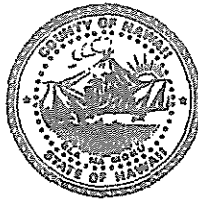


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224
(808) 961-8288 • FAX (808) 961-8742

July 24, 2008

Mr. Ron Terry
Geometrician Associates, LLC
PO Box 396
Hilo, HI 96721

Dear Mr. Terry:

Subject: Special Management Area (SMA) Assessment Application (SAA 08-000351)
Special Management Area Minor Permit No. 08-000086
Applicant(s): Puako Community Association
Owner(s): State of Hawaii, Mauna Lani Resort, Inc. (Lessee)
Request: Construct a 625-Foot Long by 30-Foot Wide Gravel-Surfaced Gated
Emergency Access Road
TMK: 6-9-01:017 & 6-9-06:051, Puako Beach Lots, Lalamilo, S. Kohala, Hawaii

This letter is in response to the Special Management Area Assessment Application we received on July 16, 2008 to construct a 625-foot long by 30-foot wide gravel-surfaced gated emergency access road on the subject parcels.

The parcels have a total of 231.13 acres. Parcel 6-9006:051 is zoned Open (O) and parcel 6-9-001:017 is zoned Agricultural (A-5a) by the County of Hawaii. Parcel 6-9006:051 is designated Urban by the State Land Use Commission, and parcel 6-9-001:017 is designated Conservation. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates both parcels as Open. Both parcels are located entirely within the SMA. Parcel 6-9-001:017 has frontage along the coastline, however, the project area is located more than 300 feet from the shoreline.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)A(ii) relating to the Special Management Area, the proposed activity does not qualify as exempt from the definition of "development". Therefore, a Special Management Area Minor Permit is required.

Mr. Ron Terry
Page 2
July 24, 2008

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 08-000086 is hereby issued to allow for the construction of an emergency access road on the subject parcels. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please feel free to contact Dana Okano of this department at 961-8288, extension 271.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

DO:cs

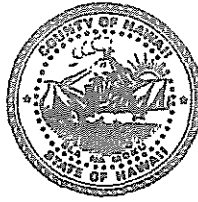
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Enclosure: SMM No. 08-000086

xc w/encls: Long Range Planning Division
Mr. Abbey S. Mayer, Acting Director – Office of Planning, DBED&T

Mr. George Young, Chief of Regulatory Branch
U.S. Army Corps of Engineers
Honolulu Engineers District, Building 230
Ft. Shafter, HI 96858

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Special Management Area Minor Permit No. 08-000086

Project: Construct a 625-Foot Long by 30-Foot Wide Gravel-Surfaced Gated
Emergency Access Road
Applicant: Puako Community Association
Landowner(s): State of Hawaii, Mauna Lani Resort, Inc. (Lessee)
Location: Puako Beach Lots, Lalamilo, South Kohala, Hawaii
TMK: Portions of 6-9-001:017 & 6-9-006:051 Total Land Area: 231.13
acres

Applicant's Request

1. Project Description:

The applicant proposes to create a 625-foot long by 30-foot wide gravel-surfaced gated emergency access road which connects Puako Beach Road with Holoholo Kai Beach Park Access Road. Creation of the road requires grubbing and grading the project corridor of approximately 0.41 acres.

2. Purpose of Project:

To provide an emergency access and evacuation route as there is currently only one evacuation route out of the Puako area.

3. Project Valuation: \$50,000.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(ii) relating to the Special Management Area, "Grading, removing, dredging, mining, or extraction of any materials" is not exempt from the definition of "development." Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** Parcel 6-9006:051 is designated Urban by the State Land Use Commission, and parcel 6-9-001:017 is designated Conservation.

2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates both parcels as Open.
3. **County Zoning:** Parcel 6-9006:051 is zoned Open (O) and parcel 6-9-001:017 is zoned Agricultural (A-5a) by the County of Hawaii.
4. **Special Management Area (SMA):** Both parcels are located entirely within the SMA. Parcel 6-9-001:017 has frontage along the coastline, however, the project area is located more than 300 feet from the shoreline.
5. **Flood Zone:** Zone X, 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 project area does not have frontage along the coastline. Therefore, the proposed activity will not affect public access to the shoreline or public use of the shoreline area.

The estimated project cost of approximately \$50,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated June 19, 2008, stated the following:

"We reviewed the subject application and our comments are as follows:

We have determined that the subject property is located within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The above information is based on the most recent FIRM for the County of Hawaii. This memo does not imply that the referenced property will or will not be free from flooding or flood damage. Zone "X" is not a designated Special Flood Area. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map. Should a watercourse affect the property, it shall not be altered without first obtaining approval from DPW and a grading permit. A flood study may be required under Chapter 27 of Hawaii County Code for watercourse alterations."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 08-000086** is hereby approved to construct a 625-foot long by 30-foot wide gravel-surfaced gated emergency access road on the subject parcels. This approval is 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. 08-000086** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Any approvals required by the Army Corps of Engineers relating to the anchialine pond, including designated distances of construction materials from the ponds and appropriate erosion control measures to prevent materials from entering into the ponds, on the subject parcel shall be obtained. This written documentation identifying required measures or confirmation that no measures or approvals are required shall be provided to this office prior to the start of construction activity. All requirements determined by the Army Corps of Engineers shall be complied with in entirety.
3. Unless a more stringent requirement is imposed by the Army Corps of Engineers, the applicant shall erect a construction barrier meeting with Planning Department approval not less than five (5) feet from the perimeter of the ponds during a high tide of not less than +2.8 to prevent materials and machinery from entering the ponds.
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.

5. All land altering activities approved by this permit shall be completed within one (1) year from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon completion of the land altering activities.
6. 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.
7. 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
 - c) 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).
8. 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

JUL 24 2008
Date