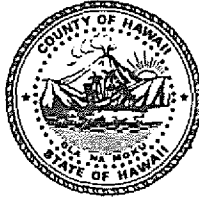


Stephen K. Yamashiro
Mayor



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

March 3, 1994

Mr. Gary Lambert
Gentry Properties
74-425 Kealakehe Parkway
Kailua-Kona, HI 96740

Dear Mr. Lambert:

Special Management Area (SMA) Minor Permit No. 3
Applicant: Gentry Properties
Proposed Boat Storage and Grading
Tax Map Key: 7-4-8:37(Por.); Kealakehe, North Kona, Hawaii

Pursuant to our letter dated February 16, 1994, we had determined that a Special Management Area (SMA) Minor Permit is required for the proposed boat storage and grading activities on portion of the subject property. Accordingly, based on the following background and findings, we hereby issue SMA Minor Permit No. 3 with conditions.

BACKGROUND

1. **Gentry Properties** is requesting a Special Management Area (SMA) Minor Permit to allow the proposed boat storage and grading activities of approximately 6 acres of land. The property is located on the makai side of Queen Ka'ahumanu Highway, Kealakehe, North Kona, Hawaii, TMK: 7-4-8:37(Por.).
2. Specifically, the applicant proposes to minimally grade and level three leased lots for use as a parking lot for trailer boats and some large boats stored on cradles. A 6-foot high fence will be constructed along the front and side perimeters of the lots. Ingress and egress will be through an electrical gate system. Other improvements within the project site will consist of installation of posts to designate trailer stalls, and battery operated lights elevated on wooden posts for security.

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

"The proposed improvements will better facilitate existing trailer boats now stored at Honokohau Harbor and add needed additional trailer boat storage as well. Trailer boats that use the two launching ramps, other than those stored at Honokohau Harbor, access Honokohau Harbor from Queen Kaahumanu Highway. Additional trailer boat parking at Honokohau Harbor would help alleviate traffic congestion."

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 Urban Expansion, Resort and Open Area. The County Zoning designation is Open.
5. The subject parcel is located within the Special Management Area. The proposed use and land alteration improvements require an SMA Permit.
6. The project will occur on State lands. The State Department of Land and Natural Resources, Division of Boating and Ocean Recreation, filed a Final Environmental Assessment-Negative Declaration determination which was published in the February 8, 1994 Office of Environmental Quality Control Bulletin. Therefore, the requirements of Chapter 343, HRS, relating to Environmental Impact Statements have been satisfied.

DESCRIPTION OF THE PROJECT SITE AND SURROUNDING AREA

7. The project site is presently vacant pahoehoe lava.
8. According to the Soil Survey Report published by the U.S.D.A. Soil Conservation Service, the land consists of pahoehoe lava which has no soil covering and is typically bare of vegetation except for mosses and lichens.
9. The Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency, designates the area as Zone X, areas determined to be outside 500-year flood plain.

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10. According to the applicant, there are no known endangered species of flora or fauna, and critical habitats at the location of the project site. Although the Kaloko-Honokohau National Historical Park is situated adjacent to the project site, no historical/archaeological or cultural sites were found at the site location.
11. The immediate surrounding land uses are the Kaloko-Honokohau National Historical Park to the north; vacant lands to the east and south; and the Honokohau Boat Harbor to the west which is used for commercial and recreational boating and support facilities.

PUBLIC UTILITIES AND SERVICES

12. Access to the property is from Queen Ka'ahumanu Highway via Kealakehe Parkway access road.
13. Water and other essential utilities and services are available at the 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.

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.

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They identify several areas of management concern including historic, recreation, scenic resources, coastal ecosystems, economic use, and coastal hazards.

The proposed boat storage and minimal grading activities will have a positive impact on the recreational resources of the area by providing the community and boating public with more efficient boating facilities and reducing traffic hazards and congestion. Although the property is adjacent to the Kaloko-Honokohau National Historical Park, 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 land alterations will be located at a distance from the shoreline waters.

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

Based on the above findings, the limited nature of the project and given the conditions of approval, it is determined that the granting of this request would allow for continual recreational use of the area 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.

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, successors, or assigns shall secure a Grading/Grubbing Permit from the Department of Public Works within one year from the date of this permit.
3. Prior to establishment of the boat storage use, the applicant, successors, or assigns shall secure Final Plan Approval from the Planning Department.

4. Construction of the proposed improvements shall be completed within two years from the date of this permit.
5. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department in coordination with the State Historic Preservation Division.
6. The applicant, successors, or assigns shall comply with all other applicable County, State and Federal laws, rules, regulations and requirements.
7. 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.
8. 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.

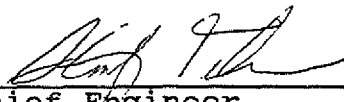
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Should you have any questions, please feel free to contact Alice Kawaha of this office at 961-8288.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director



Chief Engineer 3/8/94
Date

AGK:mjs

xc: Mr. David E. Parsons, DLNR-DOBOR
Dr. Don Hibbard, DLNR-Historic Preservation Division
Ms. Donna Kiyosaki, Chief Engineer
Planning Commission
West Hawaii Office
SMA Section