at the existing fishing area, approximately 20 feet in length, and along the shoreline beach area at the mouth of Onomea Stream; location, time of construction and/or availability of public accesses; restrictions on use; signage; and related improvements.
5. An archaeological inventory survey shall be conducted, if applicable, in consultation with the State Department of Land and Natural Resources, Historic Sites Section, prior to submittal of plans for Plan Approval or prior to any land preparation activity, whichever occurs first.
6. Prior to Final Plan Approval, and if applicable, the applicant shall secure and submit to the Planning Department any required approvals from the Board of Land and Natural Resources and/or appropriate agency for the construction of the proposed improvements within the former Old Government Road ("donkey trail").
7. The roadway from the Scenic Road shall meet the approval of the Department of Public Works.
8. The applicant shall secure a Special Management Area (SMA) Use Permit from the Planning Commission for any other further expansion of the botanical garden (improvements and establishment) inclusive of the master plan on Tax Map Key 2-7-10:1 and 22.
9. A Conservation District Use Permit shall be secured from the Board of Land and Natural Resources and the

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requirements of said Board shall be complied with prior to the commencement of any activity on the subject area.

10. The requirements of the Shoreline Setback Rules and Regulations shall be complied with should any structures or activities (grading, grubbing, landscaping, etc.) be proposed within or immediately mauka of the shoreline setback area.
11. 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 area affected shall cease and the Planning Department immediately notified. Subsequent work shall begin with an archaeological clearance from the Planning Department and the State Historic Preservation Office when it is found that sufficient mitigative measures have been taken.
12. Comply with all other applicable rules, regulations and requirements of the County and State, including those of the Department of Public Works and Department of Health.
13. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) 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).

Should any of the foregoing conditions have not been met or substantially complied with in a timely manner, this SMA Minor Use Permit shall be void.

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Should you have any questions regarding the above, please do not hesitate to contact Alice Kawaha of this office.

Sincerely,



NORMAN K. HAYASHI
Planning Director

AK:smo
3938D

Enclosure
cc/encl: Chief Engineer
DLNR - Honolulu & Hilo
West Hawaii office

✓cc/encl: SMA Section