

SUB 2000-158  
KILAE EST

Gretchen C. Kelly  
P.O. Box 146  
Captain Cook, HI 96704

2000 NOV 22 PM 2 31  
PLANNING DEPARTMENT  
COUNTY OF HAWAII

22 November 2000

Virginia Goldstein, Planning Director  
Planning Department  
25 Aupuni St., Room 109  
Hilo, HI 96720

fax (808) 961-8742

Dear Ms. Goldstein,


I am writing in reference to the subdivision permit application of CMI Development, Inc., for a property in Honaunau, South Kona, TMK (3) 8-5-05:19,20,22,26,27,30. I understand that you have tentatively decided to approve this application.

As a resident and recreational user of the pristine Class AA waters fronting this project, I ask that you defer this permit for a number of reasons. First, to approve this subdivision would be a violation of the County General Plan.

Second, the recent Supreme Court decision in the Kaupulehu decision made it clear that all permitting agencies, including the County of Hawaii, must take into account how any development may affect both traditional Hawaiian cultural practitioners and recreational users before allowing that development to go forward. No such assessments have been made in the case of this proposed subdivision, and therefore it would be in violation of State law for this permit to be issued.

Third, the recent change of status of the Ala Kahakai affects this proposed subdivision. The designation of the Ala Kahakai as a National Historic Trail necessitates that any proposed development through which the trail runs must complete the EIS process, to federal rather than state standards. No EIS process has yet commenced for this development proposal.

Thank you for allowing me the opportunity to comment on this development proposal.

Sincerely,  
  
Gretchen C. Kelly

cc: Planning Commission, County of Hawaii

11669