



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

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PLANNING DEPARTMENT
COUNTY OF HAWAII

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Ref.:PB:EAH

File No.:CDUA HA-2977B

Mr. Richard Frye, Vice President
1250 Oceanside Partners
78-6831 Alii Dr., Suite K-15
Kailua-Kona, HI 96740

Dear Mr. Frye,

Subject: Hokulia Shoreline Park – Conservation District Use Application (CDUA) No. HA-2977 and Management Plan for the Set Aside of State Land, and an Approximately 157 Acre, Publicly Accessible, Private Shoreline Park, Landscaping, Trail and Related Improvements to be Implemented Over Fifteen Years at North and South Kona, Island of Hawaii

I am pleased to inform you that on November 17, 2000, the Board of Land and Natural Resources (Board) approved your CDUA for the Hokulia Shoreline Park at North and South Kona, Island of Hawaii, TMKs (3)7-9-12:3 and (3)8-1-04:3, subject to the following conditions provided that all of the conditions applicable to state lands shall be subject to the applicant obtaining a lease from the state:

1. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of Chapter 13-5, Hawaii Administrative Rules (HAR), including the standard conditions listed in 13-5-42, HAR;
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, and 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 applicable Department of Health administrative rules. The waste water from restrooms shall be handled by the Hokulia Waste Water Treatment Plant. Except during the construction period, the use of portable wastewater systems, such as porta-potties, vaults or chemical toilets, shall not be acceptable;

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4. The applicant shall provide documentation (e.g. book and page or document number) that this permit approval has been placed in recordable form as a part of the deed instrument of the legal lot of record, prior to submission for approval of subsequent construction plans;
5. Before proceeding with any work authorized by the department or the board, the applicant shall submit four copies of the construction 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 of the copies will be returned to the applicant. Plan approval by the chairperson does not constitute approval required from other agencies. Erosion, polluted runoff control, and revegetation landscaping plans and descriptions shall be approved prior to any clearing of the land or prior to other park work. This plan approval shall be in addition to and separate from preservation plan approval. Approval may be sought for relevant portions of the park when needed or required;
6. Any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the Chairperson, and shall continue indefinitely pursuant to the approved management plan. The one year period shall not commence until the other approvals as set forth in conditions no. 5, 18 and 19 are obtained. Changes to the approved use shall require additional Conservation District Use Application. Any work or construction to be done on the land in accordance with construction plans that have been signed by the Chairperson, and unless otherwise authorized, shall be completed within fifteen (15) years of the approval of such use. The applicant shall notify the department in writing when work is initiated and when it is completed;
7. The applicant understands and agrees that the permit does not convey any vested rights or exclusive privilege;
8. In issuing the permit, the department and board have relied on the information and data which the applicant has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
9. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the board of water supply;
10. Provisions for access, parking, drainage, fire protection, safety, signs, lighting, and changes on the landscape shall be provided;
11. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the

interference, nuisance, harm, or hazard;

12. Obstruction of public roads, trails, and pathways shall be minimized. If obstruction is unavoidable, the applicant shall provide roads, trails, or pathways acceptable to the department. The Na Ala Hele program shall approve/disapprove any changes or disposition of the alignment of the Cart Road, Government Road and the Coastal Trail;
13. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
14. Cleared areas shall be revegetated as soon as possible and within thirty days unless otherwise provided for in a plan on file with and approved by the department;
15. Use of the area shall conform with the program of the appropriate soil and water conservation district or plan approved by and on file with the department, where applicable;
16. The applicant shall provide access to the shoreline park to departmental conservation enforcement officers as determined by the Division of Conservation and Resource Enforcement;
17. All signs incorporated in any preservation plan and concern fishing or trail use shall be reviewed by DOCARE or the department's Na Ala Hele program prior to any Historic Preservation Division approval. Any park signs not included in any preservation plan approved by the Historic Preservation Division shall be subject to site plan approval;
18. The 9.42 acre Hokukano Village state land parcel at TMK (3)7-9-12:3 shall be set aside to the Department of Land and Natural Resources, Historic Preservation Division for historic park use or otherwise acquired by the applicant. The applicant, his successors and assigns shall obtain and maintain a lease or otherwise acquire, for park purposes, the use of this state land parcel;
19. The applicant shall complete an acceptable preservation plan for all of the sites in the proposed shoreline park, including the state owned parcel. The preservation plan may be done in phases. The plan should contain long-term preservation measures for all of the sites, landscaping plans for all sites, and signage, etc., for sites selected for public interpretation. No ground alteration or interpretive development (e.g. trails) should take place within the proposed shoreline park until the preservation plan, for that

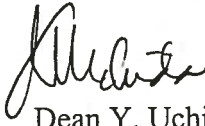
area, has been accepted. The Historic Preservation Division shall verify in writing to the County when the preservation plan is completed prior to ground alteration or interpretive development. The preservation plan shall be implemented prior to the opening of the park, however, the interpretive plan may be implemented by the applicant in phases;

20. The applicant's quarterly water quality monitoring reports shall be submitted to the department for review;
21. The applicant shall not prohibit pedestrian access to the park for the purposes of engaging in traditional and customary practices and shall not require any permit for such activity;
22. That walls shall be developed within the conservation district only in accordance with an approved preservation plan, approved burial treatment plan or an erosion and public safety plan approved by the Chairperson;
23. That the applicant may implement public safety and erosion control measures, in addition to the requirements of condition number 5, pursuant to an erosion and public safety plan approved by the Chairperson only;
24. Other terms and conditions as prescribed by the Chairperson;
25. Failure to comply with any of these conditions shall render this permit void; and
26. The applicant shall provide for public access to the park at no charge, provided that reasonable restrictions may be imposed on such access to protect the park from overuse and activities prohibited by law. Public access to the park shall be available from dawn to dusk; provided that, after dusk and before dawn, access shall be available on a controlled basis and allowed by permit unless otherwise provided for in this approval.

Please acknowledge receipt of this permit and acceptance of the above conditions by signing in the space provided below and returning a copy to us within thirty (30) days.

Should you have any questions on this matter please contact our Planning Branch at (808) 587-0380.

Aloha,



Dean Y. Uchida, Administrator

Receipt acknowledged:

Applicant Authorized Signature

Date

- c: Hawaii Board Member
DOCARE/SP/HPD/DAR/Na Ala Hele/LD(HDLO)
DOH/OEQC/OHA
County of Hawaii, Department of Planning
Mr. James Leonard, PBR Hawaii, 101 Aupuni St., Suite 310, Hilo, HI 96720

