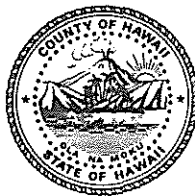


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL

May 19, 1993

Steven S. C. Lim, Esq.
Case & Lynch
Attorneys At Law
460 Kilauea Avenue
Hilo, HI 96720

Dear Mr. Lim:

Special Management Area (SMA) Minor Permit No. 93-7
Applicant: Puakea Bay Ranch Owners Association
and George and Shirley Isaacs
Passive Park After-the Fact and Proposed Improvements,
and Public Shoreline Access Trail Realignment/Relocation
TMK: 5-6-02: 41, 42 et al; Honoipu & Puakea, North Kohala

Upon careful review of your SMA 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 SMA Minor Permit No. 93-7 to allow the after-the-fact and proposed improvements to the existing passive park and the proposed realignment/relocation of the lateral shoreline public access trail at Puakea Bay, Puakea and Honoipu, North Kohala, Hawaii, TMK: 5-6-2: 41, 42 et al.

SMA Minor Permit No. 93-7 is approved subject to the following conditions:

1. The applicants, successors or its assigns shall comply with all of the stated conditions of approval.
2. The applicants, successors or its assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the applicants, successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this SMA Minor Permit.

3. A Conservation District Use approval shall be secured from the Board of Land and Natural Resources within one year of this SMA Minor Permit.
4. The applicants, successors or its assigns shall comply with the terms of the October 5, 1992 Conservation District Use approval File No. HA-11/18-91-2538.
5. The applicants, successors or its assigns shall secure final subdivision approval of the public shoreline access trail alignment within one year from the approval of the Conservation District Use Application.
6. A final comprehensive public access plan shall be submitted for review and approval by the Planning Director in consultation with the Department of Land and Natural Resources prior to any land alteration activity. The public access plan shall include the lateral shoreline access, signage, restriction on use (if any), maintenance and related improvements.
7. The applicants, successors or its assigns shall secure the necessary Shoreline Setback approval for any of the existing and proposed improvements situated within the 40-foot shoreline setback area within one year from the approval of the Conservation District Use Application.
8. The minimum 40-foot shoreline setback line measured from a current Certified Shoreline Survey shall be staked by a registered land surveyor prior to any land alterations in the affected area. Written confirmation shall be submitted in conjunction with the required/requested approvals.
9. A detailed archaeological survey and mitigation plan shall be submitted and approved by the Planning Department in consultation with the State Historic Preservation Division.
10. An extension of time for the performance of conditions within the SMA Minor Permit 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 applicants, 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

Steven S. C. Lim, Esq.

Page 3

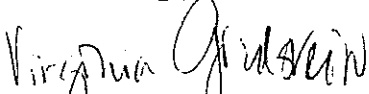
May 19, 1993

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).

11. Should any of the conditions not be met or substantially complied with in a timely fashion, after the Planning Director has given the permittee notice, this permit may be voided.

Should you have any questions regarding the above, please feel free to contact Alice Kawaha of this office.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

AK:mjh

WP51\LIM.AK

Enclosures

cc/encl: Everett Kaneshige, Esq.
Mr. Ed Henry, OCEA
West Hawaii Office
Planning Commission
✓ SMA Section
DPW - Engineering Division


CHIEF ENGINEER

Date: 5/19/93