

Mitchell D. Roth  
*Mayor*

Lee E. Lord  
*Managing Director*

West Hawai'i Office  
74-5044 Ane Keohokālole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
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## County of Hawai'i

### PLANNING DEPARTMENT

Zendo Kern  
*Director*

Jeffrey W. Darrow  
*Deputy Director*

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

June 9, 2022

Jason K. Knable  
c/o Carlsmith Ball LLP  
121 Waiānuenue Ave.  
Hilo, HI 96720

Dear Mr. Knable:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(SAA-21-001817)  
Special Management Area (SMA) Minor Use Permit  
(SMM-21-000442) (AMENDED)  
Applicant(s): Kamehameha Schools  
Landowner(s): Kamehameha Schools  
Project: Land and Resource Management / Access Improvements  
Tax Map Key: (3) 7-8-020:013, North Kona District, Hawai'i**

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This letter is being sent in response to your April 25, 2022, request to amend Special Management Area Minor Permit No. 21-0000442 (SMM-21-0000442) to allow for additional land and resource management activities on the subject parcel. The Applicant estimates the valuation of the amended activities to be \$5000.

SMM-21-000442 was approved on April 26, 2021, to allow the landowner (Kamehameha Schools) to conduct cultural site restoration, removal of non-native plant species, landscaping, removal of unpermitted trails, and the installation of signage.

The applicant's 1.895-acre parcel is zoned as Open (o) by the County and designated as Urban by the State Land Use Commission (LUC). The subject parcel is designated as both "Open" (o) and a small portion within the Resort Node (ren) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The parcel is within the Special Management Area (SMA) and is within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS); the property is considered a shoreline parcel.

**Proposed Use:**

This Special Management Area (SMA) Minor Use Permit is being pursued to conduct cultural site restoration, removal of the non-native vegetation and tree stumps, out planting of native species mixes, repair and cleanup of the Wai‘ula‘ula Pool, and signage to direct visitors to the designated 10-foot-wide public shoreline access. Additional work will include removal of unpermitted trails and walkways and landscaping. The applicant intends to better manage the subject property as a shoreline park/open space area for public uses. A review of our files indicates that there are no existing structures or development other than existing historic structures such as a platform, rock enclosure, rock wall and the modified Wai‘ula‘ula Pool. Kamehameha Schools intends to rehabilitate this residential complex and other areas within the subject parcel by hand clearing modern stone lined walkways and vegetation. Collected materials (stones) may be used to accommodate signage or for improvements to the Wai‘ula‘ula Pool.

**Amended activities include:**

- a) The removal of one (1) small Haole Koa tree next to the existing pumping station and re-planting the area with native groundcover.
- b) Planting of additional native shrubs adjacent to anchialine pool.
- c) Removal of one (1) Beach Heliotrope tree and clean-up of refuse/debris.
- d) Planting of Ti plants as a buffer around Historic Site No. 1666 to create a visual buffer to minimize trespassing.
- e) Due to incessant trespassing in the area, the applicant installed two (2) additional “No Trespassing” signs, and one (1) sign that restricts access to the anchialine pool.
- f) Utilization of rocks from other Kamehameha Schools-owned sites in the repair of the wall (previously permitted).

**Shoreline Area Determination:**

The parcel is a shoreline parcel as it abuts the shoreline and includes public shoreline access. No work is proposed within the minimum 40-foot Shoreline Setback area; all work will occur approximately 50-feet mauka of the shoreline. As the proposed activity will be located outside the shoreline area, the Director has determined that no shoreline certification will be required for this project or the ongoing maintenance of the site.

**Cultural and Historic Resources:**

An Archeological Survey (No. 71-4) dated May 1971 outlines the location and description of sites within the subject parcel. Sites include rock structures of a historic habitation site and the Wai‘ula‘ula Pool. According to the Survey, preservation recommendations were outlined, most of which call for “preservation with the potential for eventual restoration.” It is the intent of the applicant to improve management of these sites in order to preserve sites in accordance with the Survey recommendations.



Jason K. Knable  
c/o Carlsmith Ball LLP  
June 9, 2022  
Page 3

**Special Management Area Determination:**

Pursuant to Hawai'i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(2) relating to the Special Management Area, "Development" means any of the [listed] uses, activities, or operations on land or in or under water within the Special Management Area.

According to the application, the following definition of "Development" can be applied to the proposed use:

- *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.*

We find that the proposed action is not exempt from the definition of "development;" however, as described, the project will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA. Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. **SMM-21-000442 (Amended)**, is hereby issued for the project as described above. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

While further review of the proposed project against the Special Management Area rules and regulations will not be required, all other applicable Zoning Code and Building Code requirements must be satisfied. Additionally, any further development not included in this approval shall require further review and approval as provided under Chapter 205A, HRS and Rule 9, Planning Commission Rules of Practice and Procedure.

If you have any questions, please contact Alex J. Roy of this office at (808) 961-8140 or via email at [Alex.Roy@hawaiicounty.gov](mailto:Alex.Roy@hawaiicounty.gov).

Sincerely,

  
Christian R. Kay for (Jun 9, 2022 14:18 HST)

ZENDO KERN  
Planning Director

AJR:jaa  
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Enclosures: SMM-21-000442 (Amended)

cc w/Encls.: State Office of Planning and Sustainable Development  
GIS Section, Planning Department

Mitchell D. Roth  
*Mayor*

Lee E. Lord  
*Managing Director*

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Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

## **Special Management Area Minor Permit No. 21-000442 (Amended)**

**Project:** Land and Resource Management/ Access Improvements  
**Applicant(s):** Kamehameha Schools  
**Owner(s):** Kamehameha Schools  
**TMK(s):** (3) 7-8-020:013  
**Location:** Keauhou 1, North Kona District, Island of Hawai'i  
**Land Area:** 1.895 acres

### **Applicant's Request**

- 1. Project Description:** Applicant intends to conduct cultural site restoration, removal of the non-native vegetation and tree stumps, out planting of native species mixes, repair and cleanup of the Wai'ula'ula Pool, and signage to direct visitors to the designated 10-foot-wide public shoreline access. Additional work will include removal of unpermitted trails and walkways and landscaping.

Amended uses and activities include:

- a) The removal of one (1) small Haole Koa tree next to existing pumping station and re-planting the area with native groundcover.
- b) Planting of additional native shrubs adjacent to anchialine pool.
- c) Removal of one (1) Beach Heliotrope tree and clean-up of refuse/debris.
- d) Planting of Ti plants as a buffer around Historic Site No. 1666 to create a visual buffer to minimize trespassing.
- e) Due to incessant trespassing in the area, the applicant installed two (2) additional "No Trespassing" signs, and one (1) sign that restricts access to the anchialine pool.
- f) Utilization of rocks from other Kamehameha Schools-owned sites in the repair of the wall (previously permitted).



2. **Purpose of Project:** The intent of the proposed action is to eliminate public trespassing, guide public access to the deeded public access path, clear non-native vegetation and improve the overall cultural use of the site.
3. **Project Valuation:** \$50,000. (Amended valuation adds \$5,000)
4. **Determination:** According to Chapter 205A-22, Hawai‘i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 relating to Special Management Area (SMA): “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” is defined as “development.” Therefore, the proposed access improvements, landscaping and site clean-up are considered “development” and require a SMA Minor Permit.

<b>State and County Plans</b>
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1. **State Land Use District:** The parcel is designated within the Urban District by the State Land Use Commission.
2. **General Plan:** The parcel is designated as Open (o) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Staff notes there is a small mauka portion that is within the Resort Node (ren) zoning designation.
3. **County Zoning:** The parcel is currently zoned Open (o).
4. **Special Management Area:** The subject parcel is located in the SMA; the entire parcel is located within the “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
5. **Flood Zone:** The property is located in Special Flood Hazard Area, Zone VE (makai portion) and Zone X (mauka portion).

<b>Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area</b>
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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 any adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Those adverse effects

shall include but not be limited to the potential cumulative impact of individual developments, each of which taken by itself might not have a significant adverse effect and the elimination of planning options.

- ☒ The proposed development is consistent with the Hawai'i County General Plan, community plan, and zoning; provided that a finding of consistency shall not preclude concurrent processing where a general plan, community plan, or zoning amendment may also be required.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS (as amended), 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, including reefs, beaches, and coastal dunes, 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 coastal hazards.
  - ☒ 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 and coastal dunes for: Public use and recreation; The benefit of coastal ecosystems; Use as natural buffers against coastal hazards; and coordinate and fund beach management and protection.
  - ☒ 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 and Coastal Dune Protection
- ☒ Marine and Coastal 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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The valuation of \$50,000 for the access improvements, landscaping and site clean-up is not in excess of \$500,000.

<b>Approved Uses, Activities and Operations</b>
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Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. SMM-21-000442 (Amended)** is hereby approved to:

1. Conduct cultural site restoration, removal of the non-native vegetation and tree stumps,



out planting of native species mixes, repair and cleanup of the Wai‘ula‘ula Pool, removal of unpermitted trails and walkways, and installation of signage to direct visitors to the designated 10-foot-wide public shoreline access.

2. Uses and activities listed as part of the “amended” project description above.

<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. SMM-21-000442 (Amended)**, **subject to the following conditions:**

1. The applicant, its successors, or assigns (Applicant) 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. The Applicant shall dispose of all waste material in a County approved upland disposal site.
4. The Applicant shall continue to adhere to the preservation recommendations outlined in the Archeological Survey Report No. 71-4 dated May 1971.
5. The Applicant shall ensure Easement P-1 (10-ft wide for pedestrian beach access purposes) is the only constructed public shoreline access path.
6. Removal of non-native plant species shall be conducted utilizing hand tools only.
7. The Applicant shall continue to maintain plantings and non-native plant species removal on a monthly basis to ensure coverage.
8. The Applicant will ensure that the appropriate approval from the County of Hawai‘i Department of Public Works is granted for all ground disturbing activities.
9. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai‘i County Code.
10. In the 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. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.

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 feel free to contact Alex J. Roy at (808) 961-8140 or via email at [Alex.Roy@hawaiicounty.gov](mailto:Alex.Roy@hawaiicounty.gov).

APPROVED:

*Christian R. Kay for*  
Christian R. Kay for (Jun 9, 2022 14:18 HST)

ZENDO KERN  
Planning Director

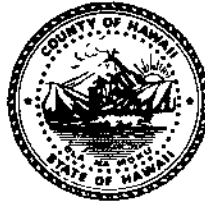
June 09, 2022

Date

Mitchell D. Roth  
*Mayor*

Lee E. Lord  
*Managing Director*

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101 Pauahi Street, Suite 3  
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April 26, 2021

Jason K. Knable  
c/o Carlsmith Ball LLP  
121 Wai'anuenue Ave.  
Hilo, HI 96720

Dear Mr. Knable:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application**  
**(SAA 21-001817)**  
**Special Management Area (SMA) Minor Use Permit (SMM 21-000442)**  
**Applicant(s): Kamehameha Schools**  
**Landowner(s): Kamehameha Schools**  
**Project: Land and Resource Management / Access Improvements**  
**Tax Map Key: (3) 7-8-020:013**

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We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (SAA 21-001817), submitted to this office on March 8, 2021. Additional information was submitted to this office on April 16, 2021; we appreciate the included information regarding the cultural features and preservation plan.

The applicant's 1.895-acre parcel is zoned as Open (o) by the County and designated as Urban by the State Land Use Commission (LUC). The subject parcel is designated as both "Open" (o) and a small portion within the Resort Node (ren) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The parcel is within the Special Management Area (SMA) and is within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS); the property is considered a shoreline parcel.

**Proposed Use:**

This Special Management Area (SMA) Minor Use Permit is being pursued to conduct cultural site restoration, removal of the non-native vegetation and tree stumps, out-planting of native species mixes, repair and cleanup of the Wai'ula'ula Pool, and signage to direct visitors to the designated 10-foot-wide public shoreline access. Additional work will include removal of



unpermitted trails and walkways and landscaping. The applicant intends to better manage the subject property as a shoreline park/open space area for public uses. A review of our files indicates that there is no existing structures or development other than existing historic structures such as a platform, rock enclosure, rock wall and the modified Wai'ula'ula Pond. Kamehameha Schools intends to rehabilitate this residential complex and other areas within the subject parcel by hand clearing modern stone lined walkways and vegetation. Collected materials (stones) may be used to accommodate signage or for improvements to the Wai'ula'ula Pond

**Shoreline Area Determination:**

The parcel is a shoreline parcel as it abuts the shoreline and includes public shoreline access. No work is proposed within the Shoreline Setback area, all work will occur approximately 50-feet mauka of the shoreline. As the proposed activity will be located outside the shoreline area, the Director has determined that no shoreline certification will be required for this project or the ongoing maintenance of the site.

**Cultural and Historic Resources:**

An Archeological Survey (No. 71-4) dated May 1971 outlines the location and description of sites within the subject parcel. Sites include rock structures of a historic habitation site and the Wai'ula'ula Pond. According to the Survey preservation recommendations were outlined, most of which call for "preservation with the potential for eventual restoration". It is the intent of the applicant to improve management of these sites in order to preserve sites in accordance with the Survey recommendations

**Special Management Area Determination:**

Pursuant to Hawai'i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(2) relating to the Special Management Area, "Development" means any of the [listed] uses, activities, or operations on land or in or under water within the special management area

According to the application, the following definition of "Development" can be applied to the proposed use:

- *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*

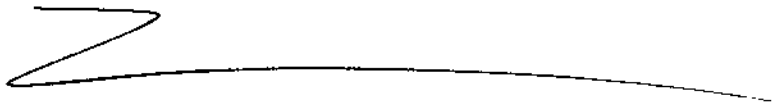
We find that the proposed action is not exempt from the definition of "development" however, as described, the project will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA. Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. **SMM 21-000442**, is hereby issued for the project as described above. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

Jason K. Knable  
April 26, 2021  
Page 3

While further review of the proposed project against the Special Management Area rules and regulations will not be required, all other applicable Zoning Code and Building Code requirements must be satisfied. Additionally, any further development not included in this approval shall require further review and approval as provided under Chapter 205A, HRS and Rule 9, Planning Commission Rules of Practice and Procedure

If you have any questions, please contact Alex J. Roy of this office at (808) 961-8140 or via email at [alex.roy@hawaiicounty.gov](mailto:alex.roy@hawaiicounty.gov)

Sincerely,

A handwritten signature in black ink, appearing to be 'ZENDO KERN', with a long horizontal flourish extending to the right.

ZENDO KERN  
Planning Director

AJR:klt  
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Enclosures: SMM 21-000442  
Receipt No 747935 (\$50.00)

cc w/Encls State Office of Planning  
GIS Section Planning Department



Mitchell D. Roth  
Mayor

Lee E. Lord  
Managing Director

West Hawai'i Office  
74-5044 Ane Keohokālole Hwy  
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## County of Hawai'i PLANNING DEPARTMENT

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### **Special Management Area Minor Permit No. 21-000442**

**Project:** Land and Resource Management/ Access Improvements  
**Applicant(s):** Kamehameha Schools  
**Owner(s):** Kamehameha Schools  
**TMK(s):** (3) 7-8-020:013  
**Location:** Keauhou 1, North Kona District, Island of Hawai'i  
**Land Area:** 1.895 acres

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

- 1. Project Description:** Applicant intends to conduct cultural site restoration, removal of the non-native vegetation and tree stumps, out planting of native species mixes, repair and cleanup of the Wai'ula'ula Pool, and signage to direct visitors to the designated 10-foot-wide public shoreline access. Additional work will include removal of unpermitted trails and walkways and landscaping
- 2. Purpose of Project:** The intent of the proposed action is to eliminate public trespassing, guide public access to the deeded public access path, clear non-native vegetation and improve the overall cultural use of the site.
- 3. Project Valuation:** \$50,000.
- 4. Determination:** According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 relating to Special Management Area (SMA): "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" is defined as "development." Therefore, the proposed access improvements, landscaping and site clean-up are considered "development" and require a SMA Minor Permit.

#### **State and County Plans**

1. **State Land Use District:** The parcel is designated within the Urban District by the State Land Use Commission
2. **General Plan:** The parcel is designated as Open (o) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Staff notes there is a small mauka portion that is within the Resort Node (ren) zoning designation.
3. **County Zoning:** The parcel is currently zoned Open (o).
4. **Special Management Area:** The subject parcel is located in the SMA; the entire parcel is located within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS)
5. **Flood Zone:** The property is located in Special Flood Hazard Area, Zone VE (makai portion) and Zone X (mauka portion)

<p style="text-align: center;"><b>Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</b></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 any adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Those adverse effect shall include but not be limited to the potential cumulative impact of individual developments, each of which taken by itself might not have a significant adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawai'i County General Plan, community plan, and zoning, provided that a finding of consistency shall not preclude concurrent processing where a general plan, community plan, or zoning amendment may also be required.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS (as amended), 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, including reefs, beaches, and coastal dunes, 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 coastal hazards.
- ☒ 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 and coastal dunes for: Public use and recreation; The benefit of coastal ecosystems; Use as natural buffers against coastal hazards; and coordinate and fund beach management and protection.
- ☒ 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 and Coastal Dune Protection
- ☒ Marine and Coastal 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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The valuation of \$50,000 for the access improvements, landscaping and site clean-up is not in excess of \$500,000

<b>Approved Uses, Activities and Operations</b>
---

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. SMM 21-000442** is hereby approved to:

1. Conduct cultural site restoration, removal of the non-native vegetation and tree stumps, out planting of native species mixes, repair and cleanup of the Wai'ula'ula Pool, removal of unpermitted trails and walkways, and installation of signage to direct visitors to the designated 10-foot-wide public shoreline access

<b>Conditions of Approval</b>
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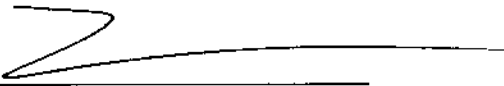
The Planning Director has approved **SMA Minor Permit No. SMM 21-000442**, subject to the following conditions:

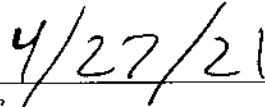
1. The applicant, its successors, or assigns (Applicant) shall be responsible for complying with all stated conditions of approval.

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. The Applicant shall dispose of all waste material in a County approved upland disposal site.
4. The Applicant shall continue to adhere to the preservation recommendations outlined in the Archeological Survey Report No. 71-4 dated May 1971.
5. The Applicant shall ensure Easement P-1 (10-ft wide for pedestrian beach access purposes) is the only constructed public shoreline access path
6. Removal of non-native species shall be conducted utilizing hand tools only.
7. The Applicant shall continue to maintain plantings and non-native species removal on a monthly basis.
8. The Applicant will ensure that the appropriate approval from the County of Hawai'i Department of Public Works is granted for all ground disturbing activities.
9. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code
10. 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. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.
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 feel free to contact Alex J. Roy at (808) 961-8140 or via email at [alex.roy@hawaiicounty.gov](mailto:alex.roy@hawaiicounty.gov)

APPROVED:

  
\_\_\_\_\_  
ZENDO KERN  
Planning Director

  
\_\_\_\_\_  
Date