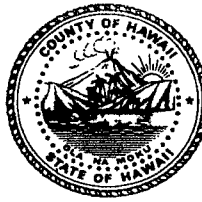


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
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

June 8, 2017

Mr. Carl Roesner
75-5928 Ali'i Drive
Kailua-Kona, HI 96740

Dear Mr. Roesner:

SUBJECT: Special Management Area (SMA) Assessment Application (SAA 17-001494)
Special Management Area Minor Permit No. 17-000372 (SMM 17-000372)
Applicant: Carl Roesner
Owner: Ghost Rider, LLC
Request: Grading of 1.25 acres in accordance with plans dated May 16, 2017
Tax Map Keys: (3) 7-6-014:018, 019 & 020, Kailua-Kona, Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 17-001494), submitted on April 24, 2017. Also acknowledged is receipt of additional information on May 19, 2017, and subsequent receipt of a time extension to June 8, 2017, in which to review the application. Proposed is the grading of the project location in accordance with the plans by Aina Engineers, dated May 16, 2017.

The subject 1.25 acre project location (parcels listed) is zoned Multi-Family Residential (RM-1.5) by the County and designated Urban by the State Land Use Commission. The parcel is also designated as Medium Density Urban (MDU) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Although the entire parcels are located within the Special Management Area, the project site is not currently located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS). Therefore the requirement to submit a current certified shoreline survey is waived.

A previous SMA determination in 2012 directed the applicant to coordinate with the Department of Land and Natural Resources, State Historic Preservation Division as it pertained to potential archaeological site(s) and feature(s) on the subject properties. An archaeological monitoring

JUN 08 2017

plan (AMP) was accepted by State Historic Preservation Division on January 26, 2017, and is included herein.

Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(E) and 9-4(e)(1)(B), "development" includes "*Construction, reconstruction, demolition, or alteration of the size of any structure*" and "*Grading, removing, dredging, mining, or extraction of any materials.*" Therefore, we have determined that the proposed grading of the project location (properties) in accordance with the plans by Aina Engineers, dated May 16, 2017, is considered "development" and requires a review against the SMA rules and regulations.

Based on the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. 17-000372 is hereby issued for grading of the 1.25 acre property in accordance with the plans by Aina Engineers, dated May 16, 2017. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have any questions, please contact Kevin Sullivan of this office at (808) 961-8135.

Sincerely,

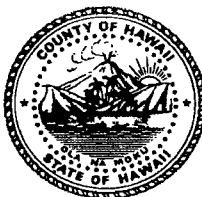


MICHAEL YEE
Planning Director

KS:ja

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Encl. Special Management Area Minor Permit No. 17-000372
Sheet C-1 Grading Plan Details and Notes dated 5/16/17
Doc.No:1701KM19: State Historic Preservation Division letter dated 1/26/17
Department of Public Works Memorandum dated 5/11/17



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

Special Management Area Minor Permit No. 17-000372

Project: Grading and earthwork of 1.25 acres
Applicant: Carl Roesner
Owner: Ghost Rider, LLC
Request: Grading of 1.25 acres in accordance with plans dated May 16, 2017
Location: Kailua-Kona, Hawai'i
TMKs: (3) 7-6-014:018, 019 & 020 **Land Area:** 1.25 acres

Applicant's Request

1. Project Description:

The applicant proposes the grading of the project location in accordance with the plans by Aina Engineers, dated May 16, 2017.

2. Purpose of Project:

The applicant is proposing grading and contouring of a 1.25 acre property to develop three (3) plateaued earthen pads in preparation for a combination of structure(s) and/or planting(s). See accompanied plans by Aina Engineering dated May 16, 2017.

3. Project Valuation: \$35,000

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(E) and 9-4(e)(1)(B), "development" includes "*Construction, reconstruction, demolition, or alteration of the size of any structure*" and "*Grading, removing, dredging, mining, or extraction of any materials.*" Therefore, the grading of the project location in accordance with the plans by Aina Engineers, dated May 16, 2017, is considered to be development and requires a review against the Special Management Area rules and regulations.

State and County Plans

- 1. State Land Use District:** The project area is located in the State Land Use Urban district.
- 2. General Plan:** The project area is designated as Medium Density Urban (MDU) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcels are zoned Multi-Family Residential (RM-1.5) by the County of Hawai'i.
- 4. Special Management Area:** The parcels are located entirely within the Special Management Area (SMA).
- 5. Flood Zone:** X.

<p align="center">Compliance with Objectives and Policies of Chapter 205A, Hawai'i 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 Hawai'i 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

1. 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.
2. The proposed development is consistent with the Hawai'i County General Plan and Zoning Code.
3. The proposed development is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
4. The estimated project cost of \$35,000 is not in excess of \$500,000.
5. The enclosed Department of Public Works, Engineering Division memorandum dated May 11, 2017, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated March 21, 2017, and have no objections to the request.

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

All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code."

6. Pursuant to PC Rule Section 9-10(e), the Planning Director hereby approves the grading of the project location in accordance with the plans by Aina Engineers, dated May 16, 2017. This approval is subject to the applicants' compliance with the conditions of approval as specified below.

Conditions of Approval

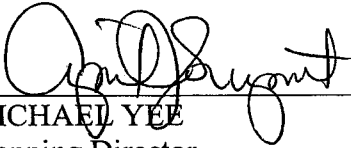
This SMA Minor Permit is subject to the following conditions:

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. All earthwork activity shall be completed within two (2) years from the date of this permit.
4. All earthwork activity outlined on the plans by Aina Engineers, dated May 16, 2017, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code; conformance shall be maintained for the duration of development activity.
5. All waste shall be properly disposed of in a manner meeting with the approval of the Planning Department or outside the SMA, subject to the requirements of Chapter 20 - Refuse, of the Hawai'i County Code and may require a Landfill Disposal Permit from the Department of Environmental Management, Solid Waste Division.
6. Any further grading, grubbing, filling or other construction activity including but not limited to the construction of structures of any type shall require further review and approval as provided under Chapter 205A, HRS and Rule 9, Planning Commission Rules of Practice and Procedure.
7. The applicant shall abide by the archaeological monitoring plan (AMP) accepted by State Historic Preservation Division on January 26, 2017, (Doc.No:1701KM19); conditions therein adopted by reference herein as applicable.
8. 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.
9. 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).
10. 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 any questions, please contact Kevin Sullivan of this department at (808) 961-8135.

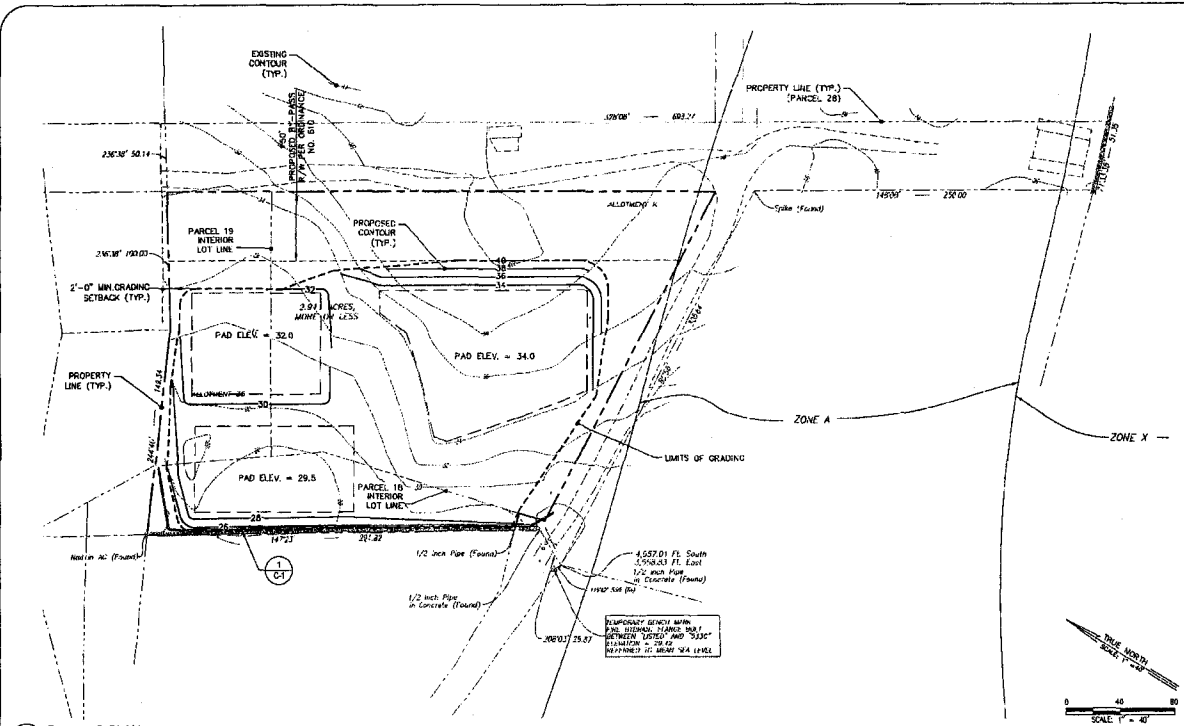
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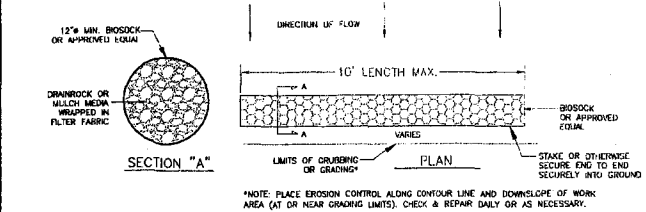
MICHAEL YEE
Planning Director

6/8/17

Date



1 GRADING PLAN
 C-1
 NOT TO SCALE



1 BIO-SOCK DETAIL
 C-1
 NOT TO SCALE

GRADING NOTES

1. ALL GRADING WORK SHALL CONFORM TO CHAPTER 10 OF THE HAWAII COUNTY CODE (HCC). SHOULD A GRADING PERMIT BE REQUIRED, NO WORK SHALL COMMENCE UNTIL THE DEPARTMENT OF PUBLIC WORKS (DPW) APPROVES A GRADING PERMIT.
2. THE CONTRACTOR SHALL REMOVE ALL SILT AND DEBRIS DEPOSITED IN DRAINAGE FACILITIES, ROADWAYS AND OTHER AREAS RESULTING FROM HIS WORK. THE COSTS INCURRED FOR ANY NECESSARY REMEDIATION ACTION BY THE DPW SHALL BE PAYABLE BY THE CONTRACTOR.
3. THE CONTRACTOR, AT HIS OWN EXPENSE, SHALL KEEP THE PROJECT AND SURROUNDING AREAS FREE FROM DUST NUISANCES. THE WORK SHALL BE IN CONFORMANCE WITH THE AIR POLLUTION CONTROL RULES OF THE STATE OF HAWAII, DEPARTMENT OF HEALTH, HAWAII ADMINISTRATIVE RULES (HAR) 11-60.1, FUGITIVE DUST.
4. ALL GRADING OPERATIONS SHALL BE PERFORMED IN CONFORMANCE WITH THE APPLICABLE PROVISIONS OF HAWAII TITLE 11, CHAPTER 50, WATER POLLUTION CONTROL AND CHAPTER 54, WATER QUALITY STANDARDS, AND TO THE EROSION AND SEDIMENTATION CONTROL STANDARDS AND GUIDELINES OF THE DPW, COUNTY OF HAWAII.
5. THE CONTRACTOR SHALL SED OR PLANT ALL SLOPES AND EXPOSED AREAS IMMEDIATELY AFTER THE GRADING WORK HAS BEEN COMPLETED.
6. FILLS ON SLOPES STEEPER THAN 5:1 SHALL BE KEYED.
7. THE CONTRACTOR SHALL INFORM THE DPW OF THE LOCATION OF THE DISPOSAL AND/OR BORROW SITE(S) REQUIRED FOR THIS PROJECT WHEN AN APPLICATION FOR A GRADING PERMIT IS MADE. THE DISPOSAL AND/OR BORROW SITE(S) MUST ALSO FULFILL THE REQUIREMENTS OF THE EROSION ORDINANCE.
8. NO GRADING WORK SHALL BE DONE ON SATURDAYS, SUNDAYS, OR HOLIDAYS ANYTIME WITHOUT PRIOR APPROVAL FROM THE DPW. GRADING WORK ON NORMAL WORKING DAYS SHALL BE RETAINED THE HOURS OF 7:00 AM TO 3:30 PM.
9. FILLS SHALL BE COMPACTED TO 90% OF MAXIMUM DENSITY PER ASTM D-1557 TEST.
10. THE CONTRACTOR SHALL REMOVE ALL VEGETATION BEFORE THE PLACING OF FILLS ON A NATURAL GROUND SURFACE.
11. THE CONTRACTOR SHALL OBTAIN A GRADING PERMIT TWO (2) WEEKS PRIOR TO BEGINNING OF GRADING WORK FROM THE DPW. PERMIT FEES SHALL BE PAID BY THE CONTRACTOR.

ADDITIONAL GRADING NOTES (REF. ARCHAEOLOGICAL MONITORING PLAN FOR THE PROPOSED DEVELOPMENT OF TMKS, (3) 7-8-014-018, 019, AND 020 HOUALUOA 1ST & 2ND AHUPUA'A NORTH KOHA DISTRICT ISLAND OF HAWAII (Gelay and Rechinan, January 2017).

1. PRE-CONSTRUCTION BRIEFING WILL BE CONDUCTED PRIOR TO CONSTRUCTION ACTIVITIES.
2. ON-SITE ARCHAEOLOGICAL MONITORING FOR ALL GROUND DISTURBING ACTIVITIES.
3. THE ARCHAEOLOGICAL MONITOR SHALL HAVE THE AUTHORITY TO TEMPORARILY HALT ALL ACTIVITY IN THE AREA IN THE EVENT OF A POTENTIAL HISTORIC PROPERTY BEING IDENTIFIED, OR TO RECORD ANTHROPOLOGICAL INFORMATION FOR CULTURAL DEPOSITS OR FEATURES.
4. IN THE EVENT THAT NON-BURIAL HISTORIC PROPERTIES ARE IDENTIFIED, THE ARCHAEOLOGICAL MONITOR SHALL PROTECT THE FIND FROM FURTHER DISTURBANCE UNTIL THE FIND CAN BE ADEQUATELY ASSESSED AND DOCUMENTED AS NECESSARY; AND
5. IF HUMAN REMAINS ARE DISCOVERED, WORK WILL CEASE IN THE VICINITY AND THE FIND SHALL BE SECURED, AND PROVISIONS OUTLINED WITHIN THE HAWAII REVISED STATUTES (HRS) §§6-43 AND HAWAII ADMINISTRATIVE RULES (HAR) §13-100-40, AND ANY SHPD DIRECTIVES, SHALL BE FOLLOWED.
6. THE HORIZONTAL DISTANCE FROM THE TOP OF A CUT SLOPE OR THE BOTTOM OF A FILL SLOPE TO THE ADJOINING PROPERTY LINE SHALL BE AS FOLLOWS:

HEIGHT OF CUT OR FILL	DISTANCE FROM PROPERTY LINE (IN FEET)
ZERO FEET TO 4 FEET	2
MORE THAN 4 FEET TO 8 FEET	4
MORE THAN 8 FEET TO 15 FEET	8
MORE THAN 15 FEET	15

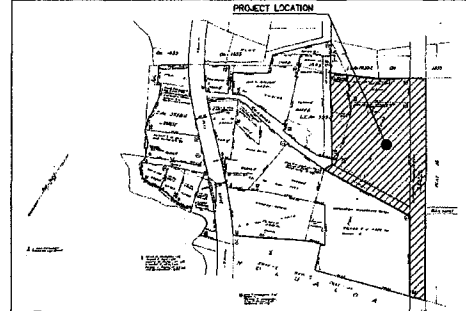
ALL STABILIZED SHOULDER AND GRADED AREAS SHALL, IN ADDITION TO TEMPORARY EROSION CONTROL, BE PLANTED WITH PERMANENT VEGETATIVE COVER ACCORDING TO THE FOLLOWING. PLANTING AND MAINTENANCE SHALL BE IN ACCORDANCE TO SECTION 50 (STANDARD SPECIFICATIONS). TEMPORARY IRRIGATION SHALL BE INSTALLED AND MAINTAINED AS NECESSARY TO ESTABLISH PLANT GROWTH.

ESTIMATED EARTHWORK QUANTITIES:

AREA TO BE GRADED: 0.34 ACRES
 CUT: 1560 CUBIC YARDS (CY)
 FILL: 1360 CY
 EXPORT: 2 CY

PROVIDED FOR PERMIT PURPOSES ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING HIS OWN QUANTITIES FOR BID AND CONSTRUCTION.

NOTE: THE ISSUED PERMIT IS NULL AND VOID IF AUTHORIZED WORK DOES NOT COMMENCE WITHIN NINETY (90) DAYS OF THE ISSUED DATE, OR IS NOT COMPLETED WITHIN ONE (1) YEAR OF THE ISSUANCE DATE.



1 LOCATION MAP
 C-1
 NOT TO SCALE

PROJECT SITE
 HOUALUOA 1ST
 NORTH KOHA, HAWAII

AINA
 ENGINEERS

**GRADING PLAN, DETAILS & NOTES FOR:
 AT HOUALUOA 1ST, NORTH KOHA,
 COUNTY AND ISLAND OF HAWAII**
 TMK: (3) 7 - 6 - 014 : 018, 019, 020 & 028

Rev.	Revision/Issue	By

THE WORK WAS PREPARED BY
 ME OR UNDER MY SUPERVISION AND
 I AM A LICENSED PROFESSIONAL ENGINEER
 IN THE STATE OF HAWAII

DATE: 4/20/2017
 BY: AINA ENGINEERS

Firm name and address:
 AINA ENGINEERS INC.
 3400 Kalia Street, 3C
 Kalaheo, Hawaii 96740
 phone@ainaengineers.com
 (808) 886-0113

**GRADING PLAN,
 DETAILS & NOTES**

19-336 ROSENBER
 03 APR. 2017
 AS SHOWN

C-1

DAVID H. IGZ
UNITED STATES OF AMERICA



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUMIHUWA BUILDING
601 KAMOKILA BLVD. STE 535
KAPOLEI, HAWAII 96767

RUZANNE D. CASE
CHAIRMAN
OFFICE OF LAND AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES MANAGEMENT

KUMOKA KALUKUWA
EXECUTIVE

JOSEPH T. PEARSON
DEPUTY DIRECTOR, WATER

ARCHAEOLOGICAL
MONITORING AND RECORDS
BUREAU OF CONSERVATION
CONSERVATION AND COASTAL LANDS
MANAGEMENT AND RESOURCES DEVELOPMENT
DIVISION
PLANNING AND DEVELOPMENT
HISTORIC PRESERVATION
DIVISION
STATE OF HAWAII

January 26, 2017

Carl Reesner
Blue Ribbon Builders
P.O. Box 526
Honolulu, HI 96726

IN REPLY REFER TO:
Log No.: 2017.00062
Doc. No.: 1701KM19
Archaeology

Dear Mr. Reesner:

SUBJECT: Chapter SE-42 Historic Preservation Review -
Archaeological Monitoring Plan for Proposed Development of 1.896 acres
Hōhualoa 1st and 2nd Ahupua'a, North Kona District, Island of Hawai'i
TMK: (3) 7-5-014:018, 019, 020

Thank you for the opportunity to review this draft plan titled *Archaeological Monitoring Plan for the Proposed Development of TMKs: (3) 7-5-014:018, 019, and 020 Hōhualoa 1st & 2nd Ahupua'a North Kona District Island of Hawai'i* (Gokey and Reesner, January 2017). The State Historic Preservation Division (SHPD) received this submittal on January 18, 2017. Previously, SHPD requested an archaeological inventory survey (AIS) following a field inspection of un-permitted grubbing of the subject parcels (August 27, 2014; Log No. 2014.3623, Doc. No. 1405M/V24). The AIS was accepted on January 9, 2017 (Log No. 2014.03540, Doc. No. 1701KM05).

This archaeological monitoring plan (AMP) was prepared at the request of Carl Reesner, of Blue Ribbon Builders. The property owner for all three parcels is Ghost Rider LLC. The project area includes the entirety of the subject parcels and totals 1.896 acres. The landowner plans to grade and grub the property in preparation for construction of a single family residence.

The AIS (Reesner and Clark, 2014) involved a 100% surface survey and the excavation of five backhoe trenches (BT-1 through BT-5). As a result of the recent grubbing, surface visibility was excellent. No surface remnants of the Site 6315 Feature G wall were observed during the survey. The AIS documented extensive low-density distribution of shell and coral fragments through much of the project area, with two denser scatters toward the center of the property and near the northwest corner. Marine shell was identified within three trenches (BT-1, BT-4, and BT-5), and coral fragments were also observed in two of the three trenches (BT-1 and BT-4). The results of excavations indicated a shallow, widely distributed cultural layer (Layer 1). The Layer 1 deposit may be the result of previous grubbing and grading work disturbing the nearby midden scatters (Sites 20687, 20688, and 25953). Reesner and Clark (2014) asserted that no intact deposits were observed within the project area. Nonetheless, the report recommended that archaeological monitoring be conducted as mitigation for the proposed development activities. The SHPD made a determination of "effect, with agreed upon mitigation commitments" for the project and concurred with the recommendation of archaeological monitoring.

The AMP was prepared in support of the AIS mitigation recommendations. The AMP indicates that subsurface features related to burial, temporary habitation, or agricultural deposits may be encountered in areas where previous disturbance was minimal or relatively shallow. Due to the potential to encounter subsurface historic properties the AMP stipulates the following:

- Pre-construction briefing will be conducted prior to construction activities;
- On-site archaeological monitoring for all ground disturbing activities;

Mr. Roemer
January 26, 2016
Page 2

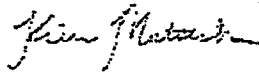
- The archaeological monitor shall have the authority to temporarily halt all activity in the area in the event of a potential historic property being identified, or to record archaeological information for cultural deposits or features;
- In the event that non-burial historic properties are identified, the archaeological monitor shall protect the find from further disturbance until the find can be adequately assessed and documented as necessary; and
- If human remains are identified, work will cease in the vicinity and the find shall be secured, and provisions outlined within the Hawaii Revised Statutes (HRS) §6E-43 and Hawaii Administrative Rules (HAR) §13-300-40, and any SHPD directives, shall be followed.

Documentation of non-burial cultural deposits may include recording stratigraphy using USDA soil descriptions, GPS point collection, recording of feature contents through excavation or sampling of features, screening of features, representative scaled profile drawings, photo documentation, and appropriate laboratory analysis of collected samples and artifacts. Deviation from these provisions will occur only in consultation with and concurrence from the SHPD. Final curation of collected items shall be determined in consultation with the landowner and the SHPD.

The plan meets the minimum requirements of Hawaii Administrative Rules (HAR) §13-279-5. It is accepted. Please send two photocopies of the document, clearly marked FINAL, along with a text-searchable PDF version to the King of SHPD office, attention SHPD Library.

Please contact me at (808) 692-8027 or at Kimi.R.Matsushima@hawaii.gov if you have any questions regarding archaeological resources or this letter.

Attest:



Kimi Matsushima
Onahu Lead Archaeologist

cc: Bob Reichenman, PhD, ASM Affiliates (brachman@asmaffiliates.com)

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: May 11, 2017

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Memorandum

TO: Michael Yee, Planning Director

FROM: *muen* Department of Public Works, Engineering Division

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 17-001494)**
Applicant: Carl Roesner
Land Owner: Ghost Rider, LLC
Request: Grading Work on Undeveloped Lots
TMK: 7-6-014:018, 019, & 020

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memorandum dated May 1, 2017 and offer the following comments.

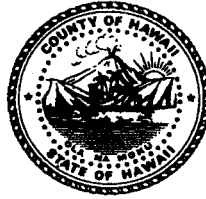
We have determined that the subject properties are located within Zone X according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

All earthwork activity, including grading and grubbing, shall confirm to Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code.

Should there be any questions concerning this matter, please contact Merrick Nishimoto of our Kona Engineering Division office at 323-4852.



Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
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

January 10, 2018

Mr. Carl Roesner
75-5928 Ali'i Drive
Kailua-Kona, HI 96740

Dear Mr. Roesner:

SUBJECT: Special Management Area (SMA) Assessment Application
(SAA 17-001520)
Amended Special Management Area Minor Permit No. 17-000372
[SMM 17-000372(Amended)]
Applicant: Carl Roesner
Owner: Ghost Rider, LLC
Request: Grading of 1.25 acres in accordance with plans dated
May 16, 2017, and Construction of a 3-Unit Apartment
Building
Tax Map Keys: (3) 7-6-014:018, 019 & 020, Kailua-Kona, Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 17-001520), submitted on July 13, 2017. We acknowledge receipt of a time extension to December 15, 2017, in which to review the application and appreciate the additional time for review of your proposal.

Proposed under SAA 17-001520 is the construction of a 3-story, 3-unit apartment building with 2-bedrooms and 2-bathrooms in each unit on Tax Map Key: (3) 7-6-014:020. The apartment units' living and lānai space total 4,320 square feet. The valuation of the proposed improvements is listed at \$420,000. The Planning Department's records show that Special Management Area Minor Permit No. 17-000372 was issued on June 8, 2017, for the grading of the project location in accordance with the plans by Aina Engineers, dated May 16, 2017. Valuation of the improvements under SMM 17-000372 was listed at \$35,000. The actions approved under SMM 17-000372 are directly tied to the proposed improvements identified in SAA 17-001520, and therefore will be evaluated together as a single action.

The subject 1.25 acre project location (parcels listed) is zoned Multi-Family Residential (RM-1.5) by the County and designated Urban by the State Land Use Commission. The parcel is also

JAN 10 2018

designated as Medium Density Urban (MDU) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Although the entire parcels are located within the Special Management Area, the project site is not currently located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS). Therefore the requirement to submit a current certified shoreline survey is waived.

Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(E) and 9-4(e)(1)(B), "development" includes "*Construction, reconstruction, demolition, or alteration of the size of any structure*" and "*Grading, removing, dredging, mining, or extraction of any materials.*" Therefore, we have determined that the proposed grading of the project location (properties) in accordance with the plans by Aina Engineers, dated May 16, 2017, and the construction of the apartment complex as proposed in SAA 17-001520 is considered "development" and requires review against the SMA rules and regulations.

As the sum of all proposed improvements under SMM 17-000372 and SAA 17-001520 total \$455,000 and are still less than the \$500,000 threshold for a Minor permit, SMM 17-000372 is hereby amended per the enclosed permit to include the construction of the apartment complex as proposed in SAA 17-001520. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed amended permit.

If you have any questions, please contact Lucas Mead of this office at (808) 961-8140.

Sincerely,



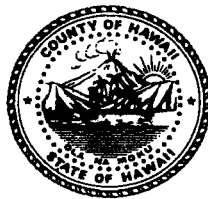
LM MICHAEL YEE
Planning Director

LM:ja

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Encl. Special Management Area Minor Permit No. 17-000372(Amended)
Sheet C-1 Grading Plan, Details & Notes dated 5/16/17
Doc. No.:1701KM19: State Historic Preservation Division letter dated 1/26/17
Department of Public Works Memorandum dated 5/11/17
Department of Public Works Memorandum dated 8/9/2017

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
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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

Special Management Area Minor Permit No. 17-000372 (Amended)

Project: Earthwork and Construction of 3-Unit Apartment Building
Applicant: Carl Roesner
Owner: Ghost Rider, LLC
Request: Grading of 1.25 acres in accordance with plans dated May 16, 2017, and Construction of a 3-Unit Apartment Building
Location: Kailua-Kona, Hawai'i
TMKs: (3) 7-6-014:018, 019 & 020 **Land Area:** 1.25 acres

Applicant's Request

1. Project Description:

The applicant proposes the grading of the project location in accordance with the plans by Aina Engineers, dated May 16, 2017, and construction of a 3-story, 3-unit apartment building with 2-bedrooms and 2-bathrooms in each unit on Tax Map Key: (3) 7-6-014:020. The apartment units' living and lanai space total 4,320 square-feet.

2. Purpose of Project:

The applicant is proposing grading and contouring of a 1.25 acre property and construction of a 3-unit apartment building with 2-bedrooms and 2-bathrooms per unit.

3. Project Valuation: \$455,000

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(E) and 9-4(e)(1)(B), "development" includes "*Construction, reconstruction, demolition, or alteration of the size of any structure*" and "*Grading, removing, dredging, mining, or extraction of any materials.*" Therefore, we have determined that the proposed grading of the project location (properties) in accordance with the plans by Aina Engineers, dated May 16, 2017, and the construction of the apartment complex as proposed in SAA 17-001520 is considered "development" and requires review against the SMA rules and regulations.

State and County Plans

- 1. State Land Use District:** The project area is located in the State Land Use Urban district.
- 2. General Plan:** The project area is designated as Medium Density Urban (MDU) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcels are zoned Multi-Family Residential (RM-1.5) by the County of Hawai'i.

4. **Special Management Area:** The parcels are located entirely within the Special Management Area (SMA).
5. **Flood Zone:** X.

<p align="center">Compliance with Objectives and Policies of Chapter 205A, Hawai'i 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 Hawai'i 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 tsunامي, 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

1. 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.
2. The proposed development is consistent with the Hawai'i County General Plan and Zoning Code.
3. The proposed development is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
4. The estimated project cost of \$455,000 is not in excess of \$500,000.
5. The enclosed Department of Public Works, Engineering Division Memorandum dated May 11, 2017, relating to improvements considered by SMM 17-000372 states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated March 21, 2017, and have no objections to the request.

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

All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code."

6. The enclosed Department of Public Works, Engineering Division Memorandum dated August 9, 2017, relating to improvements proposed in SAA 17-001520 states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, 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 proposed project is not subject to regulation under Chapter 27 of the Hawai'i County Code.

7. Pursuant to PC Rule Section 9-10(e), the Planning Director hereby approves the grading of the project location in accordance with the plans by Aina Engineers, dated May 16, 2017, and the construction of a 3-unit apartment building as presented in SAA 17-001520. This approval is subject to the applicants' compliance with the conditions of approval as specified below.

Conditions of Approval

This SMA Minor Permit is 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. All earthwork activity shall be completed within two (2) years from the date of this permit.
4. All earthwork activity outlined on the plans by Aina Engineers, dated May 16, 2017, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code; conformance shall be maintained for the duration of development activity.
5. Plan Approval and all required building permits for the apartment building shall be secured within two (2) years from the date of this permit.
6. All waste shall be properly disposed of in a manner meeting with the approval of the Planning Department or outside the SMA, subject to the requirements of Chapter 20 - Refuse, of the Hawai'i County Code and may require a Landfill Disposal Permit from the Department of Environmental Management, Solid Waste Division.
7. Any further grading, grubbing, filling or other construction activity including but not limited to the construction of structures of any type shall require further review and approval as provided under Chapter 205A, HRS and Rule 9, Planning Commission Rules of Practice and Procedure. Further proposals directly related to the actions approved by this permit may require submission of a Special Management Use Permit Application for a comprehensive evaluation of actions on the properties.
8. The applicant shall abide by the enclosed archaeological monitoring plan (AMP) accepted by State Historic Preservation Division on January 26, 2017, (Doc.No:1701KM19); conditions therein adopted by reference herein as applicable.
9. 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.

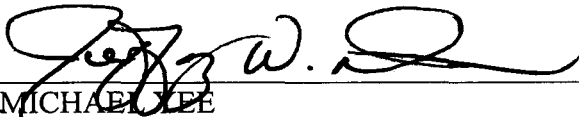
10. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:

- 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).

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.

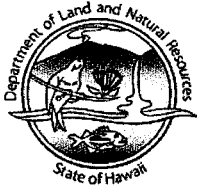
If you have any questions, please contact Lucas Mead of this department at (808) 961-8140.

APPROVED:


FSL MICHAEL LEE
Planning Director

Date 4/10/18

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

January 26, 2017

Carl Roesner
Blue Ribbon Builders
P.O. Box 526
Honaunau, HI 96726

IN REPLY REFER TO:
Log No.: 2017.00062
Doc. No.: 1701KM19
Archaeology

Dear Mr. Roesner

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Archaeological Monitoring Plan for Proposed Development of 1.896 acres
Hōlualoa 1st and 2nd Ahupua‘a, North Kona District, Island of Hawai‘i
TMK: (3) 7-6-014:018, 019, 020**

Thank you for the opportunity to review this draft plan titled *Archaeological Monitoring Plan for the Proposed Development of TMKs: (3) 7-6-014:018, 019, and 020 Hōlualoa 1st & 2nd ahupua‘a North Kona District Island of Hawai‘i* (Gotay and Rechtman, January 2017). The State Historic Preservation Division (SHPD) received this submittal on January 18, 2017. Previously, SHPD requested an archaeological inventory survey (AIS) following a field inspection of un-permitted grubbing of the subject parcels (August 27, 2014; Log No. 2014.3623, Doc. No. 1408MV26). The AIS was accepted on January 9, 2017 (Log No. 2014.05540, Doc. No. 1701KM05).

This archaeological monitoring plan (AMP) was prepared at the request of Carl Roesner, of Blue Ribbon Builders. The property owner for all three parcels is Ghost Rider LLC. The project area includes the entirety of the subject parcels and totals 1.896 acres. The landowner plans to grade and grub the property in preparation for construction of a single family residence.

The AIS (Rechtman and Clark, 2014) involved a 100% surface survey and the excavation of five backhoe trenches (BT-1 through BT-5). As a result of the recent grubbing, surface visibility was excellent. No surface remnants of the Site 6315 Feature G wall were observed during the survey. The AIS documented extensive low-density distribution of shell and coral fragments through much of the project area, with two denser scatters toward the center of the property and near the northwest corner. Marine shell was identified within three trenches (BT-1, BT-4, and BT-5), and coral fragments were also observed in two of the three trenches (BT-1 and BT-4). The results of excavations indicated a shallow, widely distributed cultural layer (Layer I). The Layer I deposit may be the result of previous grubbing and grading work disturbing the nearby midden scatters (Sites 20687, 20688, and 25953). Rechtman and Clark (2014) asserted that no intact deposits were observed within the project area. Nonetheless, the report recommended that archaeological monitoring be conducted as mitigation for the proposed development activities. The SHPD made a determination of "effect, with agreed upon mitigation commitments" for the project and concurred with the recommendation of archaeological monitoring.

The AMP was prepared in support of the AIS mitigation recommendations. The AMP indicates that subsurface features related to burial, temporary habitation, or agricultural deposits may be encountered in areas where previous disturbance was minimal or relatively shallow. Due to the potential to encounter subsurface historic properties the AMP stipulates the following:

- Pre-construction briefing will be conducted prior to construction activities;
- On-site archaeological monitoring for all ground disturbing activities;

- The archaeological monitor shall have the authority to temporarily halt all activity in the area in the event of a potential historic property being identified, or to record archaeological information for cultural deposits or features;
- In the event that non-burial historic properties are identified, the archaeological monitor shall protect the find from further disturbance until the find can be adequately assessed and documented as necessary; and
- If human remains are identified, work will cease in the vicinity and the find shall be secured, and provisions outlined within the Hawaii Revised Statutes (HRS) §6E-43 and Hawaii Administrative Rules (HAR) §13-300-40, and any SHPD directives, shall be followed.

Documentation of non-burial cultural deposits may include recording stratigraphy using USDA soil descriptions, GPS point collection, recordation of feature contents through excavation or sampling of features, screening of features, representative scaled profile drawings, photo documentation, and appropriate laboratory analysis of collected samples and artifacts. Departure from these provisions will occur only in consultation with and concurrence from the SHPD. Final curation of collected items shall be determined in consultation with the landowner and the SHPD.

The plan meets the minimum requirements of Hawaii Administrative Rules (HAR) §13-279-5. **It is accepted.** Please send two hardcopies of the document, clearly marked FINAL, along with a text-searchable PDF version to the Kapolei SHPD office, attention SHPD Library.

Please contact me at (808) 692-8027 or at Kimi.R.Matsushima@hawaii.gov if you have any questions regarding archaeological resources or this letter.

Aloha,



Kimi Matsushima
O'ahu Lead Archaeologist

cc: Bob Rechtman, PhD, ASM Affiliates (brechtman@asmaffiliates.com)

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: May 11, 2017

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Memorandum

TO: Michael Yee, Planning Director

FROM: *mu*
for Department of Public Works, Engineering Division

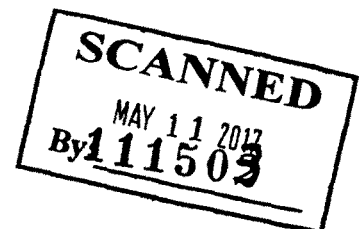
SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 17-001494)**
Applicant: Carl Roesner
Land Owner: Ghost Rider, LLC
Request: Grading Work on Undeveloped Lots
TMK: 7-6-014:018, 019, & 020

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memorandum dated May 1, 2017 and offer the following comments.

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

All earthwork activity, including grading and grubbing, shall confirm to Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code.

Should there be any questions concerning this matter, please contact Merrick Nishimoto of our Kona Engineering Division office at 323-4852.



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DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

PLANNING DEPARTMENT
COUNTY OF HAWAII

DATE: August 9, 2017

Memorandum

TO : Michael Yee, Planning Director
Planning Department

FROM : *Wlu*
for Department of Public Works, Engineering Division

SUBJECT : Special Management Area Use Permit Assessment Application
(SAA 17-001520)
Applicant: Ghost Rider, LLC – Carl Roesner
Land Owner: Ghost Rider LLC
TMK: (3) 7-6-014:020, North Kona, Hawaii

We reviewed the subject application for compliance with Chapter 27, Floodplain Management, 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 proposed project is not subject to regulation under Chapter 27 of the Hawaii County Code.

Should there be any questions concerning this matter, please contact Natalie Whitworth of our Kona Engineering Division office at 323-4853.

NW

copy: ENG-HILO/KONA

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