

**COUNTY OF HAWAII PLANNING DEPARTMENT**  
**RECOMMENDATION**

**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 01-006)**

Upon careful review of the applicant's request against the guidelines for a Special Management Area Use Permit, the Planning Director is recommending that this request be **approved by the Planning Commission**. This recommendation does not, however, sanction the specific plans submitted with the application as they may be subject to change given the specific code and regulatory requirements of the affected agencies. Since this recommendation is made without the benefit of public testimony, the Director reserves the right to modify and/or alter this recommendation based upon additional information presented at the public hearing. This approval recommendation is based on the following findings:

The purpose of Chapter 205A, Hawaii Revised Statutes (HRS), and Rule No. 9 relating to Special Management Area Rules and Regulations of the County of Hawaii is to preserve, protect, and where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

The Department of Land and Natural Resources proposes to improve the Kealakekua Bay State Historical Park by replacing the restrooms with a pavilion/restroom facility, replacing the shower, constructing two ADA parking stalls, and installing a wastewater treatment system consisting of a septic tank and leaching beds.

**The proposed development will not have any substantial 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 interests.** The existing 3.24 acre park provides recreation space for picnickers and swimmers and is adjacent to the Hikiau Heiau and Kealakekua Bay. The applicant proposes the following improvements:

- Demolish the existing pavilion and construct a new pavilion/restroom facility with septic tank and leach fields.
- Demolish and remove the nonfunctional restroom/tool shed.
- Replace the shower.
- Construct two ADA parking stalls.

The improvements will be funded solely by the State of Hawaii at a cost of \$468,409.00.

Due to the developed nature of the project site, the proposed improvements are not anticipated to have any substantial adverse environmental or ecological effects. The project site is located at the makai end of Napoopoo Road, next to the Hikiau Heiau and across the road from Kealakekua Bay. The Flood Insurance Rate Maps (FIRM) indicates that a portion of the property is located in Zone "AE" or flood zones where base flood elevations are determined. However, the majority of the parcel is designated as Zone X, areas outside the 500-year flood plain. While there are no indications of surface water flow on-site, the applicant will abide by all applicable County guidelines for run-off generated by the improvements. Therefore, the proposed improvements are not anticipated to have adverse environmental or ecological effects.

**The proposed development is consistent with the objectives and policies, and Special Management Area guidelines as provided by Chapter 205A, HRS and Rule No. 9 of the Planning Commission Rules of Practice and Procedure.** The guidelines were established to provide guidance for the preservation, protection and development of coastal resources of the State and County. They identify several areas of management concerns including recreational, historic, scenic and open space resources, coastal ecosystems, economic use, coastal hazards, beach protection and marine resources.

Activities associated with the proposed development are not anticipated to have any substantial adverse impacts on coastal ecosystems, marine resources or public access to and along the shoreline. The improvements will relocate the restrooms away from the Hikiau Heiau, and keep active recreational areas away from the shoreline. Compliance with existing governmental regulations to control runoff, drainage and erosion would mitigate any adverse impact to the area's environment or the ecology of the area's coastal

waters. The applicant has started to comply with the Department of Health requirements concerning the proposed septic tank system. The use of this system will eliminate the possibility of raw sewage leaching into coastal waters.

Although the project will be constructed in an area which is subject to tsunami inundation, high surf or flooding, the proposed park improvements will not intensify coastal hazards at the site. Further, the property is not affected by any beach erosion. With these precautionary measures in place, the proposed development is not anticipated to have any substantial adverse effects on the coastal resources or environment.

Given the existing park use, it is unlikely that any threatened species of plant or animals are present on the project site. No archaeological features are known to exist on the property. However, a qualified archaeologist will monitor construction activities. The relocation of the restroom facility away from Hikiau Heiau would only further enhance the visibility of this historic site. It is not expected that construction activities will affect Hikiau heiau. Subsurface disturbances and monitoring of construction activities by an archaeologist will be required as a condition of approval and will ensure appropriate measures are taken to prevent any impact to the heiau. This approval recommendation is also conditioned upon notification of the Planning Department and appropriate actions should any unidentified sites or remains be found before or during construction activities. According to the Planning Department's file, there is no designated public access to the mountain areas or to the shoreline over the subject property. The project would not interfere with any recreational resources or natural shoreline processes, nor impact view planes to the coastal area. No public view planes of the improvements will be affected. The one-story pavilion/restroom facility will not intensify the visual or structural impact of the area since it will replace an existing structure. The applicant also intends to have the appearance of the facility "blend in" with the rural style of the surrounding structures. The height of the facility will not exceed that of the surrounding homes. Thus, scenic and open space reserves will be minimally affected by the pavilion/restroom facility and related improvements since the renovated section of the park will mostly not be visible from the existing road.

The principle source of both short-term air and noise quality impacts associated with the proposed improvements is expected during construction. These impacts can be

mitigated through the utilization of best management practices. Given the limited nature of the improvements, no significant long-term air and noise quality impacts are anticipated to have any substantial adverse effects on the coastal resources or environment. Water is available to the subject property. As a County road services the project site, a permit shall be obtained for any work within the County Right of Way. A condition of approval will be included for the applicant to address this concern.

The proposed new pavilion/restroom facility would promote public health and safety by providing adequate and accessible sanitary facilities for park and recreational users. The proposed ADA parking area on-site would also benefit park users and enhance public health and safety.

There will be an increase in noise levels and dust during construction activities. However, these temporary, short-term impacts generated during the construction phase can be mitigated by existing construction regulations. Therefore, impacts to the physical environment within the immediate area will be minimal.

No adverse impacts on water quality are expected to be generated by the proposed development. Any potential runoff or discharge generated by the proposed development which could reach ocean waters can be handled by on-site drainage improvements meeting with the approval of the Department of Public Works and/or Department of Health. Potential negative impacts on coastal waters during site preparation and construction can be mitigated through compliance with existing ordinances and regulations. Wastewater will be disposed of within a wastewater treatment system meeting with the approval of the Department of Health. The goals and objectives of the Special Management Area with respect to coastal, recreational, scenic and historical can be met with conditions of approval.

**The proposed development is consistent with the County General Plan and Zoning Code.** The proposed project conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates this area as Orchards with Open along the shoreline. This type of designation includes uses for recreational purposes. The proposed development would complement the following goals and policies of the General Plan:

## Recreation

- Provide a wide variety of recreational opportunities for the residents and visitors of the County.
- Maintain the natural beauty of recreation areas.
- Provide a diversity of environments for active and passive pursuits.
- The County of Hawaii shall improve existing public facilities for optimum usage.
- Recreational facilities in the County shall reflect the natural, historic, and cultural character of the area.
- The use of land adjoining recreation areas shall be compatible with community values, physical resources and recreation potential.
- Public access to the shoreline shall be provided in accordance with an adopted program of the County of Hawaii.

## Public Facilities:

- Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community.

## Natural Resources and Shoreline

- Provide opportunities for the public to fulfill recreational, economic, and educational needs without despoiling or endangering natural resources.
- Protect and promote the prudent use of Hawaii's unique, fragile, and significant environmental and natural resources.
- Protect and effectively manage Hawaii's open space, watersheds, and natural areas.
- Ensure that alterations to existing land forms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.
- The shoreline shall be protected from the encroachment of man-made improvements and structures.

### Environmental Quality

- Maintain and, if feasible, improve the existing environmental quality of the island.
- The County of Hawaii shall take positive action to further maintain the quality of the environment for residents both in the present and in the future.

### Public Utilities

- Improvement of existing utility services shall be encouraged to meet the needs of users.

### Natural Beauty

- Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources.
- Protect scenic vistas and view planes from becoming obstructed.
- Maximize opportunities for present and future generations to appreciate and enjoy natural and scenic beauty.

### Open Space

- Provide and protect open space for the social, environmental, and economic well-being of the County of Hawaii and its residents.
- Protect designated natural areas.
- Open space in the County of Hawaii shall reflect and be in keeping with the goals, policies, and standards set forth in the other elements of the General Plan.

The subject parcel is located within the State Land Use Conservation District, which allows parks and areas for outdoor recreational uses.. Uses in the Conservation District are regulated by the State Department of Land and Natural Resources.

Based on the above findings, it is determined that the proposed development will not have any substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to the Special Management Area.

Approval of this request is subject to the following conditions. Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the Special Management Area Use Permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Prior to construction, Final Plan Approval shall be secured in accordance with Chapter 25, Zoning Code. Plans shall identify all existing and proposed structures, proposed driveway, parking stalls, landscaping and lighting associated with the development.
3. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit.
4. A solid waste management plan shall be submitted to and approved by the Department of <sup>Public Works</sup> ~~Public Works~~ prior to any park improvements.
5. The septic tank and leaching beds shall be constructed in a manner meeting with the approval of the State Department of Health.
6. A permit for work within the County right-of-way shall be secured from the Department of Public Works prior to any roadway improvements. Construction within the right-of-way shall meet the approval and requirements of the Department of Public Works.
7. All earthwork activity, including grubbing and grading, shall conform to Chapter 10 - Erosion and Sedimentation Control, of the Hawaii County Code.
8. The applicant's contractor is required to consult with a State Parks archaeologist on matters involving demolition and surface disturbance.
9. Should any remains of unidentified historic sites such as rock walls, terraces, platforms, or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigation measures have been taken.

Amended at 10/29/01  
PC Hearing

10. **Comply with all applicable laws, rules, regulations, and requirements of affected agencies, including the Department of Public Works, Department of Water Supply, and State Department of Health for the proposed development.**
11. **An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:**
  - A. **The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.**
  - B. **Granting of the time extension would not be contrary to the General Plan, Zoning Code or the Special Management Area guidelines.**
  - C. **Granting of the time extension would not be contrary to the original reasons for the granting of the permit.**
  - D. **The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).**



**COUNTY OF HAWAII PLANNING DEPARTMENT**  
**BACKGROUND REPORT**

**DEPARTMENT OF LAND & NATURAL RESOURCES**  
**SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 01-006)**

**THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF STATE PARKS** has submitted an application for a Special Management Area (SMA) Use Permit to allow improvements to the existing Kealakekua Bay State Historical Park. The property is located at Napoopoo, Kealakekua, South Kona, Hawaii, TMK: 8-2-4:9.

**GENERAL INFORMATION**

1. **Ownership:** The subject parcel is owned by the State of Hawaii.
2. **Executive Order No. 3744:** Effective January 1, 1992, the Governor of the State of Hawaii set aside 3.24 acres of land for the Kealakekua Bay State Park, to be under the control and management of the Department of Land and Natural Resources (DLNR), Division of State Parks.
3. **Letter of Authorization:** Daniel S. Quinn, State Parks Administrator, has submitted a letter authorizing the SMA application.

**APPLICANT'S REQUEST**

4. **Request:** The DLNR, State Parks Division proposes the following improvements to Kealakekua Bay State Historical Park:
  - A. Demolish the existing pavilion and construct a new pavilion/restroom facility with septic tank and leach fields. The pavilion/restroom facility will be built on a concrete slab consisting of hollow block walls and concrete columns, decorative screen blocks, and preformed metal roofing system. The appearance of the structure shall blend in with the "rural" style of the adjacent structures and not be taller than the adjacent homes. There will be a total of four water closets, two lavatory and one urinal. The women's and men's restrooms will each have one stall that complies with the Americans with Disabilities Act (ADA) requirements. The septic system will consist of one rectangular concrete septic tank, 80 lineal feet of 4-inch P.V.C. Sewerline, and a leaching bed with an area of approximately

820 square feet. The septic tank will be 5 feet wide by 8 feet long by 5 feet deep and have a capacity of 1,000 gallons. The primary leaching bed will be excavated to a depth of approximately 4 feet and will contain a geotextile fabric at subgrade, a 22-inch bottom layer of 2-inch gravel, a geotextile filter fabric above the gravel line, 8 inches of backfill and 4 inches of top soil. The back-up leaching bed will be constructed similar to the primary leaching bed.

- B. Demolish and remove the existing restroom/tool shed located next to Hikiau Heiau. The cesspool will be pumped out, backfilled with crush rock, spread with top soil and planted with grass.
  - C. Replace the shower.
  - D. Construct two ADA parking stalls.
5. **Purpose and Need Purpose:** The purpose of this project is to construct facilities in the area that meet current codes and that also respect the cultural significance of this historic site. The existing restroom is an old single-story structure which has a cesspool for wastewater disposal. As the cesspool is not functional, portable toilets are currently being utilized. The new pavilion/restroom facility and wastewater disposal system will be relocated away from the Hikiau Heiau to provide a more respectful buffer. Two ADA compliant parking stalls with appurtenant handrails and signage will also be provided adjacent to the restroom facility. In addition, the shower will be replaced and night lighting controlled by a timer system will be provided.
6. **Project Cost:** Improvements within the existing 3.24-acre Kealakekua Bay State Historical Park will be funded by the State of Hawaii at a cost of approximately \$468,409.00.
7. **SMA 90-7:** On March 6, 1990, the Department of Land and Natural Resources submitted an application for the construction of restroom facilities and park service road and related improvements. This application was withdrawn by letter dated July 10, 1990 because of Napoopoo community concerns regarding the siting of the proposed improvements.
8. **Supportive Information:** (See Exhibit A - Special Management Area Use Permit Application and October 11, 2001 Memo with attachments)

## **STATE AND COUNTY PLANS**

9. **SLU: Conservation.** Under Chapter 13-5, Hawaii Administrative Rules, parks are allowed in the Conservation District. In most cases, a Conservation District Use Permit is required for any construction activity or disturbance that occurs within this designated area. However, the applicant has submitted a letter which states that "Generally, in any area which is under Executive Order (EO) for park purposes, a CDUA is not required for park improvements, unless there is a change or expansion in existing land use."
10. **GP Consistency:** The goals, policies, standards and courses of action of the Natural Beauty, Public Facilities, Environmental Quality, Public Utilities, Land Use (Open Space sub-element), Natural Resources and Shoreline, and Recreation elements of the General Plan.
11. **GP LUPAG Map:** Open. This designation allows for parks and historic sites.
12. **Kona Regional Plan:** The subject area is designated for Open uses. One of the standards for Parks for General Use states that "Beach parks provide opportunities for swimming, fishing, boating, nature study, and other pastimes. Every section of the island should be adequately served. Facilities depend on size and intensity of use but should include: restrooms with showers and changing areas; picnic areas with tables and cooking facilities; a defined tent camping area when allowed; drinking water; defined and adequate parking; pavilions of various sizes; and storage for groundskeeper and lifeguard equipment."
13. **County Zoning:** Open.
14. **SMA:** The properties are situated within the SMA boundary.
15. **SMA Criteria:** SMA Use Permits are reviewed under the guidelines of Planning Commission Rule 9, Special Management Area, Section 9-11 C:
  - a. The development will not have any significant adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and is clearly outweighed by public health, safety, or compelling public interest;

- b. The development is consistent with the objectives and policies as provided by Chapter 205A, HRS, and the Special Management Area guidelines as contained herein; and
  - c. The development is consistent with the General Plan, Zoning Code and other applicable ordinances.
16. **Shoreline Setback:** The County's Shoreline Setback regulations are applicable to this project and no improvements will be permitted within an area extending 40 feet from the shoreline.
17. **Chapter 343, HRS: Final Environmental Assessment:** The use of State lands and funds triggers the environmental review requirements under Hawaii Revised Statutes Chapter 343. However, this project is exempt from the preparation of an Environmental Impact Statement or a Negative Declaration as part of the OEQC exemption list, dated December 4, 1991, relating to the Division of State Parks projects
- 1. Exemption Class 2, Item 1: Exempts cabins, pavilion, picnic or trail shelter, utility building or shed within developed, maintained portion of State Parks (February 5, 1976).
  - 2. Exemption Class 3, Item 2: Exempts construction of park comfort stations with accommodations of 10 or less toilets and urinals (February 5, 1976)
  - 3. Exemption Class 3, Item 5: Exempts the construction of off-street parking facilities having capacities of less than 50 stalls per park (February 5, 1976). .  
(See Exhibit B: December 23, 1991 Environmental Council Letter to William Patty, Chairperson, BLNR):
18. **CZM Consistency:** The State of Hawaii defines the coastal zone as the entire state, and therefore, the activities are subject to compliance with the State Coastal Zone Management (CZM) Program. In addition to compliance with the State CZM Program, the proposed action must also comply with requirements of the County's CZM Program, which includes the Special Management Area and the Shoreline Setback Area.

## **DESCRIPTION OF THE PROJECT AREA AND SURROUNDING AREA**

19. **Subject Property:** The subject property is situated within the Kealakekua Bay Historical District which is in the National Register of Historic Places. On the project site, existing structures and uses include an existing restroom/tool shed built adjacent to the southern wall of Hikiiau Heiau, an outdoor shower, a pavilion near the center of the parcel, a grassed basketball/volleyball court in the southwestern corner and a boundary wall at the southern and western side of the parcel. The overall topography of the parcel is a gentle slope from mauka to makai. Although the front portion of the park site is maintained as a yard, the rear portion is a dense cover of exotic grasses, introduced shrubs, koa haole trees and monkeypods. The subject parcel is located near the makai end of Napoopoo Road, adjacent to Hikiiau Heiau and across the road from Kealakekua Bay.
20. **USDA Soil Type:** Kainaliu very stony silty clay loam, 12 to 20 percent slopes (KDD). This soil is similar to Kainaliu extremely stony silty clay loam, 12 to 20 percent slopes, except that it is less stony. Most areas of this soil follow the pattern of the lava flows and are long and narrow, but some are isolated and are surrounded by recent lava flows.
21. **Land Study Bureau Detailed Land Classification System:** "E" or Very Poor.
22. **ALISH Map:** Unclassified.
23. **Floral/Fauna:** Since the property is an existing park site, the likelihood of any endangered species of plants or animals is remote. According to the applicant, no rare, threatened, or endangered plant species are present on or near the subject area. There are also no endangered species of avifauna or mammals inhabiting the project area.
24. **Archaeological and Historic Sites:** In 1985 through 1989, 21 test units were conducted at various locations within the 3.24-acre park site. No significant findings were recorded during those dated excavation. In 1999, on five sites in and around the project area, archaeological testing was again conducted, with no significant findings of surface archaeological features. In addition, the project site was graded, filled, and leveled so no known surface historical sites are expected to be located. However, because the project area is adjacent to the Hikiiau Heiau and because significant cultural deposits have been located during archaeological testing, the contractor will be required

to consult with the State Parks archaeologist on matters involving demolition and surface disturbance.

25. **FIRM:** According to the FIRM map, a portion of the property along Napoopoo Road is designated "AE" or flood zones where base flood elevations are determined. However, the majority of parcel is designated Zone "X", areas outside the 500-year flood plain.
26. **Air, Noise and Traffic:** Short-term construction impacts such as dust, noise and traffic can be expected. These impacts can be mitigated through careful construction management practices and compliance with all government requirements. Ambient noise is derived from park users (vehicles, audio equipment, picnickers), park maintenance and natural sources from the ocean.
27. **Scenic Resources:** The scenic values of the area are derived from onshore and offshore views of the ocean and shoreline. The park's design was sensitive to preservation and enhancement of coastal views. However, due to the park's location on the mauka side of Napoopoo Road, the view towards the ocean is limited by the residential developments across the road. The current views of the park itself from the adjacent areas would not substantially change as the proposed pavilion/restroom facility will be situated on the same site as the existing pavilion and will be designed to blend in with the "rural" style of adjacent structures. The ADA accessible parking area and leach fields will be located east of the basketball area and will be shielded from view by the boundary wall, 2 - 3 feet in height. In general, the scenic and open space values of the area will be not be substantially changed.
28. **Surrounding Zoning/Land Uses:** Surrounding lands adjacent to and in the vicinity of the subject property to the north and east are owned by the State of Hawaii and are vacant or are of historical significance. These are primarily zoned Open (O) by the County and designated Conservation by the State Land Use Commission. The Hikiau Heiau is located adjacent to the northwest corner of the subject property. Parcels with residential uses are located to the south and west on lands zoned Single Family Residential (RS-10) by the County and designated Urban by the State Land Use Commission. Kealakekua Bay, an underwater marine preserve, is located directly across the Napoopoo Road.

## **PUBLIC FACILITIES AND UTILITIES**

29. **Access:** Access to the property is from the County maintained Napoopoo Road which has a pavement width of approximately 12 feet along the subject parcel. This road ends at a unmarked, deteriorating pavement area which is used for parking. However, the State is not proposing any parking improvements other than to construct the two ADA compliant stalls.
30. **Water:** According to the Department of Water Supply, the parcel has an existing account. However, the applicant will be required to install a backflow preventer (reduced-pressure type) by a licensed contractor on the applicant's property just after the meter.
31. **Wastewater:** According to the applicant, a wastewater treatment system consisting of a septic tank, a primary leaching field and a back-up leaching field will be installed to replace the non-functioning cesspool. These plans have been submitted to the Department of Health for their review.
32. **Other Essential Utilities and Services:** Electrical services are available to the site. Public telephone service is available at the park.

## **AGENCIES' COMMENTS**

33. **Department of Water Supply (September 26, 2001 Memo):**

"We have reviewed the subject application and have the following comments.

"For your information, this parcel has an existing account with us. We have no objection to the proposed demolition of the existing pavilion and construction of a new pavilion/restroom facility. However, as a condition of approval, the Department of Water Supply will require the installation of a backflow preventer (reduced-pressure type) by a licensed contractor on the applicant's property just after the meter. The installation and assembly of the backflow preventer must be inspected and approved by the Department. The backflow preventer shall be operated and maintained by the customer. A copy of our backflow preventer handout is being forwarded to the applicant to help them understand this requirement."

### **Applicant's Response dated October 4, 2001:**

"The Department of Land and Natural Resources, Engineering Branch, has instructed the licensed contractor to install, during construction, a backflow preventer, (Reduced-Pressure Type), just after the meter.

"We will contact Michael Watanabe of the Department of Water Supply, Micro-Lab, County of Hawaii, after the unit has been installed, for approval."

**34. Department of Public Works (September 26, 2001 Memo):**

"We reviewed the subject application and our comments are as follows:

1. Buildings shall conform to all requirements of code and statutes pertaining to building construction.
2. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
3. The applicant shall be informed that if they include drywells in the subject development, an Underground Injection Control (UIC) permit may be required from the Department of Health, State of Hawaii.
4. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.
5. A County road services the subject parcel. A permit shall be obtained for any work within the County Right of Way.
6. Parking is inadequate at this park/visitor attraction. The new driveway will displace parking spaces and replace them with limited use parking."

**35. Police Department (September 27, 2001 Memo):**

"The Police Department has some special concerns with the application concerning the improvement to this facility. In reviewing the application, we could find nothing that covers the hours of operation or the after-hour securing of the facility.

"As you are well aware, the Napoopoo community is a quiet residential area.

"Unfortunately, it has experienced ongoing problems with drinker using the areas as a place to gather and party. It has gotten so bad that the Napoopoo community asked the State to erect a gate to close off the Napoopoo Pier. As of this date, the State Department of Land and Natural Resources and its policing agency DOCARE have refused to take on the responsibility for securing the pier area or locking the gate.

"An obvious concern is that any enhancement of the existing park at Kealakekua Bay would tend to attract the same social groups. We would like to know the facility's operating hours, the method for securing the facility after hours, and whether DLNR is going to provide security of the facility."

**36. Fire Department (September 20, 2001 Memo):**

"We have no comments regarding the above-referenced Special Management Area Use Permit Application."



**37. Department of Health (September 18, 2001 Memo):**

"The proposed Septic Tank System would need to be designed by a Register Professional Engineer licensed by the State of Hawaii. Please submit the plans to the Wastewater Branch in Kona for approval."

**Applicant's Response (See Exhibit C: October 4, 2001 Letter)**

**38. State Land Use Commission (September 19, 2001 Letter):**

"We have reviewed the subject application forwarded by your memorandum dated September 13, 2001, and confirm that the subject parcel is located within the boundary of the State Land Use Conservation District.

"Given the location, scope, and nature of the proposed activity, the State Land Use Commission defers to the judgment of the County of Hawaii Planning Commission in this matter. We have no further comments to offer at this time. We appreciate the opportunity to comment on the subject application."

**AGENCIES - NO RESPONSE:**

- 39. Civil Defense, Real Property Tax Office, Napoopoo-Keie-Honaunau Community Association and Department of Environmental Management.**

**PUBLIC COMMENTS**

- 40. The department has not received any comments or objections.**