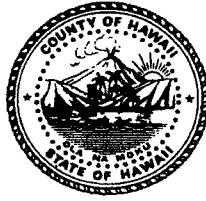


Harry Kim  
Mayor



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

July 13, 2017

Mr. Thomas W. Parker  
Federal Highway Administration, Central Federal Lands Highway Division  
U.S. Department of Transportation  
12300 West Dakota Avenue, Suite 280  
Lakewood, CO 80228

Dear Mr. Parker:

**Subject: Special Management Area Use Permit Assessment Application (SAA 17-001498)**  
**Special Management Area Minor Permit No. 17-000373**

**Applicant: U.S. Department of Transportation, Federal Highway Administration**

**Request: Replace Hilea Bridge and Nīnole Bridge on Māmalahoa Highway**

**Tax Map Key(s): (3) 9-5-017:007, 9-5-019:011 and 035, Ka'ū, Hawai'i**

This is in response to your Special Management Area Use Permit Application received on April 17, 2017, for the replacement of Hilea Bridge and Nīnole Bridge at approximately mile post 57.7 and 56.7 on Māmalahoa Highway.

The project is needed because the existing bridges do not meet the current (2014) American Association of State Highway Transportation Officials (AASHTO) and HDOT structural and design standards for load capacity, bridge railing and transitions, and bridge approaches. Both bridges are structurally deficient and functionally obsolete. While the majority of the work will occur within the highway right-of-way, a portion of the project (1.11 acres) is proposed on the subject properties, which are located within the Special Management Area (SMA). The work within the SMA includes the following construction activities: clearing and grubbing, soil erosion control, roadway excavation, embankment construction, riprap, seeding, mulching, and rolled erosion control.

The project site consists of 6.0 acres. The properties are zoned Open, Multiple-Family Residential (RM-3) and Agricultural (A-20a) by the County and designated Agricultural, Urban, and Conservation by the State Land Use Commission. The Hawai'i County General Plan Land

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Mr. Thomas W. Parker  
July 13, 2017  
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Use Pattern Allocation Guide (LUPAG) Map designates the parcels as Open and Conservation. In addition, although the proposed project site is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS), a portion of the project area is within the Special Management Area (SMA) and subject to review against SMA rules and regulations.

**Special Management Area Determination:**

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4 (e) (1) (A) and PC Rule 9-4 (e) (1) (B), "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste," and "Grading, removing, dredging, mining, or extraction of any materials," are not exempt from the definition of "development" and require a review against the SMA rules and regulations.

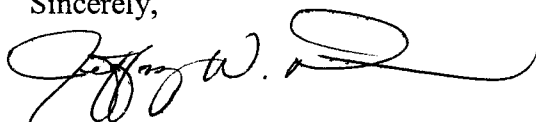
**Compliance with Environmental Impact Statement Regulations (Chapter 343, HRS):**

According to HRS Chapter 343-5, an environmental assessment shall be required for actions that propose the use of state or county lands. A Final Environmental Assessment and subsequent Finding of No Significant Impact (FONSI) were published in the April 8, 2017, Department of Health, Office of Environmental Quality Control Environmental Notice.

Based on the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.17-000373 is hereby issued to allow the replacement of Hilea Bridge and Ninole Bridge and associated construction improvements on the subject properties. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have any questions, please feel free to contact Bethany Morrison of this department at (808)961-8138.

Sincerely,



*For* MICHAEL YEE  
Planning Director

BJM:ja

\\COH33\Planning\Public\Wpwin60\CZM\SMM\2017\SMM 17-373L Feredal Highways- Hilea And Ninole Brige Replacement.Doc

Enclosures: SMM No. 17-000373  
Department of Public Works Memo dated May 17, 2017

cc w/encls: Planning Division  
Planning Department- Kona Office

Mr. Collins Tomei, Department of Finance Director

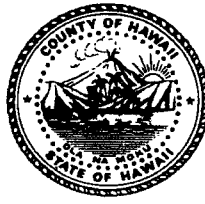
Mr. Thomas W. Parker  
July 13, 2017  
Page 3

SM Investment Partners  
680 Iwilei Road, Suite 700  
Honolulu, HI 96817

Mr. Mike Will  
Central Federal Lands Highway Division  
12300 West Dakota Avenue  
Lakewood, CO 80228

cc ltr. only: Mr. Leo Asuncion, Director  
Office of Planning  
State of Hawai'i Department of Business, Economic  
Development & Tourism  
P.O. Box 2359  
Honolulu, HI 96804-2359

Harry Kim  
Mayor



Michael Yee  
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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. 17-000373**

**Project:** Replace Hilea Bridge and Nīnole Bridge on Māmalahoa Highway  
**Applicant(s):** U.S. Department of Transportation, Federal Highway Administration  
**Landowner:** County of Hawai'i, SM Investment Partners, State of Hawai'i (Māmalahoa Highway Right-of-Way)  
**Location:** Ka'ū, Hawai'i  
**TMKs:** (3) 9-5-017:007, 9-5-019:011 and 035      **Land Area:** 6.0 acres

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

**1. Project Description:**

The State of Hawai'i, Department of Transportation (DOT), in partnership with the Federal Highway Administration proposes replacement of Hilea Bridge and Nīnole Bridge at approximately mile post 57.7 and 56.7 on Māmalahoa Highway. While the majority of the work will occur within the highway right-of-way, a portion of the project (1.11 acres) is proposed on the subject properties, which are located within the Special Management Area (SMA). The work within the SMA includes the following construction activities: clearing and grubbing, soil erosion control, roadway excavation, embankment construction, riprap, seeding, mulching, and rolled erosion control.

**2. Purpose of Project:**

The project is needed because the existing bridges do not meet the current (2014) American Association of State Highway Transportation Officials (AASHTO) and HDOT structural and design standards for load capacity, bridge railing and transitions, and bridge approaches. Both bridges are structurally deficient and functionally obsolete.

**3. Project Valuation:** \$120,340

**4. Determination:**

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4 (e) (1) (A) and PC Rule 9-4 (e) (1) (B), "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste," and "Grading, removing, dredging, mining, or extraction of any materials," are not exempt from the definition of "development." Therefore, the proposed improvements are considered "development" and requires an SMA Minor Permit.

### State and County Plans

1. **State Land Use District:** The parcels are located in the State Land Use Agricultural, Conservation and Urban Districts.
2. **General Plan:** The parcels are designated as Open and Conservation by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The properties are zoned Open, Multiple-Family Residential (RM-3) and Agricultural (A-20a) by the County. However, the State of Hawai'i Department of Land and Natural Resources (DLNR) has jurisdiction on any use or activity on State Land Use Conservation lands.
4. **Special Management Area:** The proposed project site is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS), a portion of the project area is within the Special Management Area (SMA).
5. **Flood Zone:** X

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

Check all objectives and policies found to be consistent with proposed development. Issuance of a 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 tsunami, storm waves, stream flooding, erosion, subsidence and pollution.
- ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- ☒ Stimulate public awareness, education, and participation in coastal management.
- ☒ Protect beaches for public use and recreation.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
  - ☒ Recreational Resources
  - ☒ Historic Resources
  - ☒ Scenic and Open Space Resources
  - ☒ Coastal Ecosystems
  - ☒ Economic Uses
  - ☒ Coastal Hazards
  - ☒ Managing Development
  - ☒ Public Participation
  - ☒ Beach Protection
  - ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

<b>Findings</b>
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As discussed above, the proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.

The proposed development is consistent with the Hawai'i County General Plan and Zoning Code.

The proposed development is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of \$120,340 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated May 17, 2017, states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 11, 2017 and have no objections to the request."*

*The subject parcels are in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain."*

Pursuant to PC Rule Section 9-10(e), **Special Management Area Minor Permit No. 17-000373** is hereby approved to allow the replacement of Hilea Bridge and Nīnole Bridge and associated construction improvements on the subject properties, subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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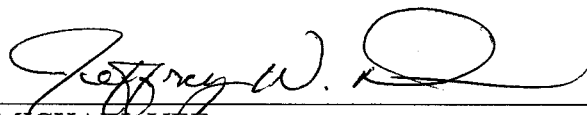
The Planning Director has approved **SMA Minor Permit No. 17-000373**, subject to the following conditions:

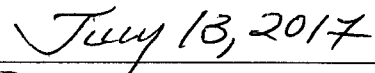
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. No land alteration, grubbing, landscaping or construction activities, including but not limited to the stockpiling of debris, construction materials or equipment, shall occur within the State Land Use Conservation district without securing a prior approval of a Conservation District Use Application (CDUA) or other written approval as deemed necessary by the Board of Land and Natural Resources.
4. A Conservation District Use Permit from the Board of Land and Natural Resources or other written approval from the Department of Land and Natural Resources Office of Conservation and Coastal Lands must be obtained for the improvements within one (1) year from the date of approval of this permit.
5. 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.
6. 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).
7. 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 Bethany Morrison of this department at (808) 961-8138.

APPROVED:

  
\_\_\_\_\_  
MICHAEL YEE  
Planning Director

  
\_\_\_\_\_  
Date



2017 MAY 17 AM 10 06

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: May 17, 2017

**Memorandum**

TO: Michael Yee, Planning Director

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

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 17-001498)**

Applicant: Federal Highway Administration

Land Owners: County of Hawaii, SM Investment Partners, State of Hawaii

Request: Replace Hilea Bridge and Ninole Bridge

Location: Hilea & Ninole, Kau, Hawaii

Tax Map Keys: Portion of 9-5-17: 007, 9-5-19: 011 & 035

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 11, 2017 and have no objections to the request.

The subject parcels are in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

Questions may be referred to Kelly Gomes at ext. 8327.

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