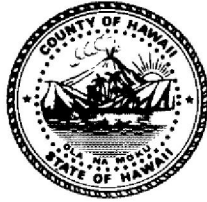


Mitchell D. Roth  
Mayor

Lee E. Lord  
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## County of Hawai'i

### PLANNING DEPARTMENT

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January 23, 2023

Blake McNaughton  
c/o Kamehameha Schools  
895 Kauhiula Road  
Hilo, HI 96720  
Email: [blmcnaug@ksbe.edu](mailto:blmcnaug@ksbe.edu)

Dear Mr. McNaughton:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(PL-SAA-2022-000103)**

**Issuance of Special Management Area (SMA) Minor Permit  
(PL-SMM-2022-000039)**

**Applicant(s): Blake McNaughton**  
**Landowner(s): Kamehameha Schools**  
**Project: Improvements to Existing Haubush Road and Driveway**  
**Tax Map Key: (3) 1-4-003:013 & 038**  
**Location: 14-4121 Government Beach Road, Kahuwai, Puna,  
Island of Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (PL-SAA-2022-000103) received by this office on September 13, 2022; additional information was submitted to this office on November 15, 2022. The applicant is requesting for driveway and roadway improvements with a gate installation on the subject parcels. The valuation of the proposed project is \$30,000.00.

The 197.9-acre property is zoned Agricultural-1 acre (A-1a) by the County and designated as Urban and Conservation by the State Land Use Commission (LUC). The subject parcel is designated as "Important Agricultural Land", "Extensive Agricultural Land," and "Open" by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The entire subject parcel is located within the Special Management Area (SMA) and it is considered a "shoreline parcel" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

Staff notes that the coastal portion of the subject parcels is located within the State Land Use Conservation District. According to the applicant, Office of Conservation and Coastal Lands (DLNR-OCCL) informed the applicant that the Conservation District is located within 300 feet of the shoreline. In order to ensure the proposed project would occur outside the Conservation District, the applicant has proposed to work up to 600 feet from the shoreline area and other activities being even further mauka. The Planning Director has therefore not required a District Boundary amendment at this time. Furthermore, the Director has waived the requirement for a Shoreline Certification for this proposed activity as the work will be 600 feet from the shoreline and is allowing the Special Management Area (SMA) permitting to proceed.

**Existing Land Uses:**

A review of our files indicated that there is an existing 1,300 square foot residence that is located on TMK: (3) 1-4-003:038 that was built and completed in 1963. Haubush Road is an existing road that runs through TMK: (3) 1-4-003:013. Staff notes that there is no deeded public access along the shoreline.

**Proposed Project:**

The applicant is proposing the following two (2) projects that are located within TMK: (3) 1-4-003:013 and include TMK: (3) 1-4-003:038:

- Haubush Road maintenance and gate installation for access to Government Beach Road on TMK: (3) 1-4-003:013.
- Concrete driveway apron for access to Government Beach Road from existing driveway on TMK: (3) 1-4-003:013 to an existing residence within the subject parcel TMK: (3) 1-4-003:038.

**Special Management Area Determination:**

Pursuant to Hawai'i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(1) relating to the Special Management Area, "*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*" is defined as "development" and requires a review against the Special Management Area rules and regulations pursuant to Planning Commission Rule 9-4(e)(2)(A). Our review has resulted in the issuance of a SMA Minor Permit because the total valuation of the proposed project is \$30,000 which is under \$500,000 and will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA.



**Chapter 6E-42 Historic Preservation Review:**

The historic district/historic property of Kahuwai Village is located within the subject parcel. SHPD has determined that no historic properties will be affected as the proposed project will occur within previously impacted portions of the subject parcels. However, in the event that surface or subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the construction work, the applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division.

The Planning Department finds that the proposed activity is not exempt from the definition of “development;” therefore, pursuant to Planning Commission Rule 9-10(e), Special Management Area Minor Permit No. **PL-SMM-2022-000039**, is hereby issued for the proposed project. It is the applicant’s responsibility to read and comply with the conditions listed in the enclosed permit, that cover both the SMA exemption determination and the SMA minor 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 future development or activities 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 questions regarding this document, please contact Tracie-Lee Camero of this office at (808) 961-8166 or via email at [Tracie-Lee.Camero@hawaiicounty.gov](mailto:Tracie-Lee.Camero@hawaiicounty.gov).

Sincerely,

*Zendo Kern*

Zendo Kern (Jan 23, 2023 12:53 HST)

ZENDO KERN  
Planning Director

TC:jaa

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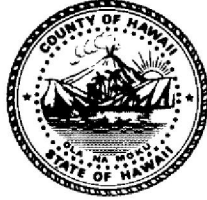
Enclosures: SMM Permit No. PL-SMM-2022-000039  
Exhibit 1 - Site Plan

Cc (via e-mail): Shichao Li, State-OPSD  
Lisa E. Webster, State-OPSD  
State-DLNR OCCL  
GIS Section

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Mayor

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## County of Hawai'i

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## **Special Management Area Minor Permit No. PL-SMM-2022-000039**

**Project:** Maintenance and Gate Installation to Haubush Road and Concrete Driveway Apron  
**Applicant(s):** Blake McNaughton  
**Landowner(s):** Kamehameha Schools  
**TMK(s):** (3) 1-4-003:013 & 038  
**Location:** 14-4121 Government Beach Road, Kahuwai, Puna, Island of Hawai'i  
**Land Area:** 197.9 acres

### **Applicant's Request**

- 1. Project Description:** The applicant is proposing the following two (2) projects that are located within TMK: (3) 1-4-003:013 and include TMK: (3) 1-4-003:038:
  - Haubush Road maintenance and gate installation for access to Government Beach Road on TMK: (3) 1-4-003:013.
  - Concrete driveway apron at existing driveway for access to Government Beach Road from TMK: (3) 1-4-003:013 to an existing residence within TMK: (3) 1-4-003:038.
- 2. Purpose of Project:** The applicant has stated the following objectives of the proposed projects:
  - Haubush Road maintenance and gate installation: The Applicant would like to maintain the vehicular access along Haubush Road to better manage fishing and cultural resource access to the shoreline of Kahuwai for permitted community members.
  - Concrete driveway apron: The existing driveway which provides access to TMK: (3) 1-4-003:038 needs to be improved and the applicant would like to pave the Government Beach Road shoulder to allow for better access.
- 3. Project Valuation:** \$30,000.



- 4. Determination:** According to Chapter 205A-22, Hawai‘i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(1) relating to Special Management Area (SMA): “*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*” is defined as “development.” Therefore, the proposed improvement project is considered “development” and requires a review against the Special Management Area rules and regulations. Our review has resulted in the issuance of a SMA Minor Permit.

<b>State and County Plans</b>
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- 5. State Land Use (SLU) District:** The subject parcel is within the SLU Urban and Conservation District.
- 6. General Plan:** The parcel is designated as Important Agricultural Land (ial) and Extensive Agricultural Land (ea), and Open (ope) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 7. County Zoning:** The parcel is currently zoned Agricultural-1a (A-1a).
- 8. Special Management Area:** The proposed project parcel is located within the Special Management Area (SMA), and it is considered a “shoreline parcel” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
- 9. Flood Zone:** Zone X and VE (*Coastal areas with a 1% or greater chance of flooding and an additional hazard associated with storm waves*).

<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 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 project 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 historic district/historic property of Kahuwai Village is located within the subject parcel. SHPD has determined that no historic properties will be affected as the proposed project will occur within previously impacted portions of the subject parcels.
4. The estimated cost of \$30,000 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. PL-SMM-2022-000039** is hereby approved for the following activities:

- Haubush Road maintenance and gate installation for access to Government Beach Road on TMK: (3) 1-4-003:013.



- Concrete driveway apron for access to Government Beach Road from existing driveway on TMK: (3) 1-4-003:013 to an existing residence within the subject parcel TMK: (3) 1-4-003:038.

<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. PL-SMM-2022-000039**, **subject to the following conditions:**

1. The applicant(s), its successor(s), or assign(s) ("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, including but not limited to a Conservation District Use Permit.
3. The Applicant shall secure a permit from the Department of Public Works for the new driveway apron within the County right-of-way. Construction within the County right-of-way (Government Beach Road) shall comply with Hawai'i County Code, Chapter 22, County Streets.
4. Other than the proposed project as described in this permit, no further work is permitted under this approval.
5. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
6. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
7. Any further development, including but not limited to, the construction of structures or improvements not included in this permit shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
8. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, up-lights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawai'i Revised Statutes.
9. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits,



marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall 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. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

10. That in issuing this permit, the Department has relied on the information and data that the Applicant has provided in connection with this permit. If, subsequent to issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
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 Tracie-Lee Camero at (808) 961-8166 or via email at [Tracie-Lee.Camero@hawaiicounty.gov](mailto:Tracie-Lee.Camero@hawaiicounty.gov).

APPROVED:

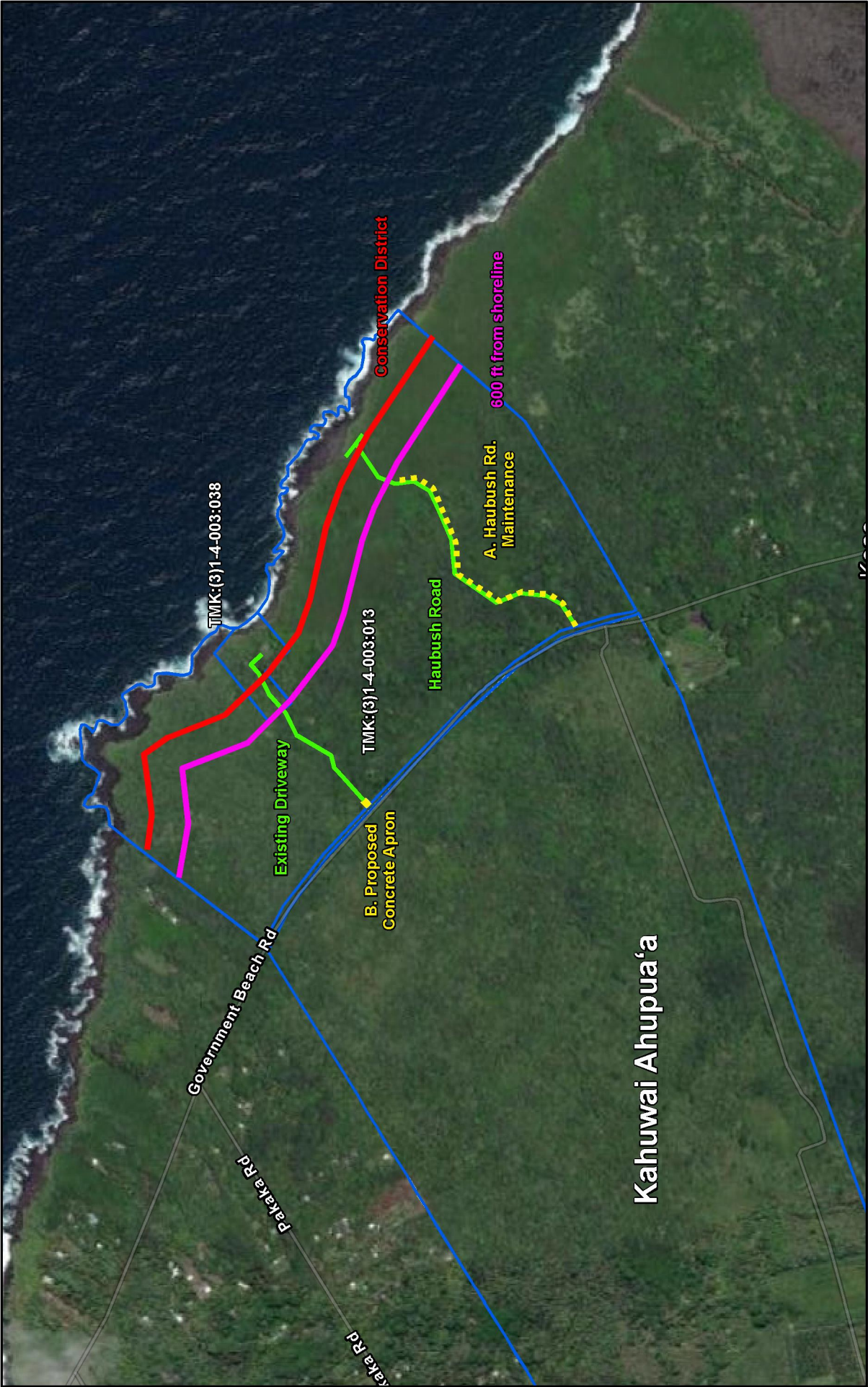
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Zendo Kern (Jan 23, 2023 12:53 HST)

ZENDO KERN  
Planning Director

January 23, 2023

Date

# Kahuwai Ahupua'a - SMA Site Plan



11/14/2022

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Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, EPA, US Census Bureau,