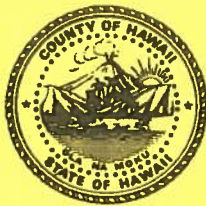


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

## County of Hawai'i

### PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

December 18, 2009

Mr. Samuel J. Lemmo  
Department of Land and Natural Resources  
Office of Conservation and Coastal Lands  
P. O. Box 621  
Honolulu HI 96809

Dear Mr. Lemmo:

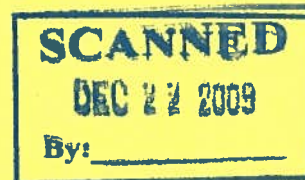
**SUBJECT: Request for Comments: CDUA HA-3530  
Gates on Private Access Road for Keawaiki Beach Lots  
TMK: 8-3-5:1, 20 & 21, Kahauloa, South Kona, Hawai'i**

This is in response to the application to install gates on the private access road for Keawaiki Beach Lots.

The County has no jurisdiction since all three parcels are designated Conservation by the State Land Use Commission.

However, a Special Management Area Use Permit Assessment Application (SAA 09-000496) was received by our Department on October 22, 2009. By our letter dated November 19, 2009, a determination was made that either a Special Management Area Minor Permit or a Special Management Area (Major) Use Permit would be required for the installation of the gates.

The November 2009 Draft Environmental Assessment submitted with the application mentioned a trail within the subject properties. Since no other information was included, we requested comments from Mr. Irv Kawashima, Trail and Access Specialist for the Department of Land and Natural Resources, Division of Forestry and Wildlife. Subsequently, we were informed that an abstract to determine if Keawaiki Road is considered a trail under the Highways Act of 1892 is currently under way.

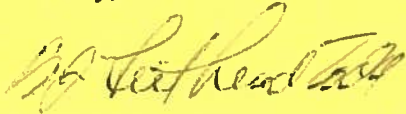


Mr. Samuel J. Lemmo  
Department of Land and Natural Resources  
Office of Conservation and Coastal Lands  
Page 2  
December 18, 2009

Therefore, our final decision on the SMA assessment application is pending a determination on the status of Keawaiki Road.

Should you have any questions, please feel free to contact Esther Imamura of this department at 961-8139.

Sincerely,

A handwritten signature in cursive script, appearing to read "BJ Leithead Todd".

BJ LEITHEAD TODD  
Planning Director

ETI

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xc: Planning Department – Kona

TRANSMISSION VERIFICATION REPORT

TIME : 12/22/2009 08:55  
NAME : PLANNING  
FAX : 808-9618742  
TEL : 808-9618288  
SER.# : 000H9N993697

DATE, TIME	12/22 08:54
FAX NO./NAME	918085870322
DURATION	00:00:34
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RESULT	OK
MODE	STANDARD ECM