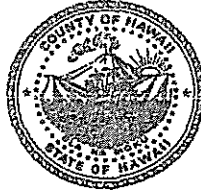


Harry Kim  
Mayor



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

December 18, 2003

Mr. Lee Sichter  
Belt Collins Hawaii  
2153 North King Street, Suite 200  
Honolulu HI 96819

Dear Mr. Sichter:

**Special Management Area Use Permit Assessment Application (SMAA 03-62)**  
**Special Management Area Minor Permit No. 148**  
**Applicant: Lee Sichter**  
**Owner: Kaupulehu Developments**  
**Request: Installation of locked metal gates inside the entrances of two  
separate subterranean caves**  
**Tax Map Key: 7-2-3:14, Kaupulehu, North Kona, Hawaii**

This is to follow up on our October 24, 2003 letter relating to the above-referenced Special Management Area Assessment for the installation of locked metal gates inside the entrances of two separate subterranean caves on the subject parcel.

The subject property is zoned Open by the County and designated Conservation by the State Land Use Commission. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area of Cave No. 1 as Conservation and the area for Cave No. 2 as Urban Expansion/Conservation.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(v) relating to Special Management Area, the installation of locked metal gates inside the entrances of two separate subterranean caves is considered "Construction, reconstruction, or alteration of the size of any structure" 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. 148 is hereby issued to allow for the installation of locked metal gates inside the entrances of two separate subterranean caves,

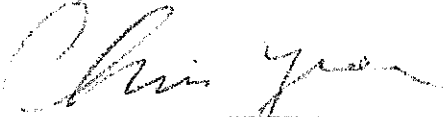
Mr. Lee Sichter  
Belt Collins Hawaii  
Page 2  
December 18, 2003

subject to the applicant's compliance with the conditions of approval as specified in the permit.

Finally, all other applicable Zoning and Building Code 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,



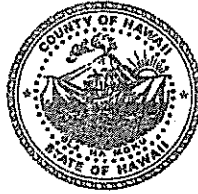
CHRISTOPHER J. YUEN  
Planning Director

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Enclosures - SMM No. 148  
Department of Public Works October 29, 2003 Memo

xc w/encls: / Long Range Planning - Susan Gagorik  
Planning - Norman Hayashi

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

**County of Hawaii**  
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**Special Management Area Minor Permit No. 148**

**Project:** Installation of locked metal gates inside the entrances of two separate subterranean caves  
**Applicant:** Lee Sichter  
**Land Owner:** Kaupulehu Developments  
**Location:** Kaupulehu, North Kona, Hawaii  
**TMK:** (3) 7-2-3:14 **Land Area:** 1,063.379 acres

**Applicant's Request**

**1. Project Description:**

The landowner proposes to install locked metal gates inside the entrances of two separate subterranean caves. Mrs. Leina'ala Keakealani Lightner, a linear descendant of the former tenants of Kaupulehu, will be provided keys to each of the gates.

**2. Purpose of Project:**

One of the caves contains at least 15 burials while the second cave contains unique and fragile geological formations. The applicant's objectives are 1) to ensure that any cultural remains within the caves are protected; 2) to ensure that the natural resources within the caves, including fragile geological features are preserved; 3) to ensure that the lineal descendants of the former inhabitants of Kaupulehu may continue to exercise their custodial duties as they relate to the burials; 4) to ensure that the caves do not constitute a public safety hazard; and 5) to ensure that the proposed improvements have no visual impact upon the immediate or general landscape, that would otherwise attract attention to the location of the caves.

**3. Project Valuation: \$10,000.00**

**4. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area, the construction, reconstruction, or alteration of the size of any structure is defined as "development." Therefore, the proposed installation of locked metal gates inside the entrances of two separate subterranean caves requires a SMA Minor Permit.

### State and County Plans

1. **State Land Use District:** The subject property is designated Conservation by the State Land Use Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property for Urban Expansion and Conservation uses, with Cave No. 1 in the Conservation area and Cave No. 2 in the Urban Expansion/Conservation area.
3. **County Zoning:** The subject property is zoned Open by the County.
4. **Special Management Area:** The subject property is located in the SMA.
5. **Flood Zone:** According to the current Flood Insurance Rate Map (FIRM), the subject property is not located in a Special Flood Hazard Area,

### Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area

Although the parcel is a shoreline property, the project site located approximately one mile inland from the coastline. Therefore, the proposed improvements will not affect the recreational resources available to the public.

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 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 Hawaii County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, 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.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, 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 to the requirements of Chapter 343, HRS, Environmental Impact Statements.

<b>Findings</b>
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As discussed above, the proposed 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.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$10,000 is not in excess of \$125,000.

Upon review of the subject application by the Department of Public Works, Engineering Division, the project is in compliance with Chapter 27, Flood Control, of the Hawaii County Code.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 148** is hereby approved to allow the installation of locked metal gates inside the entrances of two separate subterranean caves construction, subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 148** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or wall be encountered in the construction area, work shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when he finds that sufficient mitigative measures have been taken.
3. The applicant shall comply with all applicable requirements of the State Department of Health, the Department of Public Works and all applicable requirements of other affected agencies.
4. An extension of time for the performance of the conditions contained herein 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

The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).

5. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:

  
CHRISTOPHER J. YUEN  
Planning Director

12/18/00  
Date