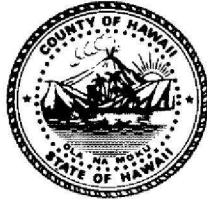


Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



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

October 13, 2023

Kevin Kasamoto
601 Kamokila Blvd., Rm. 636
Kapolei, HI 96707
VIA EMAIL: kevin.kasamoto@hawaii.gov

Dear Mr. Kasamoto:

SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2023-000191)
Special Management Area (SMA) Minor Permit
(PL-SMM-2023-000051)

Applicant(s): Hawaii Department of Transportation

Landowner(s): Hana U'I LLC (3-1-001:001)
Steven & Maria Wolf (3-1-001:002)
State of Hawaii (ROW)

Project: Hakalau Bridge Repair Project Staging Areas

Tax Map Key(s): (3) 3-1-001:001 & 002, Hakalau, North Hilo District; Hawai'i

We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2023-000191), received by this office on October 5, 2023.

The project area is primarily within the State of Hawaii Department of Transportation (HDOT) Right-of-Way (ROW) that includes the roadway and underlying Hakalau Bridge. To support the proposed project, HDOT is requesting the use of two (2) private parcels located on either side of the bridge for staging of materials. Parcel 002 is approximately 2.58 acres, while Parcel 001 is only 0.50 acres. Both parcels are zoned by the County as Agricultural twenty (20) acres (A-20a) and are designated as Conservation by the State Land Use (SLU) Commission. The subject parcels are designated as "Conservation" (con), and "Open" (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. While the entire project area is located within the County's Special Management Area (SMA), in accordance with Hawai'i Revised Statutes (HRS) Ch. 205A-22, the subject parcels are not considered "shoreline parcels" and therefore, a shoreline certification is not required for this proposed activity.

Proposed Project Outside ROW:

The work that is proposed outside the HDOT ROW includes the staging of construction equipment for the proposed bridge repair project. No other development is proposed at this time. Staff notes that the majority of the project will occur within the HDOT ROW (Exhibit 1).

Special Management Area Determination:

In accordance with Chapter 205A-22, Hawai'i Revised Statutes (HRS), Planning Commission (PC) Rule No. 9-4 (e)(1), and Hawai'i County Zoning Code, Section 25-4-64 the proposed staging areas on each of the subject parcels are 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 for the proposed staging areas because the total valuation of the proposed development is \$0 which is under \$500,000 and the proposed actions will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA.

Pursuant to Planning Commission Rule 9-10(e), Special Management Area Minor Permit No. PL-SMM-2023-000051 is hereby issued for the Hakalau Bridge Repair project staging areas. Please note that any substantive changes to the proposed improvements, as well as any subsequent phases or activities may require further review by this office and possibly the submittal of another SMA Use Permit Assessment Application.

If you have any questions, please contact Alex J. Roy of this office at 808-961-8140 or via email at Alex.Roy@hawaiiicounty.gov.

Sincerely,



[Zendo Kern \(Oct 13, 2023 11:39 HST\)](#)

ZENDO KERN

Planning Director

AJR:lms

\\COH01\planning\public\wpwin60\CZM\SMM\2023\PL-SMM-2023-000051L_Hakalau_Bridge_project.doc

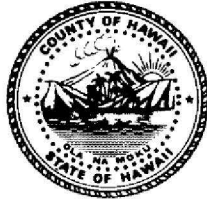
Enclosure: SMM Permit No. PL-SMM-2023-000051
Exhibit 1 – map of project areas

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

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
Fax (808) 327-3563



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

Special Management Area Minor Permit No. PL-SMM-2023-000051

Project: Hakalau Bridge Repair Project Staging Areas
Applicant: Hawaii Department of Transportation
Landowner: Hana U'I LLC (3-1-001:001)
Steven & Maria Wolf (3-1-001:002)
State of Hawaii (ROW)
Location: Hakalau, North Hilo District, Island of Hawai'i
TMK(s): (3) 3-1-001:001 & 002
Land Area: 3.08-acres

Applicant's Request

- Proposed Project:**
The applicant is requesting approval for the following work:
The work that is proposed outside the HDOT ROW includes the staging of construction equipment for the proposed bridge repair project. No other development is proposed at this time. Staff notes that the majority of the project will occur within the HDOT ROW.
- Purpose of Project:** The objective of the proposed project is to provide support for the Hakalau Stream Bridge Rehabilitation Bent 8 Scour Repair project.
- Project Valuation:** \$0
- Determination:** According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(B) and (E) relating to Special Management Area (SMA): "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste; Grading, removing, dredging, mining, or extraction of any materials*" is defined as "development." Therefore, the proposed project as described above is considered "development" and requires a review against the Special Management Area rules and regulations. Our review has resulted in the issuance of an SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject parcels are primarily within the State Land Use (SLU) Conservation District.
2. **General Plan:** The project parcels are designated as “Conservation” (con), and “Open” (ope) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** Both subject parcels are zoned as Agricultural 20-acres (A-20a).
4. **Special Management Area:** The entire project area is located entirely within the Special Management Area (SMA); however, in accordance with HRS Ch. 205A-22, the subject parcels are not considered a shoreline parcel.
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 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 effects 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 objective(s) 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, 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: 1) public use and recreation; 2) the benefit of coastal ecosystems; 3) use as a natural buffer against coastal hazards; and 4) 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.

Findings

1. As discussed above, the proposed project will not have any significant adverse environmental or ecological effects, 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 project is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$0 does not exceed \$500,000.

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. PL-SMM-2023-000051** is hereby approved for the establishment of staging areas for the Hakalau Bridge Repair project within the subject parcels.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. PL-SMM-2023-000051**, 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 approval from the Office of Conservation and Coastal Lands (OCCL).
3. Other than the proposed project as described in this permit, no further work is permitted under this approval.
4. 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.
5. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.

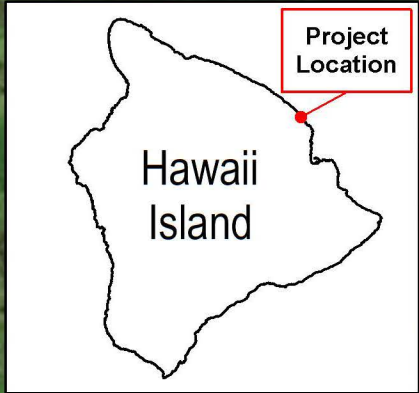
6. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
7. Any further development, including but not limited to, the construction of structures or improvements not included in this permit shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
8. Best Management Practices (BMP) shall be implemented as described in the submitted application. BMPs shall include, but are not necessarily limited to:
 - a) The use of silt fencing, temporary surface run-off curbing and dewatering filter bags, shall be installed as may be necessary to prevent silt, sediment, soil and other displaced materials from being transported to any adjacent roadways, properties or storm drainage systems.
 - b) Dust containment fencing and/or frequent irrigation of exposed demolition areas, shall be employed as necessary to prevent adverse impacts on the adjacent roadways and properties from fugitive dust.
9. 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, after issuance of this permit, such information and data prove to be false, incomplete, or inaccurate (i.e., valuation of development), this permit may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
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, 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 (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 this permit.

If you have questions regarding this document, please feel free to contact Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiicounty.gov.

APPROVED:

Zendo Kern
Zendo Kern (Oct 13, 2023 11:39 HST)
ZENDO KERN
Planning Director

October 13, 2023
Date



Hawaii Belt Road, Hakalau Stream Bridge,
Bent #8 Scour Repair Project

Construction
Area

Legend

-  Project Area
-  Project Area in the SMA
-  Special Management Areas (SMA)
-  Roadway Right-of-Way
-  Coastline

0 75 150 300
Feet

