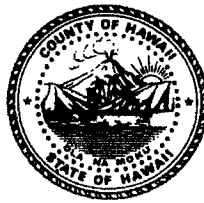


William P. Kenoi  
*Mayor*



BJ Leithead Todd  
*Director*

Margaret K. Masunaga  
*Deputy*

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
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**County of Hawai'i**  
**PLANNING DEPARTMENT**

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

August 24, 2012

Mr. Chauncey Wong Yuen  
Hawai'i Airports District Manager  
State of Hawai'i, Department of Transportation  
Kona International Airport at Keahole  
73-200 Kupipi Street  
Kailua-Kona, HI 96740-2645

Dear Mr. Wong Yuen:

**Subject: Special Management Area Use Permit Assessment Application (SAA 12-000849)**  
**Special Management Area Minor Use Permit (SMM 12-000234)**  
**Applicant: State of Hawai'i**  
**Land Owner: State of Hawai'i**  
**Project: Stabilization and Restoration of Eroded Coastal Land**  
**Tax Map Key: (3) 5-5-006:007, Upolu Point Airport, North Kohala, Hawai'i**

This is in response to your Special Management Area Use Permit Assessment Application received on August 6, 2012 (SAA 12-000849) for the stabilization and restoration of soil erosion by planting the bare areas with mostly native shrubs and grass. The project intends to re-establish the jeep road/ trail along the coast above the sea cliff. In addition, new signs are intended to add to the public enjoyment of the land. No land will be graded or leveled, and no structure will be erected on the subject parcel. The applicant submitted a request to waive the shoreline certification requirement and a declaration of exemption from Hawai'i Revised Statutes (HRS) Chapter 343 requirements for Environmental Impact Statements.

The subject property consists of 88.61 acres. The parcel is designated Conservation by the State Land Use Commission. In the Conservation District, there is no county zoning, per se. Therefore, the State of Hawai'i Department of Land and Natural Resources (DLNR) has jurisdiction on any use or activity on this parcel. According to the County of Hawai'i General Plan 2005 (amended December 2006), the subject property is designated as Open and Conservation by the Land Use Pattern Allocation Guide. In addition, the subject parcel is within the Special Management Area (SMA).

AUG 24 2012

Mr. Chauncey Wong Yuen  
Hawai'i Airports District Manager  
August 24, 2012  
Page 2

**Special Management Area Determination:**

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(A) relating to Special Management Area, "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste" is defined as "development" and requires a review against the Special Management Area rules and regulations.

**Determination of Minor Activity within Shoreline Setback Area:**

As the proposed improvements are intended to control the erosion along the top of the sea cliff, the requirement for a shoreline survey for this project is hereby waived.

Pursuant to HRS 205A-45 and Planning Department (PD) Rule 11-5 (a) "*All lots which abut the shoreline shall have a minimum shoreline setback line of forty feet.*" Please note that the minimum 40-foot shoreline setback determination only applies to this proposal. The shoreline setback for any future developments on the subject parcels will be subject to a valid shoreline certification and will be determined during the SMA assessment of that project.

The improvements associated with the stabilization and restoration of soil erosion by planting the bare areas with mostly native shrubs and grass, the re-establishment of the jeep road/ trail along the coast above the sea cliff, and the installation of new signs are proposed within a portion of the 40-foot shoreline setback area. The project is intended to minimize erosion and to increase the passive recreational use of the shoreline trail and improve conditions for access. As such, the improvements would neither affect beach processes nor artificially fix the shoreline. In addition, there would be no significant visual impediments to and along the shoreline. Pursuant to PD Rule 11-8, the proposed improvements are therefore considered minor and will not require a Shoreline Setback Variance.

**Compliance with Environmental Impact Statement Regulations (Chapter 343, HRS):**

According to HRS Chapter 343-5, an environmental assessment shall be required for actions that propose the use of state or county lands or the use of state or county funds. However, the applicant has provided a declaration of exemption from the requirements of HRS Chapter 343, issued by the State of Hawai'i Department of Transportation for the subject project.

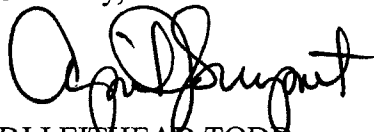
Based on the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.12-000234 is hereby issued to allow the stabilization and restoration of soil erosion by planting the bare areas with mostly native shrubs and grass, the re-establishment of the jeep road/ trail along the coast above the sea cliff, and the installation of new

Mr. Chauncey Wong Yuen  
Hawai'i Airports District Manager  
August 24, 2012  
Page 3

signs on the subject parcel. 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 Bethany Morrison of this department at 961-8138.

Sincerely,

  
BJ LEIMHEAD TODD  
Planning Director

BJM:bjm

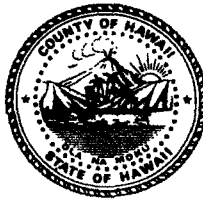
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Enclosure - SMM No. 12-000234  
Department of Public Works Memorandum dated August 15, 2012

xc w/encls: Mr. Glenn M. Okimoto, Director  
State of Hawaii  
Department of Transportation  
869 Punchbowl Street  
Honolulu, HI 96813

Long Range Planning Division  
Planning Division

xc ltr only: Mr. Jesse K. Souki, Director  
Office of Planning, DBEDT  
State of Hawai'i Department of Business, Economic  
Development & Tourism  
P.O. Box 2359  
Honolulu, HI 96804-2359



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Phone (808) 961-8288  
Fax (808) 961-8742

**Special Management Area Minor Permit No. 12-000234**

**Project:** Stabilization and Restoration of Eroded Coastal Land  
**Applicant:** State of Hawai'i  
**Owner:** State of Hawai'i  
**Location:** Upolu Point Airport, North Kohala, Hawai'i  
**TMK:** (3) 5-5-006:007 **Land Area:** 88.61 acres.

**Applicant's Request**

**1. Project Description:**

The proposed project is intended to control soil erosion from the land between the Upolu Airport runway and the ocean by planting the bare areas with mostly native shrubs and grass. In cooperation with the Ala Kahakai National Historic Trail and the community group Kohala Lihikai, the project intends to re-establish the jeep road/trail along the coast above the sea cliff. In addition, new signs are intended to add to the public enjoyment of the land. No land will be graded or leveled, and no structure will be erected.

**2. Purpose of Project:**

Objectives of the project include the stabilization of soil run-off from areas denuded by prior heavy off-road vehicle use; reestablishment of portions of the jeep road/ trail that have been obliterated by the off-road vehicle use; low impact planting of native grass and shrub accustomed to the high wind and salt spray environment; identification and preservation of any historic or cultural sites or values of the land; erection of signage encouraging appropriate public use and acknowledging community efforts to protect the land from erosion; and generate a positive collaboration between the Airports Division, the County of Hawai'i Public Access Program, the Ala Kahakai National Historic Trail and the community of North Kohala.

**3. Project Valuation: \$10,000**

**4. Determination:**

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(A) relating to the Special Management Area, "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste" requires a review against the Special Management Area (SMA) rules and regulations. Therefore, the stabilization and restoration of soil erosion by planting the bare areas with mostly native shrubs and grass, the re-establishment of the jeep road/ trail

along the coast above the sea cliff, and the installation of new signs requires an SMA Minor Permit.

#### **State and County Plans**

1. **State Land Use District:** The parcel is located in the State Land Use Conservation District.
2. **General Plan:** The parcel is designated as Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** In the Conservation District, there is no county zoning, per se. Therefore, the State of Hawai'i Department of Land and Natural Resources (DLNR) has jurisdiction on any use or activity on this parcel.
4. **Special Management Area:** The subject property is located entirely within the Special Management Area.
5. **Flood Zone:** X and VE

#### **Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), 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 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.

<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 Hawai'i 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 \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated August 15, 2012, states 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" and "VE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). The VE zone does not appear to affect project area.*

*The above information is based on the most recent FIRM for the County of Hawai'i. Zone "X" is not a designated Special Flood Hazard Area. A Zone "X" designation does not imply that the referenced property will be free from flooding or flood damage. 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."*

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 12-000234** is hereby approved for the stabilization and restoration of soil erosion by planting the bare areas with mostly native shrubs and grass, the re-establishment of the jeep road/ trail along the coast above the sea cliff, and the installation of new signs on the subject parcel, 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. 12-000234**, 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. A Conservation District Use Permit from the Board of Land and Natural Resources or other written approval from the Department of Land and Natural Resources Office of Conservation and Coastal Lands must be obtained for the project within one (1) year from the date of approval of this permit.
4. Lateral public access to and along the shoreline of the subject property shall remain open and unobstructed unless a temporary closure of a trail segment or a realignment is necessary for the public's safety. In the event of a temporary closure or trail realignment, the applicant shall install signage at the appropriate locations noting the reason and duration of the trail closure or realignment.
5. Other than the approved stabilization and restoration of soil erosion by planting the bare areas with mostly native shrubs and grass, the re-establishment of the jeep road/ trail along the coast above the sea cliff, and the installation of new signs, no land alteration, grubbing, landscaping, demolition or construction activities, including, but not limited to, the stockpiling of debris, construction materials or equipment, shall occur in the shoreline setback area without securing a prior written determination of minor structure or activity pursuant to PD Rule 11-8 from the Planning Director or approval of a Shoreline Setback Variance from the Planning Commission.

6. No heavy equipment shall be used in the shoreline setback area.
7. 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.
8. 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).
9. 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.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

APPROVED:

  
BJ LEITHEAD TODD  
Planning Director

8.24.12  
Date




DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: August 15, 2012

**Memorandum**

TO : B. J. Leithead-Todd, Planning Director  
Planning Department

FROM : Ben Ishii, Division Chief   
Engineering Division

SUBJECT : Special Management Area Use Permit  
Assessment Application (SAA 12-000849)  
Applicant: State of Hawaii Department of Transportation  
Request: Stabilization and Restoration of Eroded Coastal Land  
Location: Upolu Point, North Kohala, Hawaii  
TMK: 3 / 5-5-006:007

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

We have determined that the subject property is located within Flood Zone "X" and "VE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). The VE zone does not appear to affect project area

The above information is based on the most recent FIRM for the County of Hawaii. Zone "X" is not a designated Special Flood Hazard Area. A Zone "X" designation does not imply that the referenced property will be free from flooding or flood damage. 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 there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 323-4850.

KE  
copy: ENG-HILO/KONA