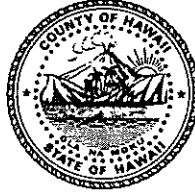


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

March 3, 1999

Mr. Sidney Fuke, Planning Consultant
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

SMA (Special Management Area) Minor Permit No.78;
SMA Use Permit Assessment Application (SMAA No. 99-04)
Applicant: Mauna Kea Agribusiness Co., Inc. (landowner)
Request: Consolidation & Resubdivision of Eleven Pre-Existing Lots
Hakalau, South Hilo, Hawaii Island
TMK: 2-9-02: 01

In response to and consistent with the above application, SMA Minor Permit No. 78 is approved for the consolidation of eleven pre-existing lots of record and the resubdivision of eleven reconfigured parcels. A copy of the permit is enclosed for your perusal and record.

Finding of Consistency: Permitted Use. SMA Rule 9-7B3 requires a finding that the proposed development is consistent with the County General Plan (GP) and zoning. There are multiple county zonings of parcel 01: general industrial (MG-5a); residential (RS-7.5); and, village-commercial (CV-10) within the state land use *Urban* district. A portion of the parcel is in the state land use *Agriculture* and *Conservation* districts with county agricultural zoning (A-20a). The parcel's GP land use designation is Medium and Low Density, according to the LUPAG (Land Use Pattern Allocation Guide) Map, HI County GP, Ordinance No. 89-142 (effective: November 14, 1989).

The proposed consolidation and resubdivision action will retain the existing state and county land use zoning; and therefore, according to the applicant, the action will only reconfigure these parcels to improve marketability, developability, and to create more useable parcels consistent with the respective zoning designations. The proposed action is also consistent with Zoning Code sec. 25-2-11, which addresses consolidation and resubdivision actions that create

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the same or less number of lots that existed before the consolidation-resubdivision action.

SMA Minor Permit No. 78, Conditions. Approval of the Minor Permit is **subject to conditions**, however. And the applicant is responsible to comply with these requirements. The following information is pertinent to and are incorporated as a part of the minor permit condition(s), referenced below

Condition 3: Discovery of Any Unidentified Sites or Remains: Historic Preservation Requirements. Recent recommendations from the state DLNR's (Department of Land & Natural Resources) - SHPD (State Historic Preservation Division) clarifies when and what agencies to notify to comply with the historic preservation requirements of the SMA Minor Permit as well as certain state administrative rules. These recommendations are incorporated in and are a part of permit condition 3.

- a. **Human Remains:** The discovery of human remains require the immediate notification of the following state and county agencies.

SHPD: **Ph:** (808) 933-0482 (Hilo Office/Field Archeologist)
(toll free) 974-4000, ext. 2-8015 or (808) 692-8015 (Honolulu Office)

DLNR - DOCRE (Division of Conservation & Resource Enforcement)
Ph: Conservation Hotline, Ask Operator for ENTERPRISE 5469
(notify during after business hours/weekends/holidays)

Police Department and Medical Examiner/Coroner - state rules require the discovery of human remains to be immediately reported to local authorities.

- b. **Non-burial Remains Over 50 years Old:** Please immediately notify SHPD to determine the appropriate mitigation measures, in addition to the Planning Director.

Mr. Sidney Fuke, Planning Consultant

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For any questions or clarification on this matter, please speak with Earl Lucero of my staff.
Ph: 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

EML:gp

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cc: SMA Section
Jeff Darrow, CZM Inspector
Sub 98-135, Mauna Kea Agribusiness Co.
Chief Engineer

cc w/ enclosures: SMA Minor Permit No. 78
W.K. Tallet
Mauna Kea Agribusiness Co., Inc.
P.O. Box 15, Papaikou, HI 96781

cc w/ enclosures: SMA Minor Permit No. 78 & SMA Assessment Application No. 99-04
Don Hibbard, Administrator, DLNR - Historic Preservation Division
Kakuhihewa Building Room 555, 601 Kamokila Blvd., Kapolei, Oahu, HI 96707

SPECIAL MANAGEMENT AREA MINOR PERMIT NO. 78

Approved Development (describe in detail): To consolidate eleven pre-existing lots of record and to resubdivide into eleven reconfigured parcels at the former Hakalau Sugar Mill site.

Applicant's Name: Mauna Kea Agribusiness Co., Inc. / W.K. Tallett (signatory)

TMK/Ahupua'a/District: TMK: 2-9-02: 01, Hakalau, S. Hilo, Hawaii Isld. **Land Area:** 78,203 acs. ac./sf.

Compliance with Objectives and Policies of Chapter 205-A, Hawaii Revised Statutes regarding the Special Management Area

Check all objectives and policies found to be consistent with proposed development.
Issuance of SMA Minor Use Permit requires that activity be consistent with all objectives & policies.

- ☒ Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

**Compliance with Objectives and Policies of Chapter 205-A, Hawaii Revised Statutes
regarding the Special Management Area**

Check all objectives and policies found to be consistent with proposed development.

Page 2 Issuance of SMA Minor Use Permit requires that activity be consistent with all objectives & policies.

- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, Hawaii Revised Statutes to:
 - ☒ Provide coastal recreational opportunities accessible to the public.
 - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
 - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
 - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
 - ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
 - ☒ Reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence and pollution.
 - ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
 - ☒ Stimulate public awareness, education, and participation in coastal management.
 - ☒ Protect beaches for public use and recreation.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, Hawaii Revised Statutes relating to:
 - ☒ Recreational resources
 - ☒ Historic resources
 - ☒ Scenic and Open Space resources
 - ☒ Coastal Ecosystems
 - ☒ Economic Uses
 - ☒ Coastal Hazards
 - ☒ Managing Development
 - ☒ Public Participation
 - ☒ Beach Protection
- ☒ The proposed development conforms with the requirements of Chapter 343, Hawaii Revised Statutes regarding Environmental Impact Statements.

Conditions of Approval: SMA Minor Permit No. 78
TMK: 2-9-02: 01

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1. **Timely Compliance.** The applicant(s), its successors or assigns shall be responsible to comply with all stated conditions of approval. The Director shall initiate procedures to revoke the permit for any unfulfilled condition or for any permit condition not in substantial, timely compliance.
2. **Minor Permit Shall Run with Land.** Consistent with SMA Rule 9-14A & Zoning Code sec. 25-2-10, SMA Minor Permit No. 78 is a privilege that shall run with the land from the date of the Planning Director's signature of approval, stated below.
3. **Discovery of any unidentified sites or remains,** for example: artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls requires that all work in the immediate area shall cease. Immediately notify the Planning Director. Work can only proceed with an archeological clearance from the Planning Director. The archeological clearance requires a finding that sufficient mitigation measures be taken for the discovery with written clearance from the State of Hawaii - DLNR - Historic Preservation Division.

APPROVAL:


VIRGINIA GOLDSTEIN
Planning Director

MAR 04 1999

Date