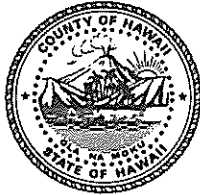


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director
Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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CERTIFIED MAIL

February 14, 1994

Mr. George Yoshida, Director
Department of Parks & Recreation
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

Dear Mr. Yoshida:

Special Management Area (SMA) Minor Permit No. 2
Applicant: County Department of Parks & Recreation
Proposed Construction of Forty-four Lineal Feet
Rockwall at Kahalu'u Beach Park
TMK: 7-8-14:1; Kahalu'u, North Kona, Hawaii

Pursuant to our letter dated February 7, 1994, we had determined that a Special Management Area (SMA) Minor Permit is required for the proposed construction of a forty-four (44) lineal feet CRM rockwall at the existing Kahalu'u Beach Park. Accordingly, based on the following background and findings, we hereby issue SMA Minor Permit No. 2 with conditions.

BACKGROUND

1. County Department of Parks & Recreation is requesting a Special Management Area (SMA) Minor Permit to allow the proposed construction of a forty-four (44) linear feet CRM rockwall at existing Kahalu'u Beach Park. The property is located on the makai side of Alii Drive immediately south of Keawaiki Canoe Landing and Kahalu'u Beach Lots, Kahalu'u, North Kona, Hawaii TMK: 7-8-14:1.
2. Specifically, the applicant proposes to construct a three-foot high CRM rockwall, which would be 44 feet in length. A two-inch mortar cap would top the wall and would be 1'-6" wide. The section drawings show the makai slope of the wall to be 1:6. This new construction would connect an existing

rockwall to the existing main pavilion area. The project site is over 100 feet from the shoreline. The estimated cost of the project is \$6,000.

3. The applicant states the following reasons for the proposed project.

"Separating the beach and parking lot is a forty-four (44) foot opening through which service equipment enter the beach area. During high sea conditions, water and sand enter the parking lot through this opening, rendering the parking lot unusable.

"The proposed project involves closing of this opening through construction of a rock wall matching the height and materials of adjacent walls. By preventing the deposit of water and sand in the parking lot, the parking lot would remain usable and there would be no loss of sand into the parking lot.

"An alternate entry for maintenance service equipment to the beach area has been located."

STATE AND COUNTY PLANS

4. The State Land Use District classification is Urban. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area as Open Area. The County Zoning designation is Open.
5. The subject parcel is located within the Special Management Area. The proposed improvement require an SMA Permit.
6. The project will use County funds and will occur on County lands. In addition, the subject parcel is situated within the Kahalu'u Historic District which is on the Hawaii Register of Historic Places (Site #4150). However, the Department of Parks & Recreation has declared the project an exempt class of action, pursuant to section 1:33(a)(4,7), Chapter 343, HRS, relating to Environmental Impact Statements.

DESCRIPTION OF THE PROJECT SITE AND SURROUNDING AREA

7. Kahalu'u Beach Park is a 4.23 acre public beach park within which are situated two picnic pavilions, a restroom, unpaved parking lot, picnicking areas and a sewer pump station.

8. According to the Soil Survey Report published by the U.S.D.A. Soil Conservation Service, the land is of the Punaluu series which consists of well-drained, thin organic soils over pahoehoe lava bedrock. The soil is extremely rocky peat, 6 to 20 percent slopes. The peat is rapidly permeable. The pahoehoe lava is very slowly permeable, although water moves rapidly through the cracks. Runoff is slow, and the erosion hazard is slight.
9. The Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency, designates the area as Zone VE (coastal flood with velocity hazard), 12 feet base flood elevation. The site is within the tsunami inundation area.
10. The county park has been extensively altered in the past by natural forces such as high surf action. It is also heavily utilized for recreational purposes by visitors and residents alike. Therefore, the likelihood of any historic sites or rare or endangered species of plant or animal life being found on the parcel is negligible.
11. The surrounding land uses are the Catholic Church, Kuemanu Heiau, and Waikui Pond to the north; the Keauhou Beach Hotel complex to the south; and residences to the east.

PUBLIC UTILITIES AND SERVICES

12. Access to the property is from Alii Drive.
13. Water and other essential utilities and services are available at the park site.

FINDINGS AND DETERMINATION

Upon review of the request against the guidelines for granting a Special Management Area Permit, the Planning Director hereby approves a Special Management Area Minor Permit based on the following findings:

The purpose of Chapter 205A, HRS, and Planning Commission Rule No. 9, 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 the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

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The total valuation of the project will not exceed \$125,000; and the proposal will not result in a significant adverse effect on the Special Management Area.

The proposed action is consistent with the Objectives, Policies and SMA Guidelines which 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 concern including historic, recreation, scenic resources, coastal ecosystems, economic use, and coastal hazards.

The construction of the rockwall should partially protect existing park amenities from the effects of high seas and surf action. The existing parking lot cannot be used when water and sand are deposited from run-up through the 44-foot opening. Because the proposed three-foot high rockwall is located in a county park, public accesses will be retained and unaffected. Similarly, the height of the proposed rockwall will not impact upon scenic and open space resources of the Special Management Area.

Although the property is within the Kahalu'u Historic District, the proposed project will not involve any loss or destruction of historic or cultural resources as none exist at the specific project area. The coastal ecosystems should remain stable since the construction will be located at a distance from the shoreline waters. The rockwall will be constructed in a flood hazard zone and must comply with the requirements of Chapter 27 of the Hawaii County Code relating to Flood Control.

The proposed project is consistent with the County's General Plan and the Zoning Code. The County is improving existing public facilities for optimum usage. A public park is a permitted use in the Open zoned district.

Based on the above findings, the limited nature of the project and given the proposed conditions of approval, it is determined that the granting of this request would allow for continual recreational use of the land which would not affect shoreline views, public access, and the environment or ecology of the shoreline area. Therefore, the granting of this request will not be contrary to the purpose and intent of Chapter 205A, HRS, relating to Coastal Zone Management; Rule No. 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

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A Special Management Area Minor Permit is further approved subject to the following conditions:

1. The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant shall secure Construction Plan Approval within one year from the date of this permit.
3. Construction of the proposed rockwall shall be completed within two years from the date of this permit.
4. The applicant, successors, or assigns shall comply with all other applicable County, State and Federal laws, rules, regulations and requirements.
5. A progress report shall be submitted to the Planning Director within six (6) months from the date of this permit. The report shall include, but not be limited to, the status of the project and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further progress reports are not required.
6. An extension of time for the performance of conditions within this 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 original reasons for the granting of the permit; and (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).

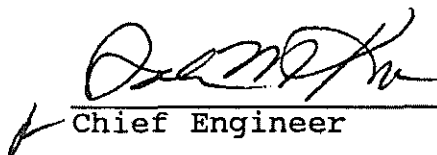
Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

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Should you have any questions, please feel free to contact Alice Kawaha of this office at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

 2/15/94
Chief Engineer Date

AGK

xc: Ms. Donna Kiyosaki, Chief Engineer
Planning Commission
West Hawaii Office
SMA Section