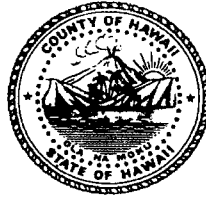


Harry Kim  
Mayor



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 12, 2018

Mr. Russell M. Arakaki  
ParEn, Inc. dba Park Engineering  
711 Kapi'olani Boulevard, Suite 1500  
Honolulu HI 96813-5273

Dear Mr. Arakaki:

**Subject: Special Management Area Use Permit Assessment Application No. 17-001544**  
**(SAA 17-001544)**

**Special Management Area Minor Permit No. 18-000390 (SMM 18-000390)**

**Applicant: State of Hawai'i, Department of Transportation (HDOT), Highways**  
**Division**

**Request: Temporary Construction Easements**

**TMK(s): (3) 3-5-008:Por. of 006 & Por. of 009, North Hilo, Hawai'i**

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In response to SAA 14-1072, the Planning Department's determination letter dated January 24, 2014, stated that the proposed drainage improvements within the right-of-way of Hawai'i Belt Road (Route 19) in the vicinity of Pāpa'aloa was outside of the Special Management Area (SMA) and, therefore, did not require a review against the SMA guidelines. However, proposed in this current application is to utilize portions of Parcel 006 and 009 makai of the right-of-way for temporary construction access, staging, storage and stockpiling. This area will be cleared, grubbed and restored.

The project area is zoned Single-Family Residential (RS-15) 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 project area as Important Agricultural Land (IAL). In addition, although the proposed project area is located in the Special Management Area, it is not in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

**Special Management Area Determinations (SMA Minor Permit):**

According to Chapter 205A-22, HRS, and 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, we have determined that the proposed temporary construction easements on Parcels 006 and 009 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 9-10(e), the enclosed Special Management Area Minor Permit No. 18-000390 is hereby issued for the proposed construction easements. Please note that 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 Esther Imamura of this department at (808) 961-8139.

Sincerely,



*For* MICHAEL YEE  
Planning Director

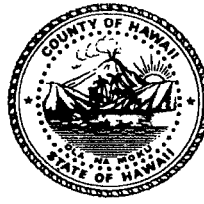
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Enclosures: SMM No. 18-000390

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  
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Director

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West Hawai'i Office  
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Fax (808) 327-3563

## County of Hawai'i

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Phone (808) 961-8288  
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## **Special Management Area Minor Permit No. 18-000390**

**Project:** Temporary Construction Easements  
**Applicant:** State of Hawai'i, Department of Transportation (HDOT) Highways Division  
**Landowner(s):** Hāmākua Housing Corp.  
**TMK(s):** (3) 3-5-008:006 and 009 **Land Area:** 0.665 acre & 0.3146 acre

### **Applicant's Request**

**1. Project Description:**

Portions of these parcels will be used for temporary construction access, staging, storage, and stockpiling for the proposed drainage improvements within the right-of-way of Hawai'i Belt Road (Route 19) in the vicinity of Pāpa'aloa.

**2. Purpose of Project:**

Work within the construction easements consist mainly of clearing, grubbing, and restoration work.

**3. Project Valuation:** \$129,000

**4. Determination:**

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(B) and (A), "*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, these proposed activities 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 Important Agricultural Land by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcels are zoned Single-Family Residential (RS-15).
- 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). Further, they are approximately 800 feet inland from the shoreline and at an elevation between 240 feet to 290 feet above mean sea level.

5. **Flood Zone:** “D,” areas with possible but undetermined flood hazards.

<p align="center"><b>Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area</b></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 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.

<b>Findings</b>
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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 \$129,000 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.

<b>Conditions of Approval</b>
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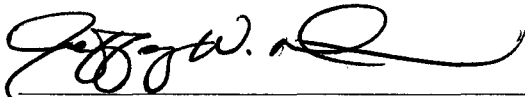
This approval is subject to the applicant's compliance with the conditions of approval as specified below:

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 (DLNR-SHPD at (808) 933-7651 for further guidance. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.

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

APPROVED:

*For*   
MICHAEL YEE  
Planning Director

*June 12, 2018*  
Date