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GOVERNOR OF HAWAII

PLANNING DEPARTMENT  
COUNTY OF HAWAII



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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF: OCCL: TM

SPA: HA 12-03

Joe Farber  
Farber & Associates  
2722 Ferdinand Avenue  
Honolulu, HI 96822

AUG - 1 2011

SUBJECT: Site Plan Approval for the Proposed Hookena Beach Park Pavilion Located at  
Kauhako, South Kona, County of Hawaii, TMK: (3) 8-6-013:021

Dear Mr. Farber:

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your June 18, 2011 correspondence regarding the subject proposal. According to your information, the non-profit Friends of Hookena Beach Park (FOHBP) has been awarded federal funds to create a multi-purpose community center to facilitate community gatherings or recreational use in the vicinity of Hookena Beach. The FOHBP also has a memorandum of understanding with the County of Hawaii Department of Parks and Recreation in which FOHBP with oversight from the County would be responsible for facility improvements, maintenance, security and related programs at the County-owned Hookena Beach Park (The Parks Community Partnership Program).

FOHBP would like to construct a Pavilion of approximately 3,200-ft<sup>2</sup> (40' x 60') that would include a covered lanai of 1,600-ft<sup>2</sup>, an air-conditioned office space, two equipment and material storage rooms, and a cultural center/exhibition space. The proposed building would be constructed with a concrete slab and concrete columns, a gable wood roof with aluminum roofing, breakaway wood walls, no plumbing, electrical supply and meet ADA accessibility guidelines.

You further note that the property is located within the Special Management Area (SMA), a SMA Permit will be required. In addition, because the proposed project is utilizing Federal HUD monies, an approved Environmental Assessment under NEPA and administered through the County of Hawaii, Department of Housing and community development will be required.

#### ANALYSIS

The OCCL notes that the subject area lies within the Limited subzone of the Conservation District. The Board of Land and Natural Resources approved Conservation District Use Permit (CDUP) HA-2924 for the consolidation of six parcels into one lot (TMK: (3) 8-6-013:021) and improvements to Hookena Beach Park on July 27, 1999. What is currently being proposed appears to be an accessory structure to facilitate park activities.

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The current proposed improvements are an identified land use pursuant to the Hawaii Administrative Rules (HAR), §13-5-23, L-7, B-1, STRUCTURES, ACCESSORY, which specifically allows, "construction or placement of structures accessory to an existing structure, building, or facility under an existing conservation district use permit. Accessory use shall be allowed only if they are consistent with the purpose of the conservation district."

The proposal does not change the use of the area and notice of the Final Environmental Assessment was published in the Office of Environmental Quality Control's *Environmental Notice* on September 23, 1998 for the former improvements. The County of Hawaii issued the FONSI.

Therefore, Site Plan Approval is hereby granted to the County of Hawaii, Department of Parks & Recreation/Friends of Hookena Beach Park for the proposed pavilion and associated improvements located at Hookena Beach Park, Kauhako, South Kona, Hawaii County, TMK: (3) 8-6-013:021 subject to the following conditions:

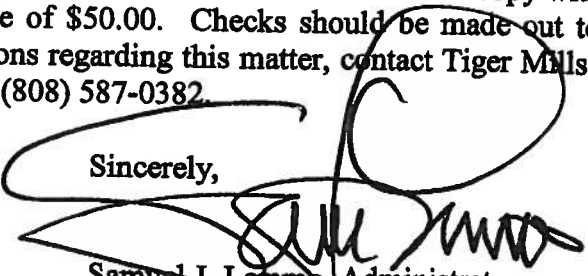
- 1) The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments and applicable parts of HAR, Chapter 13-5;
- 2) The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
- 3) The applicant shall comply with all department of health administrative rules;
- 4) In issuing this approval, the Department has relied on the information and data that the applicant has provided in connection with this approval application. If, subsequent to the issuance of the approval such information and data prove to be false, incomplete, or inaccurate, this approval may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
- 5) Where any interference, nuisance, or harm may be caused, or hazard established by he use, the applicant shall be required to take measures to minimize or eliminate the interference nuisance, harm, or hazard;
- 6) Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
- 7) Any work done or construction to be done on the land shall be initiated within two years of the approval of such use, in accordance with construction plans that have been signed by the Chairperson, and, unless otherwise authorized, shall be completed within five (5)

years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;

- 8) All representations relative to mitigation set forth in an accepted Environmental Assessment for the proposed use are incorporated as conditions of the permit;
- 9) Any work or construction to be done on the land shall be initiated within two year of the approval of such use, in accordance with construction plans that have been signed by the Chairperson, and, unless otherwise authorized, shall be complete within four years of the approval of such use. The applicant shall notify the department in writing when construction activity is initiated and when it is completed;
- 10) The applicant shall comply with all applicable conditions of CDUP HA-2924 (Attached) and all applicable standard conditions of §13-5-42, HAR (Attached);
- 11) Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact HPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
- 12) Other terms and conditions as may be prescribed by the Chairperson; and
- 13) Failure to comply with any of these conditions shall render this Site Plan Approval null and void.

Please acknowledge receipt of this approval, with the above noted conditions in the space provided below. Please sign two copies. Retain one and return the other copy within thirty (30) days with the Site Plan Approval fee of \$50.00. Checks should be made out to the *State of Hawaii*. Should you have any questions regarding this matter, contact Tiger Mills of our Office of Conservation and Coastal Lands at (808) 587-0382.

Sincerely,

  
Samuel J. Lemme, Administrator  
Office of Conservation and Coastal Lands

Receipt acknowledged:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

C: Chairperson  
HDLO  
County of Hawaii, Planning Dept.