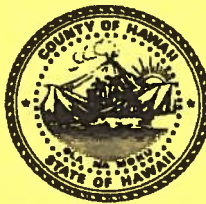


William P. Kenoi  
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## County of Hawai'i PLANNING DEPARTMENT

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January 11, 2016

Mr. Alan A. Salavea  
Kamehameha Schools  
78-6831 Ali'i Drive, Suite 429  
Kailua-Kona HI 96740

Dear Mr. Salavea:

Subject: Amendment to SMM 13-000259  
Project: Addition of Maintenance, Repair and Realignment of  
Ke'ei Jeep Road  
Land Owner: Kamehameha Schools  
Tax Map Key: 8-3-004:Por. of 1, South Kona, Hawai'i

This is in response to your April 28, 2015, letter regarding a proposed amendment of SMM 13-000259 to include maintenance, repair and realignment of the Ke'ei Jeep Road.

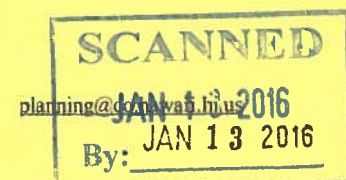
### **Previous Special Management Area Minor Permits (SMM):**

Two Special Management Area (SMA) Minor Permits were issued for this parcel in 2013. SMM 13-000259 was approved on February 6, 2013 for the Ke'ei waterline improvements project that generally followed along the Ke'ei Jeep Road. All work was completed by November, 2014. SMM 13-000275 was approved on July 1, 2013 for the Ke'ei wastewater improvements project on the subject and three adjacent parcels.

### **Requested Amendment to SMM-13-000259:**

The Ke'ei Jeep Road is an unpaved, gravel roadway that is typically 20 feet in width. Proposed is maintenance and repair work on the 700 foot section of the road extending from Puuhonua Road to Ke'ei Beach Road. Work will consist of spreading gravel material and grading as follows:

- Level-off the road surface to better accommodate vehicular traffic by filling in low spots, grading high areas, and compacting the entire length of the road to create a smoother, more weather resistant road surface.
- Straighten out the width of the road corridor to 20 feet to better accommodate 2-way traffic.



Also proposed is the realignment of the mauka and makai ends of the road as follows:

- At the mauka end, realign the first 170 linear feet approximately 15 feet south of its current alignment to provide a buffer space of at least 15 feet between the northern edge of the road and a historic trail and wall which are designated as SHPD Site 6022.
- At the makai end, realign the final 100 feet of the road to bypass the waterline that rests above grade in this area.

**Previous Request to Amend SMM-13-000259:**

By enclosed letter dated September 9, 2013, Mr. Bruce Tsuchida of Townscape, Inc. made a similar request that SMM 13-000259 be amended to include the proposed maintenance and repair of the Ke'ei Jeep Road. Included with that submittal, was an August 5, 2013, letter from the DLNR, Office of Conservation and Coastal Lands stating that they had no objections to the proposed project. We understand that the proposed project scope remains the same.

However, the enclosed February 20, 2013, Department of Land and Natural Resources, State Historic Preservation Division (DLNR-SHPD) letter regarding the Revised Archaeological Inventory Survey for the Kamehameha Schools Infrastructure Project stated that a reconnaissance survey identified 33 historic properties in the vicinity of the project area. In that letter, SHPD required *"Any future project activities with the potential to adversely affect these sites will require an archaeological inventory survey to fully record them, assess significance, and recommend mitigation measures"*. Since that survey did not cover the entire proposed Ke'ei Jeep Road realignment corridor, our October 24, 2013, response letter requested a copy of SHPD's approval for the revised scope of work prior to our office making a determination on the requested amendment of SMM 13-000259.

**SHPD Comment:**

Please note that your correspondence did not include the SHPD approval as we had previously requested. Therefore, our office requested comments from SHPD. In response to our December 22, 2015, request for comments on the proposed maintenance and repair of the Ke'ei Jeep Road, SHPD stated the following in the enclosed memo dated December 22, 2015:

*"The makai realignment was included in the previous survey area and no historic properties were identified in that reconnaissance survey of that portion of the project area. The mauka realignment was agreed upon that moving it south would better facilitate an appropriate buffer between the road and Site 6022 (a historic trail and ahupua'a wall). Based on current information, with the mitigation measures (archaeological monitoring) in place, we have no concerns at this time."*

**Special Management Area Determination:**

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(e)(2)(B), "Development" does not include "Repair or maintenance of roads and highways within existing rights-of-way." We have reviewed the proposed project and site plan and determine that the maintenance and repair of the road is exempt from the definition of



development. **The repair and maintenance of the Ke'ei Jeep Road will not require further review against the SMA rules and regulations, provided that the project is consistent with the enclosed September 9, 2013, submittal from Mr. Bruce Tsuchida of Townscape, Inc.**

**Amendment of SMM 13-000259:**

In addition to the proposed repair and maintenance is the proposed realignment of a mauka portion as well as the makai end of the road. The total cost for the proposed realignment of 270 feet of roadway is \$70,000.

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e)(1)(A) and (B), "development" includes "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" and "*Grading, removing, dredging, mining, or extraction of any materials*", respectively. Therefore, the realignment of two portions of the Ke'ei Jeep Road is considered "development" and requires either a Special Management Area Minor Permit or a Special Management Area (Major) Use Permit.

Thus far, the development cost of SMM 13-000259 at \$300,000, SMM 13-000275 at \$120,000, and the proposed amendment of SMM 13-000259 at \$70,000 results in a cumulative development cost of \$490,000 which does not exceed the current \$500,000 valuation threshold for SMA Minor Permits. Also, by the enclosed April 17, 2012, Department of Public Works, Engineering Division memorandum, comments were previously provided for this project area. Finally, the proposed realignment of portions of the Ke'ei Jeep Road will not have any significant adverse environmental or ecological effect. For these reasons and pursuant to Planning Commission Rule Section 9-10(E), **SMM 13-000259 is hereby amended to allow for the realignment of two portions of the Ke'ei Jeep Road**, as proposed in the aforementioned September 9, 2013, letter from Mr. Bruce Tsuchida of Townscape, Inc.

Since the Ke'ei Waterline Improvements Project was completed in 2014, this Ke'ei Jeep Road realignment is subject to the following conditions of approval for the amended SMM 13-000259:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with all applicable requirements of other affected agencies.
3. As required by the enclosed February 20, 2013, DLNR, SHPD letter, an archaeological monitor must be present during project activities to ensure that the sites beyond the project area are not inadvertently impacted.
4. All construction activities shall be completed within two (2) years from the date of this amended permit.

Mr. Alan A. Salavea  
Kamehameha Schools  
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5. An extension of time for the performance of the conditions contained herein 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 original reasons for the granting of the permit; and
  - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

**Finally, please note that the cumulative cost of development on the subject parcel now totals \$490,000. Any further development on the subject parcel that results in a cumulative project cost that exceeds \$500,000 will require a SMA Major Use Permit.**

If you have questions, please contact Esther Imamura of this office at (808) 961-8139.

Sincerely,



DUANE KANUHA  
Planning Director

ETI:klt

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Enc: Mr. Bruce Tsuchida, Townscape, Inc. letter dated September 9, 2013  
DLNR, SHPD letter dated February 20, 2013 and memo dated December 22, 2015  
Department of Public Works Memo dated April 17, 2012

cc: Planning Department, Kona Office

email: Sean.P.Naleimaile@hawaii.gov