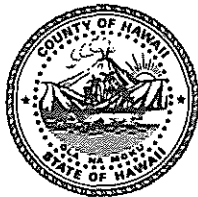


Stephen K. Yamashiro  
Mayor



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 6, 1995

Mr. Samuel Kumukahi  
P. O. Box 974  
Hilo, HI 96721

Dear Mr. Kumukahi:

Special Management Area (SMA) Use Permit Assessment  
Application (SMAA 95-6) & Special Management Area  
Minor Permit (SMM 25)

Applicant: Samuel Kumukahi & Michael Dunn  
After-the-Fact Construction of 16-inch Rock Wall  
and Backfilling Material

TMK: 2-1-3:17; Wailoa Lease Lots, Waiakea, South Hilo

We have reviewed your project for the after-the-fact improvements at the existing drydock and boat repair facility on the subject property. According to Planning Commission Rule 9, Special Management Area Rules and Regulations, development includes "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste", and "Construction, reconstruction, or alteration of the size of any structure". The project is not expected to have significant adverse impacts on the coastal zone, and it does not exceed \$125,000 in value. Therefore, the project requires an SMA Minor Permit. We hereby issue Special Management Area Minor Permit No. 25 to allow the retention of the after-the-fact construction of a 16-inch rock wall and backfilling of base course gravel on the subject property.

#### PROJECT DESCRIPTION

1. The applicants, Samuel Kumukahi and Michael Dunn, are requesting the retention of the existing 16-inch rock wall and base course gravel filling which were done in 1989, at the existing drydock and boat repair facility.

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Specifically, the improvements included construction of a low 16-inch rock wall on top of and approximately one (1) foot inland (mauka) of the makai face of an existing rock wall. The 16-inch rock wall is 100 feet in length. The base course gravel material, less than 50 cubic yards, were spread and leveled at the rock wall area and driveway area, to the approximate height of the 16-inch rock wall and filling-in some of the low mudholes.

2. The low 16-inch rock wall and base course gravel fill improvements are situated within the 40-foot shoreline setback area. However, it is determined that the improvements are considered as minor structure and activity, creating and addressing safety improvements. Therefore, a shoreline setback variance is not required as the improvements would not affect beach processes, interfere with public access or public views to and along the shoreline.
3. The rock wall and backfill improvements were done in order to create a better working environment and to prevent further land erosion. Apparently, there were several low spots on the premises which would have become large mudholes/puddles. However, all work were done without the proper SMA and/or Shoreline Setback review from the County and/or authorization by the landowner, the State.

#### STATE AND COUNTY PLANS

4. The State Land Use District classification is Urban.
5. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is Industrial and Open, along the coastline.
6. The County Zoning is Limited Industrial-20,000 square feet (ML-20).
7. The property is located within the Special Management Area. Therefore, the project is subject to SMA review.
8. According to the State Department of Land and Natural Resources, Division of Land Management, the action is exempt from the requirements of Chapter 343, HRS, relating to Environmental Impact Statements. Under Exemption Class #4 (Minor alteration in the conditions of land, water or vegetation.), the Exemption List includes "Minor cut, fill

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and grading of State property of less than 50 cubic yards of rock and/or soil where the vertical height of cut or fill does not exceed three (3) feet."

#### SITE DESCRIPTION

9. The subject property is owned by the State of Hawaii. The property has been leased to Mr. Samuel Kumukahi on a month to month basis since February 1, 1978. Revocable Permit No. S-5519 was approved by the Board of Land and Natural Resources on January 27, 1978 to occupy and use the subject premises for drydock and boat repair purposes.
10. The subject property has been utilized as a drydock and boat repair facility since 1978. Therefore, the existing 1989 improvements should not further impact any natural resources or historic sites in the area. Portion of the property has sparse common grass.
11. An existing building is presently used in conjunction with the drydock and boat repair facility and is situated within the 40-foot shoreline setback area. The building has not received any SMA nor Shoreline Setback Variance approval. Therefore, as a condition of approval of this permit, the applicants shall secure the necessary approvals or remove the building from the premises.
12. The project site is located along the makai side of Lihikai Street adjacent to an area commonly known as "The Isles", the existing Nihon Restaurant, and Happiness Garden Park. It is also in close proximity to the Liliuokalani Gardens Park.
13. The Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency designates the site as Zone VE, or area within coastal flooding with tsunami inundation hazards. The base flood elevation is 22 feet.

#### UTILITIES AND SERVICES

14. Access to the site is via an access road from Lihikai Street, a paved County-maintained roadway.
15. County water, electricity, and other essential services are available along Lihikai Street.

#### ASSESSMENT

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 island's coastal zone areas. Special controls on development in these areas have been enacted, to prevent permanent loss of valuable resources. Upon review of the applicant's request for a Special Management Area Permit, the Planning Director finds that the improvements are consistent with State and County SMA policies, as outlined below:

- a. **Recreational Resources:** The improvements have not and will not cause any interference with recreational uses of the coastal area. Existing fishing activities are conducted immediately adjacent to the site, the former Wailoa Wharf, and the area called "The Isles".
- b. **Historic and Natural Resources:** The site has been extensively altered in the past. The improvements should have no further impact on historic and natural resources.
- c. **Scenic and Open Space Resources:** The improvements should have no effect on the coastal view plane. The clearing of scrub vegetation, construction of a low rock wall, and filling and leveling of fill material have improved the appearance of the site and helped to alleviate further muddy and erosion problems.
- d. **Coastal Ecosystems:** The improvements have not caused any additional adverse effect on the coastal ecosystem, since the site has been extensively utilized as a drydock and boat repair facility since 1978.
- e. **Economic Uses:** The existing drydock and boat repair facility has provided services to several boat owners in Hilo for the past twenty years. It is the only haul out boat yard on this side of the island.
- f. **Coastal Hazards:** The site is located in an established flood zone and tsunami inundation area. The existing use of the property as a drydock and boat repair facility is an appropriate use of the site, as the area was the former Wailoa Wharf. The less than 50 cubic yards of fill and the low 16-inch high rock wall should not adversely effect the surrounding area.

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#### DETERMINATION

Based on the preceding assessment, the Planning Director has determined that the construction of the low 16-inch high rock wall and the placement of less than 50 cubic yards of base course gravel fill material will not be contrary to State and County policies governing the Special Management Area. The Planning Director hereby approves a Special Management Area Minor Permit for the retention of the improvements, subject to the following conditions:

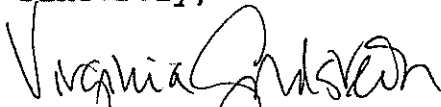
1. The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant, successors, or assigns shall comply with all other applicable County, State, and Federal regulations.
3. Within thirty (30) days from the date of this permit, the applicant, successors, or assigns shall be responsible for securing the appropriate approvals, including SMA Permit, for the existing building and relocating it outside of the 40-foot shoreline setback area. Otherwise, the building shall be removed from the premises within thirty (30) days from the date of this permit.
4. The applicant, successors, or assigns shall be responsible for securing the appropriate approvals for any future construction and/or improvements to the property.
5. A progress report shall be submitted to the Planning Director within six (6) months from the date of this permit. This report shall include the status of compliance with the conditions of approval.
6. An extension of time for the performance of conditions may be granted by the Planning Director only when 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; and 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 thirty days may be extended for up to an additional thirty (30) days).

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Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director may revoke this permit.

Please feel free to contact Alice Kawaha of this office at 961-8288 if you have any questions.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

AK:pak  
smm25.agk

cc: Mr. Glenn Taguchi, DLNR-Hawaii Land Agent  
Ms. Donna Kiyosaki, Chief Engineer  
Planning Commission  
✓ SMA Section