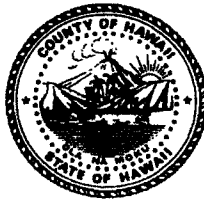


William P. Kenoi  
Mayor



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  
Fax (808) 327-3563

**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

May 23, 2013

Mr. Allen A. Salavea  
Kamehameha Schools  
78-6831 Ali'i Drive, Suite 235  
Kailua-Kona, HI 96740

Dear Mr. Salavea:

**SUBJECT: Special Management Area Use Permit Assessment Application  
(SAA 12-000879)  
Special Management Area Minor Use Permit (SMM 13-000268)  
Applicant: Kamehameha Schools  
Land Owner: Kamehameha Schools  
Request: Keauhou Bay Building Site Remediation and Routine Maintenance  
Tax Map Key: 7-8-10:Por. of 44, North Kona, Hawai'i**

This is to follow up on our May 8, 2013 letter relating to the above-referenced Special Management Area assessment for the Keauhou Bay Building Site remediation and routine maintenance of a portion of the subject parcel.

The 25.239 acre parcel is designated Urban by the State Land Use Commission. It is zoned Resort Hotel (V-1.25 and V-4) with the project area zoned V-1.25. It is in the Special Management Area and has frontage along the coastline.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(e)(1)(B) and (A), relating to the Special Management Area, "*Grading, removing, dredging, mining, or extraction of any materials*" and "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*", respectively, are not exempt from the definition of "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. 13-000268 is hereby issued to allow for the Keauhou Bay Building Site

Mr. Allen A. Salavea  
Kamehameha Schools  
Page 2  
May 23, 2013

remediation and routine maintenance, subject to the applicant's compliance with the conditions of approval as required by the permit.

We note, however, that a portion of the project area is within the 40 feet shoreline setback area. Planning Department Rules of Practice and Procedure, Rule 11-7(a)(4) states that *"The following structures or activities may be permitted within the shoreline setback area provided written clearance is secured from the Planning Department: A minor structure or activity approved in accordance with section 11-8."*

Planning Department Rule 11-8 states that *"A minor structure or activity proposed in the shoreline setback area shall not need a shoreline setback variance if the Planning Department determines that it would not affect beach processes or artificially fix the shoreline and would not interfere with public access or public views to and along the shoreline"*. Further, Rule 11-8(b) requires that *"Minor structures and activities shall be completed within one year from the date of the Planning Department's minor structure or activity determination or from the approval date of the last discretionary permit, whichever is last"*.


The proposed activities would neither affect beach processes nor artificially fix the shoreline. Further, it would not interfere with public access or public views to and along the shoreline. Therefore, the proposed activities within the 40 feet shoreline setback area are considered minor activities and will not require a Shoreline Setback Variance.

As a reminder, however, these activities must be completed within one (1) year from the date of this letter or from the approval date of the last discretionary permit, whichever is last. Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

If you have questions, please contact Esther Imamura of this department at (808) 961-8139.

Sincerely,



 BJ LEITHEAD TODD  
Planning Director

ETI:mad  
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Mr. Allen A. Salavea  
Kamehameha Schools  
Page 3  
May 23, 2013

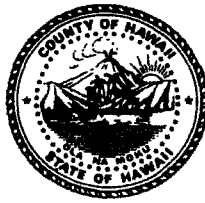
Enclosure - SMM No. 13-000268  
Department of Public Works memorandum dated May 13, 2013

cc w/encls: Long Range Planning Division  
Planning Division  
Planning Department, Kona

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

Mr. Samuel J. Lemmo, Administrator  
State of Hawai'i, Department of Land and Natural Resources  
Office of Conservation and Coastal Lands  
P.O. Box 621  
Honolulu, HI 96809

William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

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West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
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Phone (808) 323-4770  
Fax (808) 327-3563

## 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

### **Special Management Area Minor Permit No. 13-000268**

**Project:** Keauhou Bay Building Site Remediation and Routine Maintenance  
**Applicant:** Kamehameha Schools (KS)  
**Land Owner:** B.P. Bishop Estate  
**Location:** North Kona, Hawai'i  
**TMK:** 7-8-10:Por. of 44 **Total Land Area:** 25.239 acres

#### **Applicant's Request**

##### **1. Project Description:**

Proposed is remediation work that consists of:

- a. Demolition of the unpermitted concrete slab as well as the partially erected CMU wall on the north and east sides of the slab.
- b. Grading to return the site to the former elevation.
- c. Compliance with SHPD's archaeological monitoring plan for Moikeha Cave.
- d. Installation of 3-4' diameter rocks along the western border to prevent vehicular trespassing onto the site.
- e. Landscaping improvements using appropriate native plants and screening. Tamper-proof water spigot will provide initial irrigation to assist renaturalization of the area. Also included will be routine maintenance of the project area.

Approximately 800 square feet of the slab and portions of the CMU wall are within the 40 feet shoreline setback area.

Best Management Practices (BMPs) and a demolition site plan were submitted on October 3, 2012.

##### **2. Purpose of Project:**

KS proposes to implement a more passive use of the site by restoring the property to its natural state and to xeriscape the area utilizing native plants. No new structures will be built at this time.

##### **3. Project Valuation: \$75,000**

#### 4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e)(1)(B) and (A), "Development" includes "*Grading, removing, dredging, mining, or extraction of any materials*" and "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*", respectively. Therefore, the proposed project is considered "Development" and requires a Special Management Area Minor Permit.

#### State and County Plans

1. **State Land Use District:** The subject property is designated Urban.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Open and Resort Node with the project area designated Open.
3. **Kona Community Development Plan:** Adopted as Ordinance No. 08 131 and effective September 25, 2008, Chapter 4.4, Cultural Resources includes two Guiding Principals – 1) *Protect Kona's natural resources and culture*, and 4) *Provide recreation opportunities*.
4. **County Zoning:** The subject property is zoned Resort-Hotel (V-1.25 and V-4) with the project area zoned V-1.25.
5. **Special Management Area:** The parcel is located within the Special Management Area (SMA) and has frontage along the coastline.
6. **Flood Zone:** "AE and X"

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

The subject parcel has frontage along the ocean. However, the northern project area is inland of an approximately 3-4 feet high rock wall with a ten feet wide opening. The adjacent interior elevation is approximately 2 feet below the opening. Therefore, the proposed project will not affect public access to the shoreline or negatively affect shoreline 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, 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 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 \$75,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated May 13, 2013, states the following:

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

*We have determined that the subject project is located within Flood Zones "AE" 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 Hawai'i. The proposed boulders the applicant wishes to install along the makai property line is in the AE Zone and is an encroachment or obstruction, subject to the requirements of Chapter 27 of Hawai'i County Code. Certification by a licensed Civil Engineer is required in conformance to Section 27-18c (Encroachments).*

*Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530."*

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 13-000268** is hereby approved for the Keauhou Bay Building site remediation and routine maintenance of the project area, 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. 13-000268**, 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. As required by Planning Department Rule 11-8(b), the work within the shoreline setback area shall be completed within one (1) year from the date of this permit or from the approval date of the last discretionary permit, whichever is last.
4. Prior to any grading, landscaping and construction activity,
  - a. Submit written documentation from the Department of Public Works, Engineering Division that the proposed rock barrier complies with the requirements of Chapter 27, Hawai'i County Code.
  - b. Submit a copy of the Department of Land and Natural Resources, State Historic Preservation Division approval of the required archaeological site preservation plan and the archaeological monitoring plan.
  - c. The existing construction and dust barriers must be in good condition, properly maintained or replaced as may be necessary to ensure they serve their intended purposes. However, it must also be augmented with a silt barrier.
5. All construction, dust and silt barriers must be shown and properly noted on the plans submitted with any permits required for any land altering activities. The construction notes on the plans must include the following statement, "the construction, dust and silt barriers must be erected prior to any land altering or construction activities, and must remain in place until final inspection by Department of Public Works."
6. Heavy equipment may be used to only demolish portions of the slab and CMU walls that are outside of the shoreline setback area. Therefore, please stake the 40 feet shoreline setback line and contact Planning Inspector Horace Yanagi at 323-4782 or Randy Lovato at 323-4781 to schedule a site inspection prior to commencing any actual work.
7. No heavy equipment or refueling of machinery and vehicles are allowed within the shoreline setback area. Only hand tools (i.e. jack hammers, sledge hammers, wheelbarrow, etc.) will be used to demolish the area of slab and CMU walls within the shoreline setback area.
8. No stockpiling of debris or parking of machinery or equipment is allowed within the shoreline setback area.
9. The project area and the areas makai shall be kept clear of any rubbish or debris resulting from these activities at all times. Appropriate BMPs shall be employed to ensure no dust from concrete or CMU wall demolition becomes airborne or is washed into the ocean.
10. 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.



11. 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 contact Esther Imamura of this department at 961-8139.

APPROVED:

  
for BJ LEITHEAD TODD  
Planning Director


5.23.13  
Date

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: May 13, 2013

**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 12-000879)  
Applicant: Kamehameha Schools  
Location: Keauhou (North Kona) Hawai'i  
TMK: 3 / 7-8-010-044

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

We have determined that the subject project is located within Flood Zone "AE" 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. The proposed boulders the applicant wishes to install along the makai property line is in the AE Zone and is an encroachment or obstruction, subject to the requirements of Chapter 27 of Hawaii County Code. Certification by a licensed Civil Engineer is required in conformance to Section 27-18c (Encroachments).

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE  
copy: ENG-HILO/KONA

William P. Kenoi  
Mayor



Duane Kanuha  
Director

Bobby Command  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**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

December 3, 2014

Mr. Allen A. Salavea  
Kamehameha Schools  
78-6831 Ali'i Drive, Suite 429  
Kailua-Kona, Hawai'i 96740

Dear Mr. Salavea:

**SUBJECT: Amendment to SMA Minor Permit No. 13-000268**  
**Applicant: Kamehameha Schools**  
**Land Owner: Kamehameha Schools**  
**Request: Additional Landscaping Improvements and Tree Removal/Maintenance**  
**Tax Map Key: 7-8-10: Por. of 44, North Kona, Hawai'i**

This is to acknowledge receipt of the April 3, 2014 request to amend SMA Minor Permit No.: 13-000268, and allow for additional landscaping and tree removal/maintenance on the subject parcel. Also acknowledged is receipt of supplemental information on June 24<sup>th</sup>, August 27<sup>th</sup>, and October 22, 2014.

**Previous Determination:**

SMM-13-000268, issued on May 23, 2014, allowed for the Keauhou Bay Building Site remediation and routine maintenance of a portion of the subject parcel. Landscaping improvements included using native plants and screening, water spigot for initial irrigation and routine maintenance of the project area. These proposed activities within the shoreline setback area were determined to be minor activities that do not require a shoreline setback variance.

Condition of Approval No. 4.b. of SMM 13-000268, states that *"Prior to any grading, landscaping and construction activity, Submit a copy of the Department of Land and Natural Resources, State Historic Preservation Division approval of the required archaeological site preservation plan and the archaeological monitoring plan."*



**Requested Additions/Amendments to SMM 13-000268:**

*Phase I:*

- a. *Repair existing rock wall across project area frontage to be consistent with existing wall fronting the King Kamehameha III birth site. The repaired wall will match the color, shape, and height of the existing wall*
  1. The height of the existing wall is 2.5' with a width is 2.5'. The proposed new wall to be similar to the one fronting the King Kamehameha III birth site will have a height of 2.5' but a width of 1.5' to 2.75'. The wall will be slightly wider on the ground and extend further across the parcel to connect with the King Kamehameha III birth site wall on the adjacent TMK: 7-8-012:017. Therefore, the proposal is not a repair of the existing wall, but a demolition of the existing wall followed by the construction of a new, larger and longer wall. This is indicated on the enclosed diagram by Kona Wai Engineering, LLC. However, according to the Proposed Landscape Plan, we note that the mauka end of the northern wall appears to end beneath a Kou Tree. Please clarify if the new wall will continue mauka to the base of the cliff. Further, clarify if the placement of 3-4' diameter rocks that were previously approved to prevent vehicular trespassing onto the project site will be replaced by this new wall.
  2. At the north end of the project site, there is a stairway with landing. This is not shown on the proposed landscape plan or mentioned for removal. Further, enclosed photos taken on July 18, 2012 document that the stairway, stairway landing and portions of the rock wall are affected by tidal flow.
  3. A current certified shoreline survey is required to determine the 40-foot shoreline setback area with regard to the location of the new wall.
- b. *Install interpretative signage and other SHPD approved archaeological treatment of Moikeha Cave per the Preservation Plan.*
  1. SHPD letter dated May 30, 2013 states that "*SHPD accepts these interim protection measures, and looks forward to the opportunity to review an archaeological site preservation plan when one is available. We also look forward to consulting with project proponents about revised interim protection measures if intact, subsurface materials associated with SIHP 24265 is found outside of the interim protection zone during monitoring activities.*"
  2. The Proposed Landscape Plan denotes "Approximate location of interpretative signage". Your letter stated "*Install interpretative signage and other SHPD*



*approved archaeological treatment of Moikeha Cave per Preservation Plan."* Although we have a copy of the Final Archaeological Monitoring Plan (FAMP), we do not have a copy of an Archaeological Site Preservation Plan. Until we have a copy of this document, we are unable to review the request for the posting of signs. Further, as there is only an "approximate location" for the signage, please note the location on the landscape plan, along with dimensions and descriptions of signs, in relation to the shoreline setback area. Also, compliance with Hawai'i County Code, Chapter 3, Signs, may be required.

*c. Install 'Ōhi'a barrier fronting Moikeha Cave.*

In reference to the interim protection measures for the cave, the FAMP required the installation of a temporary buffer fence outside the entrance to cave Site 24264 at a distance of 9 to 10 feet west of the dripline entrance into the cave, extending between the raised escarpments at the north and south ends. Please clearly denote on the plan the extent of the cave entrance. Further, clarify if the proposed 'Ōhi'a barrier is to be temporary or permanent and provide description and/or diagram, as may be necessary to understand what it is being proposed. This barrier should also be clearly delineated on the site plan along with the temporary buffer fence called for in the FAMP.

*Phase II:*

- a. Install weed mats and cinder in planting areas to prevent weed growth.*
- b. Install Laua'e fern ground cover and one Naupaka shrub.*
- c. Install tree plantings of 2 Kou, 1 Hīnano, 5 Puhala and 8 Loulu Palms.*
- d. Install temporary irrigation lines to support the establishment of ground cover and tree plantings.*
- e. Install sand with ili ili stones in center portion of project area.*

SMM 13-000268 allowed for landscaping improvements using appropriate native plants and screening, tamper-proof spigot for initial irrigation and routine maintenance of the project area. Items a, b, c, and e may also be installed as these are similar to and consistent with what was approved by SMM 13-000268.

For Item d, however, it appears that the initial proposal to xeriscape the area using a tamper-proof spigot is being revised to allow for a more extensive installation of temporary irrigation lines to support ground cover and tree plantings. In order to determine if it qualifies for a minor structure or activity in the shoreline setback area, please provide a more detailed description of the proposed irrigation system, its location and what, if any, land altering activity will be necessary to install and/or remove it.



*Phase III:*

- a. Remove three (3) trees on the bluff at the rear of the SMM 13-000286 project site.*
- b. Routinely prune remaining trees in the project area to remove dead and decaying branches.*

On the landscape plan submitted on April 3, 2014, trees which were to be removed or routinely maintained were not identified. Further, the plan included trees mauka along the top of the bluff. We note that the Final Archaeological Monitoring Plan was limited to the area below the bluff and included the Mo'ikeha Cave and former Sea Paradise site. As the upper bluff area has additional listed historical features, State Historic Preservation Division (SHPD) review for activity in this mauka area will be required before any routine tree maintenance or removal will be allowed. Trees below (makai of) the bluff may be routinely maintained. However, written approval from the Planning Director will be required before removal of any trees.

Cost for the additional improvements is estimated to be less than \$30,000. Since the total project valuation for SMM 13-000268 is now \$105,000, it does not exceed the \$500,000 valuation set by HRS 205A-22 for the SMA minor permit.

**Summary:**

- A. Approved per revised landscaping plan received on April 8, 2014:
  1. Installation of weed mats and cinder
  2. Installation of Lauae fern and Naupaka shrub
  3. Installation of tree plantings
  4. Installation of sand with ili ili stones
  5. Routine pruning of trees on the makai project area
- B. Not Approved:
  1. Construction of a new rock wall
  2. Installation of temporary irrigation lines
  3. Removal of or pruning of trees on bluff at rear of project site
  4. Removal of trees on makai project area without written approval of Planning Director
- C. Provide additional information regarding the Archaeological Site Preservation Plan:
  1. Description and location for the proposed interpretative signage
  2. Treatment of Mo'ikeha Cave
  3. Description and location of the permanent 'Ōhi'a Barrier fronting Mo'ikeha Cave and whether it is intended to serve as and/or replace the installation of a temporary buffer fence outside the entrance to Mo'ikeha Cave.



Mr. Allen A. Salavea  
Kamehameha Schools  
December 3, 2014  
Page 5

Furthermore, Condition No. 4b. of SMM 13-000268 states:

- "Prior to any grading, landscaping and construction activity,*  
c. *Submit a copy of the Department of Land and Natural Resources, State Historic Preservation Division approval of the required archaeological site preservation plan and the archaeological monitoring plan.*

Until we have received a copy of the approved Archaeological Site Preservation Plan as required by Conditions No. 4 of SMM 13-000268, no grading, landscaping or construction approved by SMM 13-000268 is allowed to proceed.

If you have questions, please contact Esther Imamura of this department at (808) 961-8139.

Sincerely,



DUANE KANUHA  
Planning Director

ETI/LB/AS:cs

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Enclosure - SMM No.: 13-000268  
July 18, 2012 photos  
Proposed Landscape Plan  
Kona Wai Engineering, LLC Diagram

cc w/encls: Long Range Planning Division  
Planning Department, Kona



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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May 23, 2013

Mr. Allen A. Salavea  
Kamehameha Schools  
78-6831 Ali'i Drive, Suite 235  
Kailua-Kona, HI 96740

Dear Mr. Salavea:

**SUBJECT: Special Management Area Use Permit Assessment Application  
(SAA 12-000879)  
Special Management Area Minor Use Permit (SMM 13-000268)  
Applicant: Kamehameha Schools  
Land Owner: Kamehameha Schools  
Request: Keauhou Bay Building Site Remediation and Routine Maintenance  
Tax Map Key: 7-8-10:Por. of 44, North Kona, Hawai'i**

This is to follow up on our May 8, 2013 letter relating to the above-referenced Special Management Area assessment for the Keauhou Bay Building Site remediation and routine maintenance of a portion of the subject parcel.

The 25.239 acre parcel is designated Urban by the State Land Use Commission. It is zoned Resort Hotel (V-1.25 and V-4) with the project area zoned V-1.25. It is in the Special Management Area and has frontage along the coastline.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(e)(1)(B) and (A), relating to the Special Management Area, "Grading, removing, dredging, mining, or extraction of any materials" and "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste", respectively, are not exempt from the definition of "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. 13-000268 is hereby issued to allow for the Keauhou Bay Building Site



Mr. Allen A. Salavea  
Kamehameha Schools  
Page 2  
May 23, 2013

remediation and routine maintenance, subject to the applicant's compliance with the conditions of approval as required by the permit.

We note, however, that a portion of the project area is within the 40 feet shoreline setback area. Planning Department Rules of Practice and Procedure, Rule 11-7(a)(4) states that *"The following structures or activities may be permitted within the shoreline setback area provided written clearance is secured from the Planning Department: A minor structure or activity approved in accordance with section 11-8."*

Planning Department Rule 11-8 states that *"A minor structure or activity proposed in the shoreline setback area shall not need a shoreline setback variance if the Planning Department determines that it would not affect beach processes or artificially fix the shoreline and would not interfere with public access or public views to and along the shoreline"*. Further, Rule 11-8(b) requires that *"Minor structures and activities shall be completed within one year from the date of the Planning Department's minor structure or activity determination or from the approval date of the last discretionary permit, whichever is last"*.

The proposed activities would neither affect beach processes nor artificially fix the shoreline. Further, it would not interfere with public access or public views to and along the shoreline. Therefore, the proposed activities within the 40 feet shoreline setback area are considered minor activities and will not require a Shoreline Setback Variance.

As a reminder, however, these activities must be completed within one (1) year from the date of this letter or from the approval date of the last discretionary permit, whichever is last. Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

If you have questions, please contact Esther Imamura of this department at (808) 961-8139.

Sincerely,

  
BJ LEITHEAD TODD  
Planning Director

ETI:mad  
P:\wpwin60\CZM\SMM\2013\SMM 13-268L KS Keauhou Bay Site Remed.Doc

Mr. Allen A. Salavea  
Kamehameha Schools  
Page 3  
May 23, 2013

Enclosure - SMM No. 13-000268  
Department of Public Works memorandum dated May 13, 2013

cc w/encls: Long Range Planning Division  
Planning Division  
Planning Department, Kona

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

Mr. Samuel J. Lemmo, Administrator  
State of Hawai'i, Department of Land and Natural Resources  
Office of Conservation and Coastal Lands  
P.O. Box 621  
Honolulu, HI 96809



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  
Fax (808) 327-3563

## 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

### **Special Management Area Minor Permit No. 13-000268**

**Project:** Keauhou Bay Building Site Remediation and Routine Maintenance  
**Applicant:** Kamehameha Schools (KS)  
**Land Owner:** B.P. Bishop Estate  
**Location:** North Kona, Hawai'i  
**TMK:** 7-8-10:Por. of 44 **Total Land Area:** 25.239 acres

#### **Applicant's Request**

##### **1. Project Description:**

Proposed is remediation work that consists of:

- a. Demolition of the unpermitted concrete slab as well as the partially erected CMU wall on the north and east sides of the slab.
- b. Grading to return the site to the former elevation.
- c. Compliance with SHPD's archaeological monitoring plan for Moikeha Cave.
- d. Installation of 3-4' diameter rocks along the western border to prevent vehicular trespassing onto the site.
- e. Landscaping improvements using appropriate native plants and screening. Tamper-proof water spigot will provide initial irrigation to assist renaturalization of the area. Also included will be routine maintenance of the project area.

Approximately 800 square feet of the slab and portions of the CMU wall are within the 40 feet shoreline setback area.

Best Management Practices (BMPs) and a demolition site plan were submitted on October 3, 2012.

##### **2. Purpose of Project:**

KS proposes to implement a more passive use of the site by restoring the property to its natural state and to xeriscape the area utilizing native plants. No new structures will be built at this time.

##### **3. Project Valuation: \$75,000**



#### 4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e)(1)(B) and (A), "Development" includes "*Grading, removing, dredging, mining, or extraction of any materials*" and "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*", respectively. Therefore, the proposed project is considered "Development" and requires a Special Management Area Minor Permit.

#### State and County Plans

1. **State Land Use District:** The subject property is designated Urban.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Open and Resort Node with the project area designated Open.
3. **Kona Community Development Plan:** Adopted as Ordinance No. 08 131 and effective September 25, 2008, Chapter 4.4, Cultural Resources includes two Guiding Principals – 1) *Protect Kona's natural resources and culture*, and 4) *Provide recreation opportunities*.
4. **County Zoning:** The subject property is zoned Resort-Hotel (V-1.25 and V-4) with the project area zoned V-1.25.
5. **Special Management Area:** The parcel is located within the Special Management Area (SMA) and has frontage along the coastline.
6. **Flood Zone:** "AE and X"

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

The subject parcel has frontage along the ocean. However, the northern project area is inland of an approximately 3-4 feet high rock wall with a ten feet wide opening. The adjacent interior elevation is approximately 2 feet below the opening. Therefore, the proposed project will not affect public access to the shoreline or negatively affect shoreline 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, 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 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 \$75,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated May 13, 2013, states the following:

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

*We have determined that the subject project is located within Flood Zones "AE" 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 Hawai'i. The proposed boulders the applicant wishes to install along the makai property line is in the AE Zone and is an encroachment or obstruction, subject to the requirements of Chapter 27 of Hawai'i County Code. Certification by a licensed Civil Engineer is required in conformance to Section 27-18c (Encroachments).*

*Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530."*

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 13-000268** is hereby approved for the Keauhou Bay Building site remediation and routine maintenance of the project area, 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. 13-000268**, 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. As required by Planning Department Rule 11-8(b), the work within the shoreline setback area shall be completed within one (1) year from the date of this permit or from the approval date of the last discretionary permit, whichever is last.
4. Prior to any grading, landscaping and construction activity,
  - a. Submit written documentation from the Department of Public Works, Engineering Division that the proposed rock barrier complies with the requirements of Chapter 27, Hawai'i County Code.
  - b. Submit a copy of the Department of Land and Natural Resources, State Historic Preservation Division approval of the required archaeological site preservation plan and the archaeological monitoring plan.
  - c. The existing construction and dust barriers must be in good condition, properly maintained or replaced as may be necessary to ensure they serve their intended purposes. However, it must also be augmented with a silt barrier.
5. All construction, dust and silt barriers must be shown and properly noted on the plans submitted with any permits required for any land altering activities. The construction notes on the plans must include the following statement, "the construction, dust and silt barriers must be erected prior to any land altering or construction activities, and must remain in place until final inspection by Department of Public Works."
6. Heavy equipment may be used to only demolish portions of the slab and CMU walls that are outside of the shoreline setback area. Therefore, please stake the 40 foot shoreline setback line and contact Planning Inspector Horace Yanagi at 323-4782 or Randy Lovato at 323-4781 to schedule a site inspection prior to commencing any actual work.
7. No heavy equipment or refueling of machinery and vehicles are allowed within the shoreline setback area. Only hand tools (i.e. jack hammers, sledge hammers, wheelbarrow, etc.) will be used to demolish the area of slab and CMU walls within the shoreline setback area.
8. No stockpiling of debris or parking of machinery or equipment is allowed within the shoreline setback area.
9. The project area and the areas makai shall be kept clear of any rubbish or debris resulting from these activities at all times. Appropriate BMPs shall be employed to ensure no dust from concrete or CMU wall demolition becomes airborne or is washed into the ocean.
10. 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.

11. 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 contact Esther Imamura of this department at 961-8139.

APPROVED:

  
for BJ LEITHEAD FODD  
Planning Director

5.23.13  
Date



DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: May 13, 2013

**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 12-000879)  
Applicant: Kamehameha Schools  
Location: Keauhou (North Kona) Hawai'i  
TMK: 3 / 7-8-010-044

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

We have determined that the subject project is located within Flood Zone "AE" 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. The proposed boulders the applicant wishes to install along the makai property line is in the AE Zone and is an encroachment or obstruction, subject to the requirements of Chapter 27 of Hawaii County Code. Certification by a licensed Civil Engineer is required in conformance to Section 27-18c (Encroachments).

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE  
copy: ENG-HILO/KONA





7/18/12







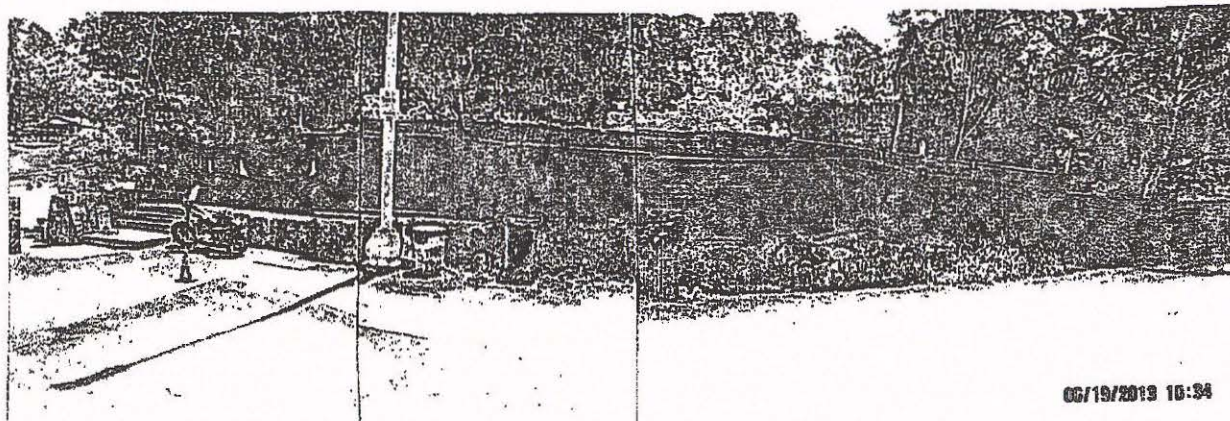
7/18/12



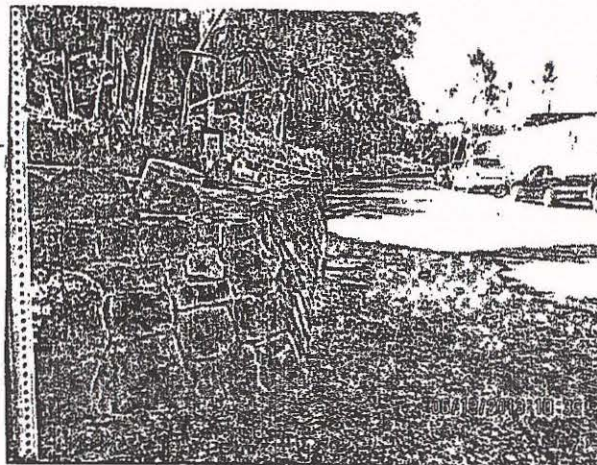








**SITE ELEVATION**



**CONNECTING WALL**

**KONA WAI ENGINEERING, LLC**

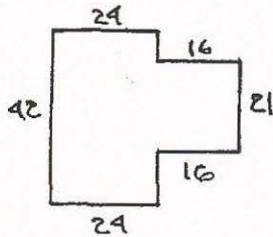
STEPHEN J. HERBERT, P.E.  
PO Box 4481, Kailua-Kona, HI 96745  
Phone (808) 329-5272 / fax (808) 325-7966  
steve@konawaiengineering.com

**MOIKEHA RESTORATION SITE  
KEAUHOU BAY  
KEAUHOU, HAWAII  
TMK (3) 7-8-012: 017**

# PROPOSED REMOVALS

EXHIBIT B

FORMER FRAZIER HOUSE CONC. SUB BASE

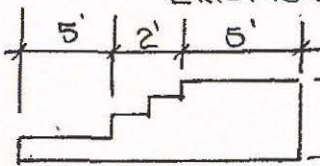


AREA:  $24 \times 42 = 1008$   
 $16 \times 21 = 336$   
 $1344 \text{ SF}$   
 THICKNESS 1' 1 FT  
 VOLUME 1344 CF

VOLUME

N/A

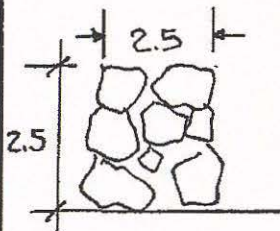
EXISTING STAIRS - 5' WIDE



VOLUME  
 $5 \times 1 \times 5 = 25 \text{ CF}$   
 $2 \times 1 \times 5 = 10 \text{ CF}$   
 $5 \times 5 \times 4 = 100 \text{ CF}$   
 135 CF

135 CF

EXISTING RUBBLE WALL - 80 LF



CROSS SECTION A =  $2.5 \times 2.5$

AREA:  $2.5 \times 2.5 = 6.25 \text{ SF}$

VOLUME:

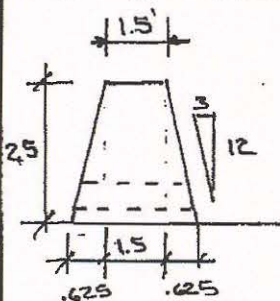
$6.25 \times 80 = 500 \text{ CF}$

500 CF

TOTAL VOLUME REMOVED

635 CF

NEW STONE WALL - 102 LF - NET OF GATES



CROSS SECTION AREA

$1.5 \times 2.5 = 3.75 \text{ SF}$

$2 \times \frac{1}{2} \times 0.625 \times 2.5 = 1.56 \text{ SF}$   
 $5.31 \text{ SF}$

VOLUME

$102 \times 5.3 \text{ SF} = 541 \text{ CF}$

541 CF

NET DECREASE IN VOLUME

- 94 CF

KONA WAI ENGINEERING, LLC

STEPHEN J. HERBERT, P.E.

PO Box 4481, Kailua-Kona, HI 96745

Phone (808) 329-5272 / fax (808) 325-7966

steve@konawaiengineering.com

MOIKEHA RESTORATION  
 NO RISE VOLUME  
 CALCULATION

2