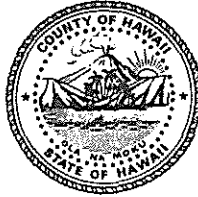


Stephen K. Yamashiro  
Mayor



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

February 14, 1997

Mr. Bruce C. McClure, District Engineer  
Highways Division, Hawaii District  
Department of Transportation  
50 Makaala Street  
Hilo, HI 96720

Dear Mr. McClure:

Special Management Area Use Permit Assessment Application No. 97-5  
Special Management Area Minor Use Permit No. 53 (Emergency Permit)  
Applicant: State, DOT-Highways Division  
Request: To Allow Various Emergency Retaining/Seawall Repairs and Embankment  
Stabilization to a Damaged Section Along the Makai Side of the Hawaii  
Belt Highway  
Tax Map Key: 2-6-16: Portion of 22; Wainaku, South Hilo, Hawaii

We are in receipt of the above-described application on January 21, 1997, to allow various emergency repairs to an existing retaining/seawall and embankment and highway shoulder stabilization improvements adjacent to and below the existing shoulder of the Hawaii Belt Highway, both of which recently collapsed into the ocean and now threatens the adjacent Hawaii Belt Highway itself.

**APPLICANT'S REQUEST**

1. **Request:** The applicant is proposing various repairs to an existing 15-foot high retaining/seawall fronting the subject property which recently collapsed into the ocean and caused an adjacent embankment to also collapse. Upon repair of the retaining/seawall, the embankment and makai shoulder of the Hawaii Belt Road will be re-established and stabilized to protect the Hawaii Belt Highway.
2. **Reason for Request:** The proposed repairs are necessary to provide for the protection of the heavily-used Hawaii Belt Highway, which is threatened with collapse

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should the adjoining embankment continue to erode and fall into the ocean.

3. **Total Valuation:** The proposed repairs are anticipated to cost approximately \$750,000.

#### **STATE AND COUNTY PLANS**

4. **State Land Use District:** The project site is designated Urban by the State Land Use Commission.
5. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the affected area for Industrial uses.
6. **County Zoning:** The project site is designated General Industrial (MG-5a) by the County Zoning Code.
7. **Special Management Area (SMA):** The property is located within the boundaries of the Special Management Area. Therefore, this Special Management Area Minor (Emergency) Use Permit is being issued in satisfaction of the Rules and Regulations of the Special Management Area.
8. **Chapter 343, HRS:** Pursuant to a letter dated January 13, 1997 from the State Department of Transportation, the proposed repair and improvement to the existing seawall and embankment are considered a class of action exempt from the requirements of Chapter 343, HRS.

#### **DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA**

9. **Subject Property:** The subject property is approximately 3,180 square feet in size and situated along the makai side of the Hawaii Belt Highway. To the north is a small parcel less than a 1,000 square feet in size and to the south is Kalalau Stream as it enters into the ocean. Due to the extensive collapse and erosion of the subject property due to the failure of the retaining/seawall, its total land area is presumably less than the 3,180 square feet shown on tax maps.
10. **Existing Use:** The subject property is currently vacant of any use. What remains of the subject property is heavily vegetated.

11. **FIRM:** The Flood Insurance Rate Maps (FIRM) designates the entire property as being located within an area subject to a 100-year frequency flood with coastal velocity hazards (Zone VE).
12. **Archaeological/Floral/Fauna Resources:** Impacts to archaeological sites and endangered species of plants and animals are not anticipated, especially in light of the fact that the majority of the subject property has already collapsed into the ocean.

### 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 within these areas have been enacted to prevent permanent loss of valuable resources. Upon review of the subject request, the Planning Director finds that the proposed emergency repairs to an existing retaining/seawall, an adjoining embankment and portions of the Hawaii Belt Highway shoulder are consistent with State and County Special Management Area policies, as outlined below:

- a) **Recreational Resources:** The proposed improvements are necessary to stabilize lands which are currently unstable and dangerous. The area, due to the sheer cliffs, is not known to provide for recreational opportunities.
- b) **Historical and Floral and Faunal Resources:** Adverse impacts to historical resources or endangered species of plants and animals are not anticipated. Nevertheless, a condition will be included to require the notification of the Planning Department should archaeological sites be encountered.
- c) **Scenic and Open Space Resources:** The subject property is not located within an area recognized by the General Plan as an example of natural beauty. The scope of the proposed emergency repairs are simply to stabilize lands which were structurally compromised by the failure of the retaining/seawall. Therefore, the proposed use will not have any effect upon the County's existing open space and scenic resources.
- d) **Coastal Ecosystems:** The general public welfare is foremost when considering the necessity of proceeding with emergency repairs to the retaining/seawall and to stabilize the highway embankment. While construction activities may adversely impact the nearby coastal area, its protection is outweighed by the need to protect

the general public who utilize this highway. The coastal area has already been impacted by the failure of the retaining wall and the continued erosion and collapse of and into the ocean.

- e) **Economic Uses:** There is no economic benefit to be derived from the proposed repairs. The sole benefit is the continued protection of the motoring public.
- f) **Coastal Hazards:** The project site is situated within an area affected by 100-year frequency floods and coastal flooding hazards. Appropriate governmental regulations regarding coastal flooding, if applicable to these emergency situations, will be adhered to.

#### **DETERMINATION**

Based on the preceding assessment, the Planning Director has determined that the proposed emergency repairs to an existing retaining/seawall, an adjoining embankment and portions of the Hawaii Belt Highway shoulder would not be contrary to the State and county policies governing the Special Management Area. The Planning Director hereby approves Special Management Area Minor Use Permit No. 53, **subject to the following conditions:**

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Prior to commencing repair/stabilization activities, the applicant shall submit to the Planning Department plans indicating the scope of repairs to the existing retaining/seawall as well as a narrative description of efforts to stabilize the adjoining embankment and highway shoulder.
3. Construction of the accessibility improvements shall be completed within three (3) years from the date of issuance of this emergency permit.
4. The applicant shall notify the Planning Department, in writing, of the date of commencement of the repair/stabilization activities.
5. 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 immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.

Mr. Bruce C. McClure, District Engineer  
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6. An extension of time for the performance of conditions within the emergency 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).
7. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke this emergency permit.

Finally, the proposed repair and stabilization activities will occur within the County's 40-foot shoreline setback area. The existing retaining/seawall is shown on maps which pre-date June 22, 1970. Therefore, the retaining/seawall and the land immediately mauka may be repair and restored pursuant to Section 11-7(b) of Planning Department Rule No. 11 regarding Shoreline Setback. The retaining/seawall is an integral and structural part of the existing Hawaii Belt Highway. With the collapse of the wall, the adjacent embankment and highway shoulder has also collapsed. The proposed repairs and re-stabilization activities are also viewed as repairs to an existing structure, namely, the highway itself.

Please feel free to contact Daryn Arai of my staff at 961-8288 should you have any questions.

Sincerely,



VIRGINIA GOLDSTEIN  
Planning Director

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cc: Ms. Donna Kiyosaki, Chief Engineer  
Army Corps of Engineers  
SMA Section