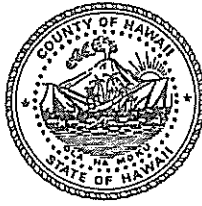


Harry Kim
Mayor



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

June 6, 2005

Mr. Ken Fujiyama
General Manager
Hawaii Outdoor Tours
421 Makalika Street
Hilo HI 96720

Dear Mr. Fujiyama:

A handwritten signature in dark ink, appearing to be "Yuen", is written over the typed name of the Director.

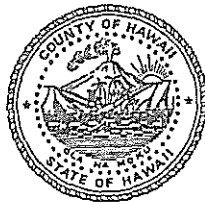
Subject: Special Management Area Use Permit Assessment (SMAA 04-71)
Special Management Area (SMA) Minor Permit No. 05-00001 (SMM 05-00001)
Applicant: Hawaii Outdoor Tours, Inc.
Request: After-the-Fact Grading of Three 16-foot Wide Roads
Tax Map Keys: 9-6-13: 7 & 8, Keaiwa - Halelua, Kau, Hawaii

This is to follow up on our September 16, 2004 letter for the after-the-fact grading of three 16-foot wide roads on the subject parcels.

At the request of Holly McEldowney, Administrator of the Department of Land and Natural Resources, State Historic Preservation Division (SHPD), we deferred our decision pending the resolution of a potential violation under Chapter 6E-11 of the Hawaii Revised Statutes. Subsequently, by copy of SHPD letter dated May 12, 2005, we were informed that this matter was resolved.

According to Chapter 205A-22, Hawaii Revised Statutes, and Planning Commission Rule No. 9-4(10) (A) (ii) relating to Special Management Area, "development" includes "Grading, removing, dredging, mining, or extraction of any materials". 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. 05-00001 is hereby issued to allow for the after-the-fact grading of three 16-foot wide roads, subject to the applicant's compliance with the conditions of approval as required by the permit.

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

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Special Management Area Minor Permit No. 05-00001

Project: After-the-Fact Grading of Three 16-Foot Wide Roads
Applicant: Hawaii Outdoor Tours, Inc.
Land Owner: Hawaii Outdoor Tours, Inc.
Location: Keaiwa-Halelua, Kau, Hawaii
TMK: (3) 9-6-13:7 & 8
Land area: Parcel 7 - 70.026 acres; Parcel 8 - 27.047 acres

Applicant's Request

1. Project Description:

The after-the-fact grading was to create three 16-foot wide roads from the northern boundaries of the subject parcels down to the existing jeep road along the coastline. The road on Parcel 7 branches off into two courses. The western branch is 550 feet long, with 200 feet in the Special Management Area (SMA). The eastern branch is 1,000 feet long, with 220 feet in the SMA. The branches end approximately 100 feet and 120 feet from the coastline, respectively.

The road on Parcel 8 is 1,200 feet long, with 220 feet in the SMA. It ends approximately 180 feet from the coastline.

2. Purpose of Project:

The roads were graded to allow each parcel to have access to the coastline jeep road.

3. Project Valuation: \$350.00

4. Determination:

According to Hawaii Revised Statutes, Chapter 205A and Planning Commission Rule 9-4(10)(A)(ii), the "Grading, removing, dredging, mining, or extraction of any materials" is defined as "development". Therefore, the project required a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** Both parcels are designated Agricultural and Conservation by the State Land Use Commission.

2. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates both parcels as Extensive Agriculture and Open.
3. **County Zoning:** Both parcels are zoned Agricultural (A-20a).
4. **Special Management Area (SMA):** Both parcels are located in the SMA and have frontage along the ocean.
5. **Flood Zone:** The subject parcels are in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</p>

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 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.
- ☒ 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, regarding Environmental Impact Statements.

Findings

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 project cost of \$350.00 is not in excess of \$125,000.

Upon review of the subject application, the Department of Public Works, Engineering Division has no objections to the request provided that all grading work conforms to Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code including the issuance of a grading permit.


Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 05-00001** is hereby approved for the after-the-fact grading of three 16-foot wide roads, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved SMA Minor Permit No. 05-00001 subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. Future development of these parcels shall be subject to review against the SMA guidelines as such plans are implemented. Due to concerns about unrecorded significant archaeological sites within the subject properties, Department of Land and Natural Resources, State Historic Preservation Division approval for the proposed uses and activities will be required.
4. 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 mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director

6-4-2005

Date