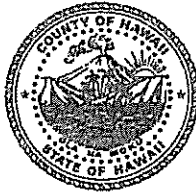


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

September 9, 2003

William C. Foulk, Ph.D., AIA
75-5656 Kuakini Highway, Suite 301
Kailua-Kona HI 96740

Dear Dr. Foulk:

SUBJECT: Special Management Area Use Permit Assessment Application (03-50)
Special Management Area Minor Permit No. 140
Applicant: William C. Foulk, Ph.D., AIA
Owner: Lanihau Properties, LLC
Request: Construction of a temporary bike path consisting of an asphalt surface approximately 12 feet wide, 300 feet long and 2 inches in thickness, for Ironman Hawaii
Tax Map Key: 7-5-5:88, Lanihau Subdivision - Phase II, North Kona, Hawai'i

This is to acknowledge receipt on August 20, 2003 of the above-referenced Special Management Area Assessment Application for the construction of a temporary bike path consisting of an asphalt surface approximately 12 feet wide, 300 feet long and 2 inches in thickness, for Ironman Hawaii on the subject property.

The Ironman event is scheduled for October 18, 2003 and, as stated in your facsimile received on September 4, 2003, the bike path will be removed following the completion of the race.

This parcel is designated Urban by the State Land Use Commission and zoned Village Commercial (CV-10) by the County. The General Plan designation is Medium Density Urban.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(i) relating to Special Management Area, the construction of a temporary bike path consisting of an asphalt surface approximately 12 feet wide, 300 feet long and 2 inches in thickness, is considered to be "Placement or erection of any solid material or any gaseous,

William C. Foulk, Ph.D., AIA

Page 2

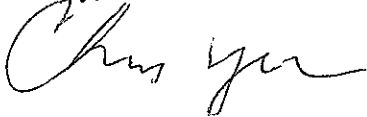
September 9, 2003

liquid, solid, or thermal waste” and defined as “development”. Therefore, a Special Management Area Minor Permit is required. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 140 is hereby issued to allow for the construction of a temporary bike path consisting of an asphalt surface approximately 12 feet wide, 300 feet long and 2 inches in thickness, for Ironman Hawaii, subject to the applicant’s compliance with the conditions of approval as specified in the permit.

Finally, all other applicable Zoning and Department of Public Works requirements must also be satisfied.

Should you have questions, please feel free to contact Esther Imamura or Larry Brown of this department at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETI:pak

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Enclosures - SMM No. 140

Department of Public Works September 9, 2003 Memo

xc w/encls: Long Range Planning - Ms. Susan Gagorik
Planning – Mr. Norman Hayashi
Planning Department - Kona
DPW, Building Division – Kona

**SPECIAL MANAGEMENT AREA MINOR PERMIT
NO. 140**

Approved Development:

Construction of a temporary bike path consisting of an asphalt surface approximately 12 feet wide, 300 feet long and 2 inches in thickness, for Ironman Hawaii.

Applicant's Name: William C. Foulk, Ph.D., AIA.

Landowner's Name: Lanihau Properties, LLC

TMK: 7-5-5:88

Land Area: 2.322 acres

Lanihau Subdivision - Phase II, North Kona, Hawai'i

**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 Permit requires that activity be consistent with all objectives & policies.

An SMA Minor Permit No. 140 is issued for the construction of a temporary bike path consisting of an asphalt surface approximately 12 feet wide, 300 feet long and 2 inches in thickness, for Ironman Hawaii, which will not be in excess of \$125,000 in valuation; and after review by the Chief Engineer for compliance with Chapter 27, Flood Control, of the Hawai'i County Code will not have a substantial adverse effect on the Special Management Area. The proposed development is consistent with the following objectives and 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 Hawai'i County General Plan and Zoning Code.

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

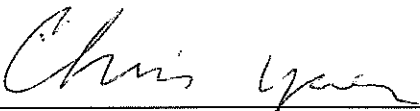
Check all objectives and policies found to be consistent with proposed development.
Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

- ☒ 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
- ☒ Marine Resources
- ☒ The proposed development conforms with the requirements of Hawaii Revised Statutes Chapter 343, Environmental Impact Statements.

Conditions of Approval

1. The applicant(s), its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. All improvements shall be completed within three (3) months of the permit's date of approval. This includes the establishment and removal of the temporary bike path, with the land restored to its previous state.
3. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls, will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigation measures are taken for the discovery, with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
4. The applicant(s), its successors or assigns shall comply with all other laws, rules, regulations and requirements, including the Department of Public Works.
5. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

APPROVED:


CHRISTOPHER J. YUEN
Planning Director

9/12/03
Date

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HAWAII
HILO HAWAII

2003 SEP 10 AM 10 20 DATE: September 9, 2003

Memorandum

PLANNING DEPARTMENT
COUNTY OF HAWAII



TO : Planning Director

FROM : Galen M. Kuba, Division Chief
Engineering Division

SUBJECT: Special Management Area Use Permit Assessment Application 03-50
Temporary Bike Path
TMK: 7-5-005:088

We reviewed the subject application. The proposed bike path is **not** located in any Special Flood Hazard Area according to the Flood Insurance Rate Map. Assuming the entire path is on private property we have no further comments.

If you have any questions, please contact Kiran Emler of our Kona office at 327-3530.

c: ENG-HILO

040595