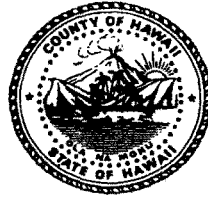


Harry Kim
Mayor



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

March 7, 2018

Mr. Ron Terry
P.O. Box 396
Hilo, HI 96720

Dear Mr. Terry:

**Subject: Special Management Area Use Permit Assessment Application No. 18-001579
(SAA 18-01579)**

Special Management Area Minor Permit No. 18-000385 (SMM-18-000385)

Applicant: Hawai'i County, Department of Public Works

Request: Replacement of Ali'i Drive Culvert at Kahului Bay

Tax Map Key(s): (3) 7-5-019:007, 008, 009 and 025, North Kona, Hawai'i

The applicant proposes to replace the existing double-cell culvert, constructed in 1937, with a longer structure and expand the roadway to accommodate a wider shoulder for pedestrians and bicyclists. The longer one-span concrete bridge structure will have a greater total cross-sectional culvert area, similar to the natural drainage channel. The project would also widen the channel upstream of the new bridge to minimize the flooding that periodically occurs there now.

The project will primarily take place on several County properties, TMK(s): 7-5-019:007, 008 and 025, and the right-of-way of Ali'i Drive. Small portions of Kona Hawaiian Vacation Ownership LLC's TMK: 7-5-019:009 will be utilized on a temporary basis for erosion control measures during construction. No disturbance will occur on the shoreline area mauka of the mean high water mark. Finally, the project is currently scheduled for construction over the course of a year starting in mid-2019.

The properties are zoned Resort-Hotel (V-1.25) by the County and designated Urban by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcels as Open, Open and Resort Node, or Open, Medium Density Urban and Resort Node. In addition, although the proposed project site is located in the Special Management Area and in the "shoreline area" as defined by Section 205A-41, Hawai'i

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Revised Statutes (HRS), no disturbance will occur on the shoreline area mauka of the mean high water mark.

Special Management Area Exemption Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule 9-4(e)(2)(B), "Development" does not include "*Repair or maintenance of roads and highways within existing rights-of-way.*" Therefore, these proposed activities are exempt from the definition of development."

Special Management Area Determinations (SMA Minor Permit):

However, according to Chapter 205A-22, HRS, and PC Rule 9-4(e)(1)(B), "Development" includes "*Grading, removing, dredging, mining or extraction of any materials.*" Therefore, we have determined that the proposed temporary construction easements are considered "development" and require a review against the SMA rules and regulations and require an SMA Minor Permit. Further, we find that the proposed project will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA. Based on the foregoing, and pursuant to PC Rule Section 9-120(e), the enclosed Special Management Area Minor Permit No. 18-000385 is hereby issued for the proposed temporary construction easements. Please note that it is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

Shoreline Setback Determination:

All work in the shoreline setback area is considered exempt by Planning Department Rule 11-7(a)(6), which states the following structures or activities may be permitted (and repaired) in the shoreline setback area, including "*Structures which were completed by or activities which commenced prior to June 22, 1970.*"

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 Finding of No Significant Impact was published in the August 8, 2017, edition of the Environmental Notice.

While further review against the SMA rules and regulations will not be required, all other applicable Zoning and Building Code requirements must be satisfied. Additionally, this determination of exemption from the SMA definition of development is subject to compliance with the following conditions:

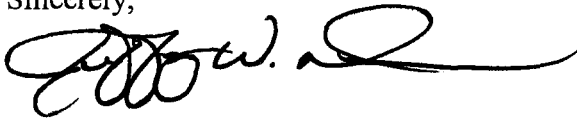
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all required permits from affected federal, state and county agencies as necessary to comply with all applicable laws and regulations.

Mr. Ron Terry
March 7, 2018
Page 3

3. In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808) 933-7651.

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

Sincerely,



ra MICHAEL YEE
Planning Director

ETI:ja

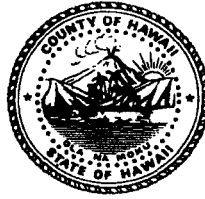
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Enclosures: SMM No. 18-000385

cc w/encls: Casey Yanagihara, P.E., Department of Public Works

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
Director

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Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
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Phone (808) 323-4770
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County of Hawai'i

PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
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Special Management Area Minor Permit No. 18-000385

Project: Temporary Construction Easements
Applicant: County of Hawai'i, Department of Public Works
Landowner(s): County of Hawai'i, Department of Public Works and Kona Hawaiian Vacation Ownership, LLC
Location: North Kona, Hawai'i
TMK(s): (3) 7-5-019:007, 008 and 009

Applicant's Request

1. Project Description:

The County of Hawai'i, Department of Public Works proposes to replace the existing double-cell Ali'i Drive Culvert at Kahului Bay with a longer structure and expand the roadway to accommodate a wider shoulder for pedestrians and bicyclists on portions of the subject parcels.

2. Purpose of Project:

However, small portions outside of the County right-of-way will also be utilized on a temporary basis for erosion control measures during construction. A construction right-of-entry agreement allows the County to enter and occupy Parcel 9 to construct driveway improvements and to grade the upstream channel.

3. Project Valuation: \$410,000

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 Urban District.
- 2. General Plan:** The parcels are designated Open, Resort Node and/or Medium Density Urban by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.

3. **County Zoning:** The parcels are zoned Resort-Hotel (V-1.25).
4. **Special Management Area:** Although these parcels are in the Special Management Area (SMA), they are not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** AE

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</p>
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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.

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 \$410,000 is not in excess of \$500,000.
5. Pursuant to PC Rule Section 9-10(e), the Planning Director hereby approves the temporary construction easements on the subject parcels, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

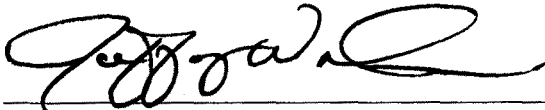
This SMA Minor Permit is **subject to the following conditions:**

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.

2. The applicant shall secure all required permits from affected federal, state and county agencies as necessary to comply with all applicable laws and regulations.
3. In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808) 933-7651.

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

APPROVED:



RL MICHAEL YEE
Planning Director

03/07/18

Date