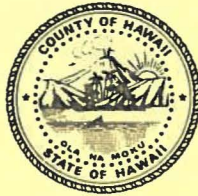


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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

October 21, 2002

Mr. Michael Kaneda
Hawaii Petroleum, Inc.
16 Railroad Avenue Suite 202
Hilo, HI 96720

Dear Mr. Kaneda:

Subject: Special Management Area Use Permit Assessment (SMAA 02-46)
Applicant: Michael Kaneda (Hawaii Petroleum, Inc.)
Request: Addition to an existing structure for relocation of restrooms/storage area
TMK: 3-6-010: 005 & 006, Manowaiopae, North Hilo, Hawaii

This is to acknowledge receipt of your Special Management Area Use Permit Assessment Application for a 520 square-foot addition to an existing structure. The proposed new addition will be used to relocate the existing restrooms and add additional storage space. A site inspection to the property verified that the partial construction of the addition had already commenced. However, no additional construction was evident.

According to your submittal, the activity will not exceed \$125,000 in valuation and will not have a significant adverse impact to coastal resources. After careful review, Special Management Area Minor Use Permit No. 126 (with conditions) is hereby issued for the construction of a 520 square-foot addition to an existing structure on lands within the County's Special Management Area. Please note that parcels 5 and 6 must be consolidated to accommodate the proposed use that includes the existing structure and parking area. Attached is a consolidation application for your use.

In the future, please be aware that any activity in the Special Management Area will require a SMA Assessment application to be filed with this office prior to any work on the site(s). Please comply with all of the terms and conditions of approval of SMA Minor Use Permit No. 126.

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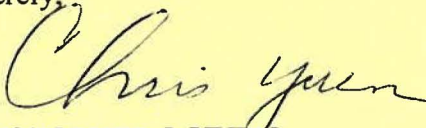
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Mr. Michael Kaneda
Hawaii Petroleum, Inc.
Page 2
October 21, 2002

If you have any further questions, please contact us at 961-8288.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Yuen", written over the printed name.

CHRISTOPHER J. YUEN
Planning Director

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Enclosures: Consolidation application and SMA Minor Permit No. 126

cc: Long Range Planning
Department of Public Works

SPECIAL MANAGEMENT AREA MINOR USE PERMIT NO. 126

Approved Development:

A 520 square-foot addition to an existing structure to relocate the restrooms and add storage space. The relocation of the restrooms will create one handicap-accessible stall, as requested by the community association.

Parcels 5 and 6 must be consolidated to allow the proposed use.

Applicant's Name: Michael Kaneda (Hawaii Petroleum, Inc.)

TMK: 3-6-010: 005 & 006

Land Area: Parcel 5 – 9,247 sq. ft.
Parcel 6 – 12,535 sq. ft.

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.

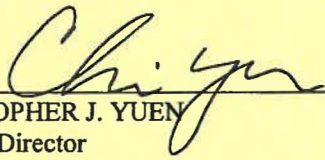
Issuance of SMA Minor Use Permit requires that activity be consistent with all objectives & policies.

- ☒ 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 tsunami, 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 Hawaii Revised Statutes Chapter 343, Environmental Impact

Conditions of Approval

1. The applicant(s), its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. SMA Minor Permit No. 126 is valid for a period of not more than two (2) years from the Planning Director's date of approval, indicated below.
3. The applicant(s), its successors or assigns shall comply with all other laws, rules, regulations and requirements, including the Department of Public Works.
4. Parcels 005 and 006 shall be consolidated into one parcel. The request for consolidation shall be filed with the Planning Department.
5. Request(s) for an extension of time shall be submitted to the Planning Director. Pursuant to SMA Rule 9-11E, written requests shall be filed sixty (60) days before the expiration of this permit. The request shall state the length of time requested and the reasons for the time extension.
6. The Planning Director may grant an extension of time upon the following circumstances:
 - a) non-performance is a result of unforeseen conditions or conditions beyond the control of the applicant, successors, assigns, and are not a 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 may initiate procedures to revoke the permit.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director

OCT 22 2002

Date