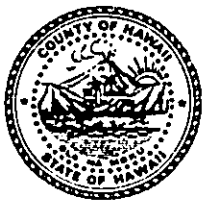


Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Russell Kokubun  
Deputy Director

County of Hawaii

PLANNING DEPARTMENT  
25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-8742

REC'D  
MAR -3 P3:28  
OFC. OF ENVIRONMENTAL  
QUALITY CONTROL

February 26, 1999

Mr. Gary Gill, Director  
Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, HI 96813

Dear Mr. Gill:

Subject: Final Environmental Assessment/Finding of No Significant Impact (FONSI)  
Applicant: Olu Kai, Ltd.  
Request: Expansion of Huggo's Building and Off-site Improvements  
TMK: (3) 7-5-9:14, 15, 17 and 18, North Kona District, Hawaii

Please find enclosed a completed OEQC Publication Form, four (4) copies of the Final Environmental Assessment (EA), and the project summary on disk. Please publish notice of this Final EA in The Environmental Notice on March 23, 1999.

The proposed development is located within the shoreline setback area, thus triggering Chapter 343, HRS, relating to Environmental Impact Statements. The property is also located within the Special Management Area (SMA). As both the SMA Use Permit and Shoreline Setback Variance are prerequisite to the development of the property, the Planning Department shall be the accepting agency.

We have reviewed the Final EA and have determined that the project will have no significant environmental effect and a FONSI may be issued on this proposal.

Mr. Gary Gill, Director  
Office of Environmental Quality Control  
Page 2  
February 26, 1999

Should you have any questions, please call Phyllis Fujimoto or Alice Kawaha of this department at 961-8288.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

PF:gp  
f:\wpwin60\phyllis\lhuggo02.pkf

Enclosures

c w/ltr: Ted Baldau  
West Hawaii Office

FINAL ENVIRONMENTAL ASSESSMENT

1999-03-23-HA-FEA

MAR 23 1999  
**FILE COPY**  
1999 FEB 3 PM 2 05  
COUNTY OF HAWAII

*EXPANSION of HUGGO'S BUILDING  
& OFF-SITE IMPROVEMENTS*

*Kailua Village, North Kona District, Hawaii*

*TMK (3) 7-5-09:14*

*TMK(3) 7-5-09:15*

*TMK(3) 7-5-09:17*

*TMK(3) 7-5-09:18*

Prepared for:  
Olu Kai, Ltd.

Prepared by:  
Alanui Enterprises  
P.O. Box 390628  
Kailua-Kona, Hawaii 96739

February 1999



TABLE OF CONTENTS

1.0 INTRODUCTION .....

1.1 Applicant .....

1.2 Approving Agency .....

1.3 Anticipated Determination.....

1.4 Agencies Consulted .....

2.0 GENERAL DESCRIPTION OF PROPOSED ACTION.....

2.1 Location and Ownership .....

2.2 Existing Uses .....

2.3 Project Description .....

2.3.1 Nature of the Request .....

2.3.2 Conceptual Design .....

2.3.3 Landscaping .....

2.3.4 Infrastructure .....

2.4 Timetable and Cost .....

3.0 ENVIRONMENTAL SETTING, IMPACTS & MITIGATION MEASURES .....

3.1 Physical Characteristics .....

3.1.1 Climate .....

3.1.2 Topography and Soils .....

3.1.3 Natural Hazards .....

3.1.4 Flora and Fauna .....

3.1.5 Historical, Archaeological & Cultural Resources ... ..

3.1.6 Coastal Resources .....

3.1.7 Air Quality and Noise .....

3.1.8 Scenic Resources .....

3.1.9 Recreation Resources .....

3.2 Socioeconomic Characteristics .....

3.2.1 Shoreline Recreation and Public Access ... ..

3.2.2 Employment .....

3.3 Public Facilities and Utilities .....

3.3.1 Roads and Traffic .....

3.3.2 Wastewater System .....

3.3.3 Water System .....

3.3.4 Drainage System .....

3.3.5 Electrical and Telephone .....

3.3.6 Fire and Police Protection .....

TABLE OF CONTENTS

4.0 RELATIONSHIP TO LAND USE PLANS, POLICIES & CONTROLS .....  
4.1 State Plan .....  
4.2 State Land Use Law .....  
4.3 Hawaii County General Plan .....  
4.4 Hawaii County Zoning Codes .....  
4.5 West Hawaii Regional Plan .....  
4.6 Master Plan for Kailua-Kona.....  
4.7 Coastal Zone Management  
& Special Management Area Permit .....  
4.8 Shoreline Setback Variance.....  
4.9 Other Permits and Approvals.....  
  
5.0 DETERMINATIONS WITH SUPPORTING FINDINGS & REASONS.....  
  
6.0 REFERENCES .....

APPENDICES

A. Intertidal Biological Survey  
B. Lessor's letter of project acknowledgement and consent  
C. Documentation for Shoreline Certification  
D. Early Consultation Comments and Responses  
    • 5/19/97 State of Hawaii , Department of Land and Natural Resources, Division of Land Management - Response to request for determination of CDUA requirement  
    • 5/18/98 County of Hawaii, Planning Department - Meeting Minutes of May 12, 1998 Kailua Village Design Commission  
    • 6/1/98 State of Hawaii, Department of Transportation - Response to request for comment  
    • 6/23/98 State of Hawaii, Department of Land and Natural Resources, Historic Preservation Division - Response to request for comment  
    • 6/29/98 Department of the Army, Operations Branch - Response to request for comment.  
    • 8/13/98 Wes Thomas Associates - Letter documenting elevation of lowest supporting member of the existing structure  
E. Draft EA Comments and Responses

## TABLE OF CONTENTS

- 11/6/98 Department of the Army, Operations Branch - Comments to Draft EA
- 12/21/98 Alanui Enterprises - Response to 11/6/98 comments
- 11/9/98 State of Hawaii, Office of Environmental Quality Control - Comments to Draft EA
- 12/21/98 Alanui Enterprises - Response to 11/9/98 comments
- 11/30/98 Sierra Club - Comments to Draft EA
- 12/21/98 Alanui Enterprises - Response to 11/30/98 comments
- 12/2/98 State of Hawaii, Office of Hawaiian Affairs - Comments to Draft EA
- 12/21/98 Alanui Enterprises - Response to 12/2/98 comments

## LIST OF FIGURES

Figure 1	Location Map
Figure 2	Vicinity Map
Figure 3	Site Plan
Figure 4	Commercial Development North of Project Site
Figure 5	<i>Mauka</i> Elevation
Figure 6	<i>Makai</i> Elevation
Figure 7	North Elevation
Figure 8	FEMA Flood Insurance Rate Map
Figure 9	Tsunami Evacuation Route
Figure 10	Shoreline Certification Map
Figure 11	View of Project From North
Figure 12	Kahakai Road Along Project Frontage - Existing Condition
Figure 13	Off-Site Improvements

## 1.0 INTRODUCTION

### 1.1 Applicant

The Applicant, Olu Kai Ltd., who is the owner and operator of Huggo's Restaurant proposes to construct second and third story levels above the existing single story Huggo's Restaurant building. The proposed expansion is to provide for additional restaurant space as well as other commercial, retail and office uses. Off-site improvements include the southward extension of the Kailua Village shore-side promenade along the restaurant frontage and connecting to sidewalks on the grounds of the Royal Kona Resort. Parking will be expanded to accommodate 50 vehicles with designated handicapped and loading stalls being provided. Kahakai Road will be widened to a paved surface of 16 to 22 feet along the project's frontage.

### 1.2 Approving Agency

The requirement of a Shoreline Setback Variance triggers the environmental review process under Hawaii Revised Statutes Chapter 343. A Special Management Area use permit and other governmental approvals will also be required. The Approving Agency is the County of Hawaii Planning Department.

### 1.3 Anticipated Determination

A Finding Of No Significant Impact (FONSI) is anticipated for the proposed project.

### 1.4 Agencies Consulted

The following agencies, organizations and individuals were consulted in the process of preparing this environmental assessment:

- Federal
  - U.S. Army Corps of Engineers
  - U.S. Department of the Interior, Fish and Wildlife Services
  - U.S. Department of the Interior, National Park Service
- State
  - Department of Aquatic Resources
  - Department of Land and Natural Resources
  - Department of Health
  - Department of Transportation, Harbors Division
  - Office of State Planning



Office of Hawaiian Affairs  
Department of Business, Economic Development and Tourism, Hawaii  
Coastal Zone Management Program

- County
  - Department of Public Works
  - Planning Department
  - Department of Water Supply
  - Fire Department
  - Police Department
- Organizations/Individuals
  - Kailua Village Design Commission
  - Kona Traffic Safety Committee
  - Kamehameha Schools Bernice Pauahi Bishop Estate

J. Curtis Tyler III,  
Council Member  
County of Hawaii

Senator Andrew C. Levin (3<sup>rd</sup> Senatorial District)  
State of Hawaii, Senate

Representative Paul Whalen (5<sup>th</sup> District - North - South Kona)  
State of Hawaii, House of Representatives

Representative David A. Tarnas ( 6<sup>th</sup> District - North Kona - South  
Kohala)  
State of Hawaii, House of Representatives

Royal Kona Resort

## 2.0 GENERAL DESCRIPTION OF PROPOSED ACTION

### 2.1 Location and Ownership

The restaurant parcel is located on the oceanfront in Kailua-Kona, North Kona, Island and County of Hawaii (see Figure 1). The existing restaurant occupies the southeast corner of Oneo Bay, approximately one-half mile south of Kailua Pier (see inside cover photo). The parcel lies in the *ahupuaa* identified as Puaa 1, has the Tax Map Key number (3) 7-5-09:14 (see Figure 2) and is 12,284 square feet in area. The street address for the site is 75-5828 Kahakai

Road. The property is leased to Olu Kai, Ltd. by Bishop Estate, who has acknowledged and granted consent for the proposed action.<sup>1</sup>

## 2.2 Existing Uses

*Project Site.* The current use of the site includes Huggo's restaurant, in operation since 1969. The existing restaurant is a single story wooden structure of approximately 4,100 square feet. The existing structure was constructed prior to current laws establishing the position of the certified shoreline. (see Site Plan, Figure 3). Parking is located on land situated directly *mauka* of Kahakai Road, the old beach road that fronts the restaurant, and *makai* of Alii Drive.

*Surrounding Areas* The surrounding uses are as follows:

- North: Open-zoned State lands fronting Oneo Bay, seaside promenade and Kailua Village commercial activities. A new commercial development has recently been constructed *mauka* of Alii Drive and to the north of the project (see Figure 4). Immediately adjacent to the project site the Applicant has constructed and is operating an open-air patio and bar with restroom on parcel TMK (3) 7-5-09: 16, owned by Olu Kai, Ltd. The Applicant has entered discussions with the Department of Land and Natural Resources, Land Division, for the purpose of obtaining an annually renewable lease on the parcel of land located immediately north and adjacent to parcel 16. The Applicant proposes landscaping improvements for this parcel, TMK (3) 7-5-09:26.
- South: Royal Kona Resort, a luxury hotel maintaining 3 separate towers; the central tower has 7 levels and the levels of the adjacent towers are 6. Private condominiums and additional commercial uses are also included to the south along Kahakai Road.
- East: *Mauka* of Kahakai Road, parking stalls are located on a parcel leased from the Francis Foo Trust by Olu Kai, Ltd., TMK (3) 7-5-09: 18 which is 14,983 square feet in area. A two story commercial structure housing Snorkel Bob's, an ocean recreation equipment rental company and The Activity Express, an activities sales office, is also located on TMK (3) 7-5-09: 18. Parcel TMK (3) 7-5-09:17 (4,473 square feet), owned by Olu Kai Ltd. and a parcel leased from the Bishop Estate by Olu Kai Ltd., TMK (3) 7-5-09:15 (1089 square feet) are vacant except for the operation of a flower stand. The handicraft market previously occupying these parcels has been re-located off the project site. The parcels are landscaped with lawn and plumeria trees.

<sup>1</sup> Letter from Kamehameha Schools Bernice Pauahi Bishop Estate, dated July 24, 1998 (see Appendix B).

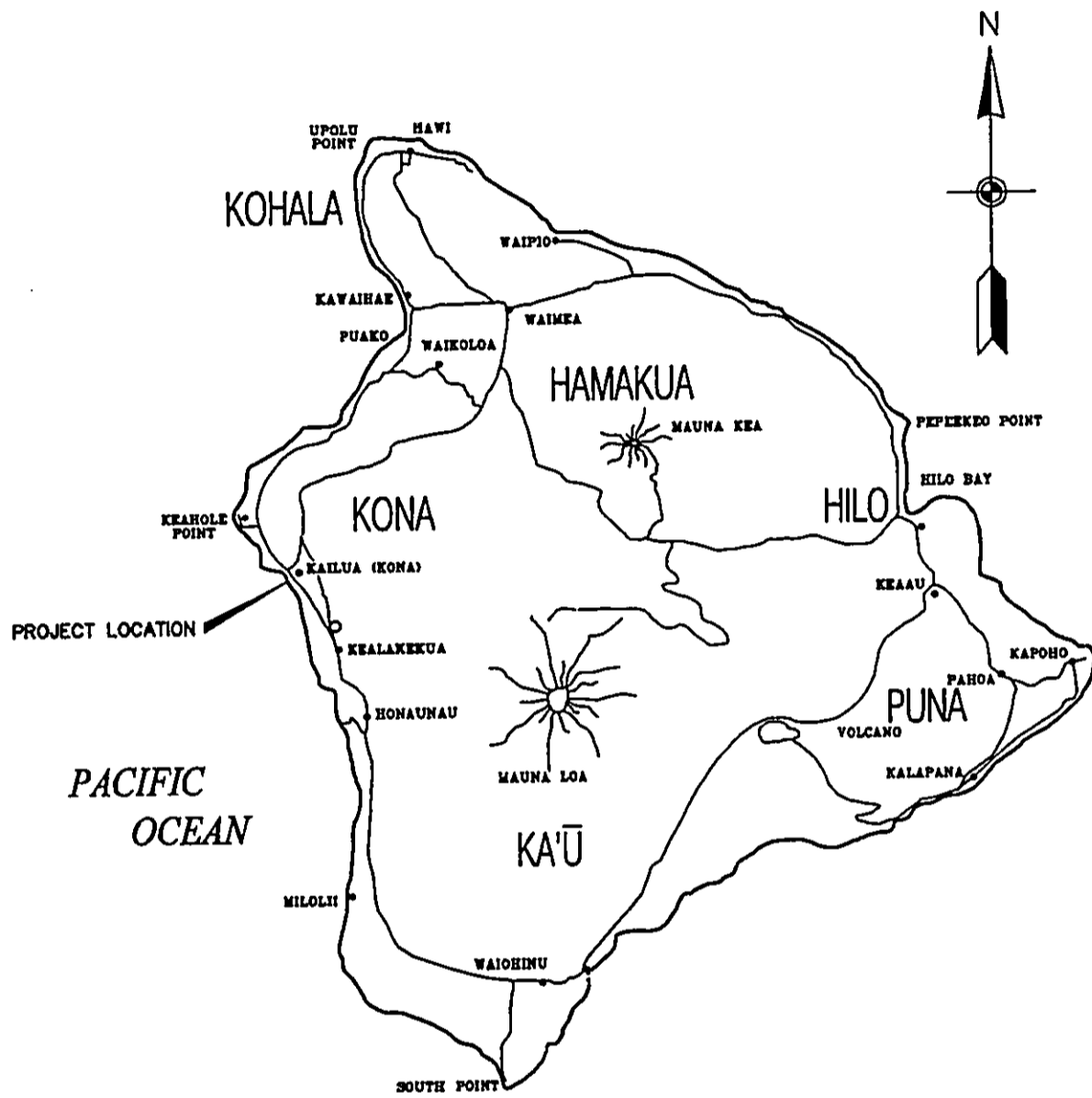


FIGURE 1: Location Map

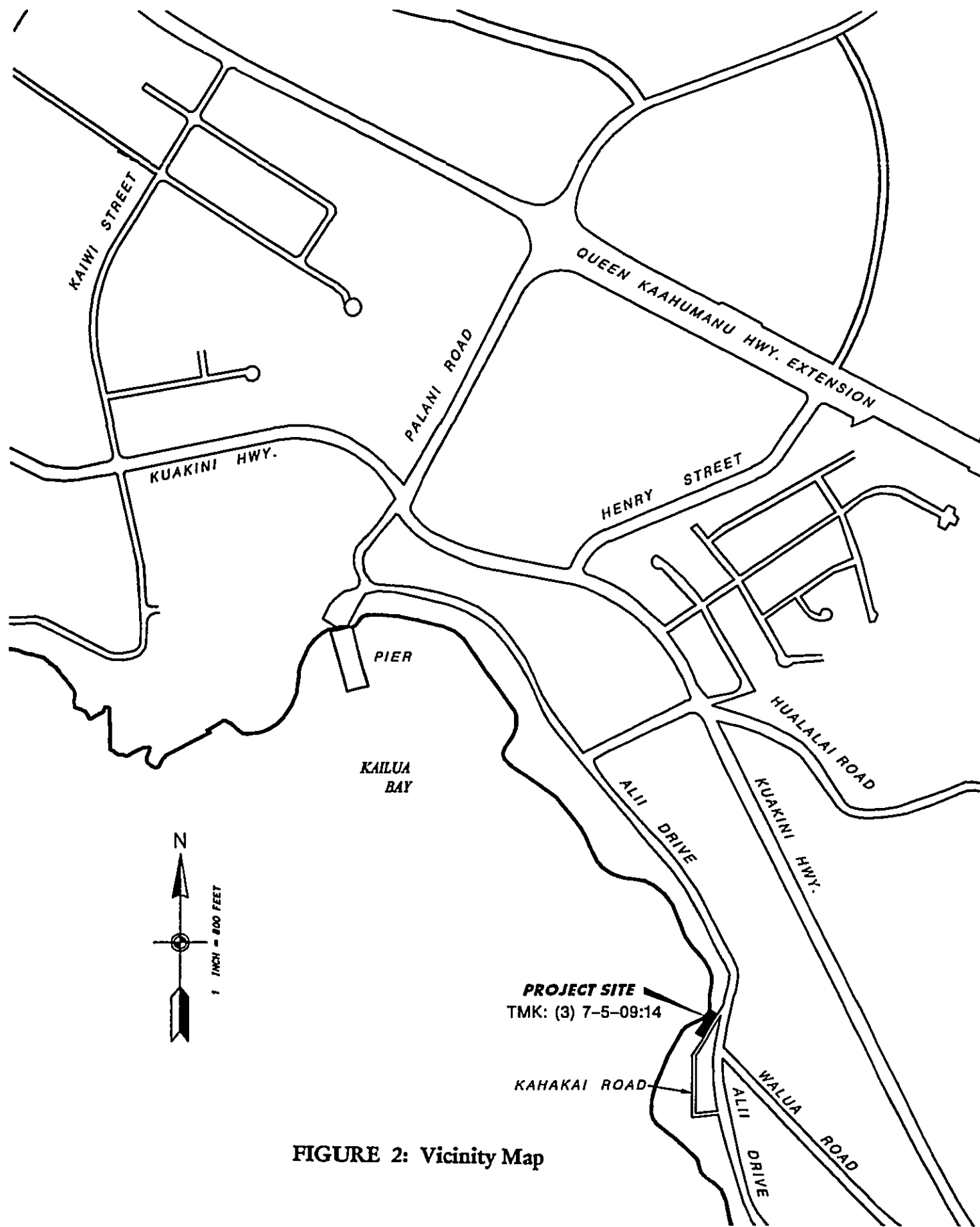


FIGURE 2: Vicinity Map

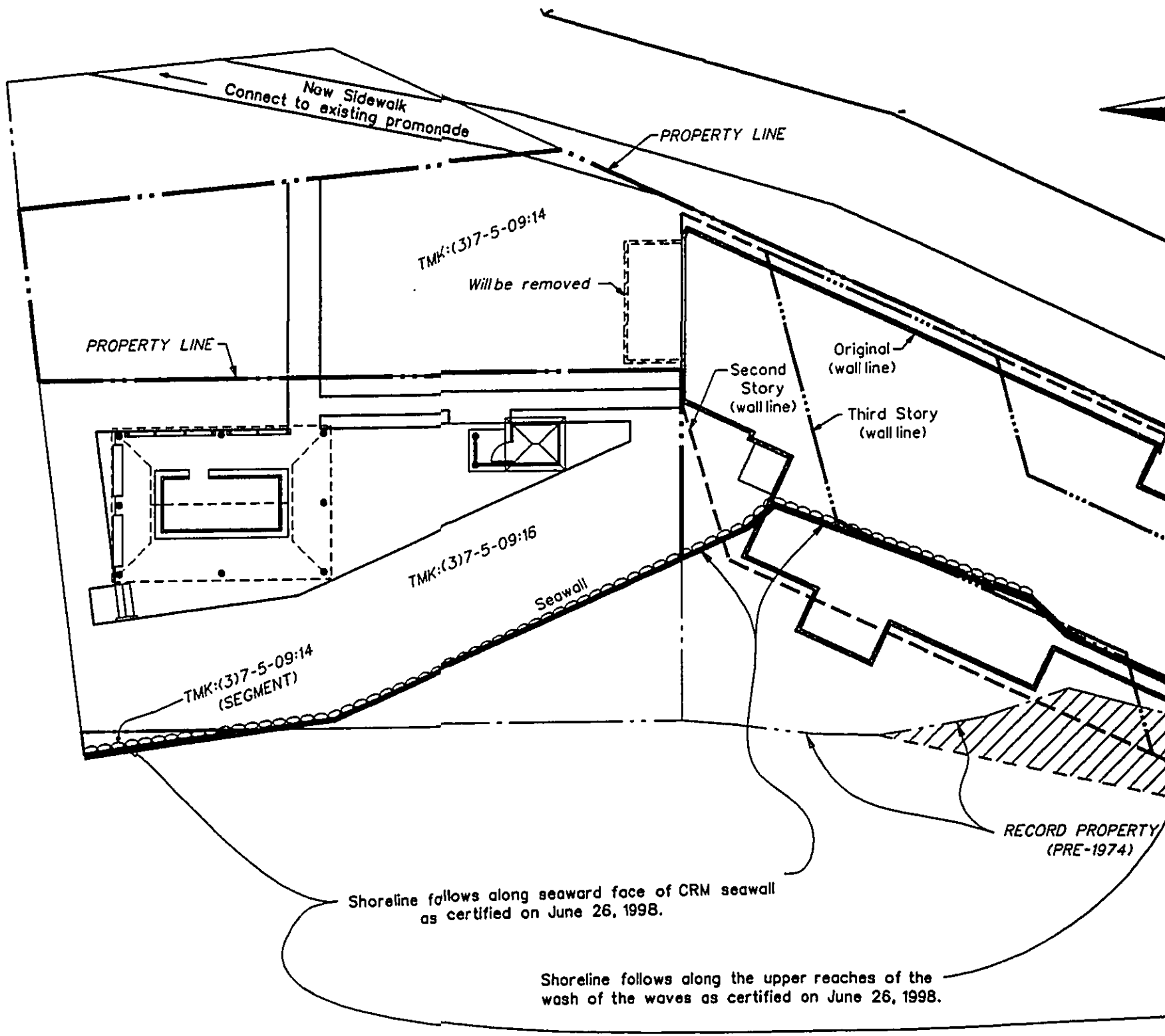



FIGURE 3: Site

 EXISTING DLNR AIR EASEMENT  
578 Sq.Ft.

 CERTIFIED SHORELINE

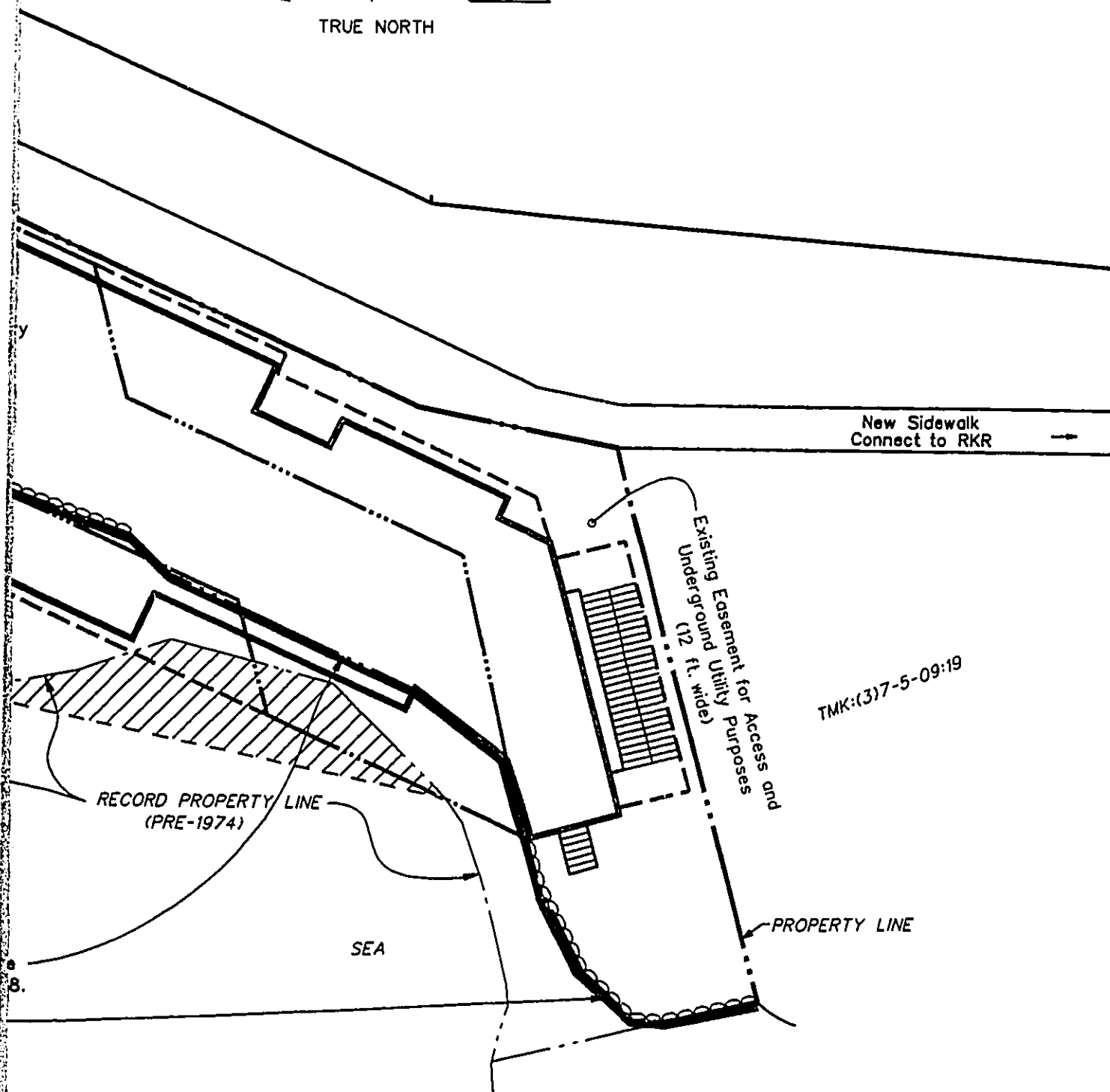


FIGURE 3: Site Plan

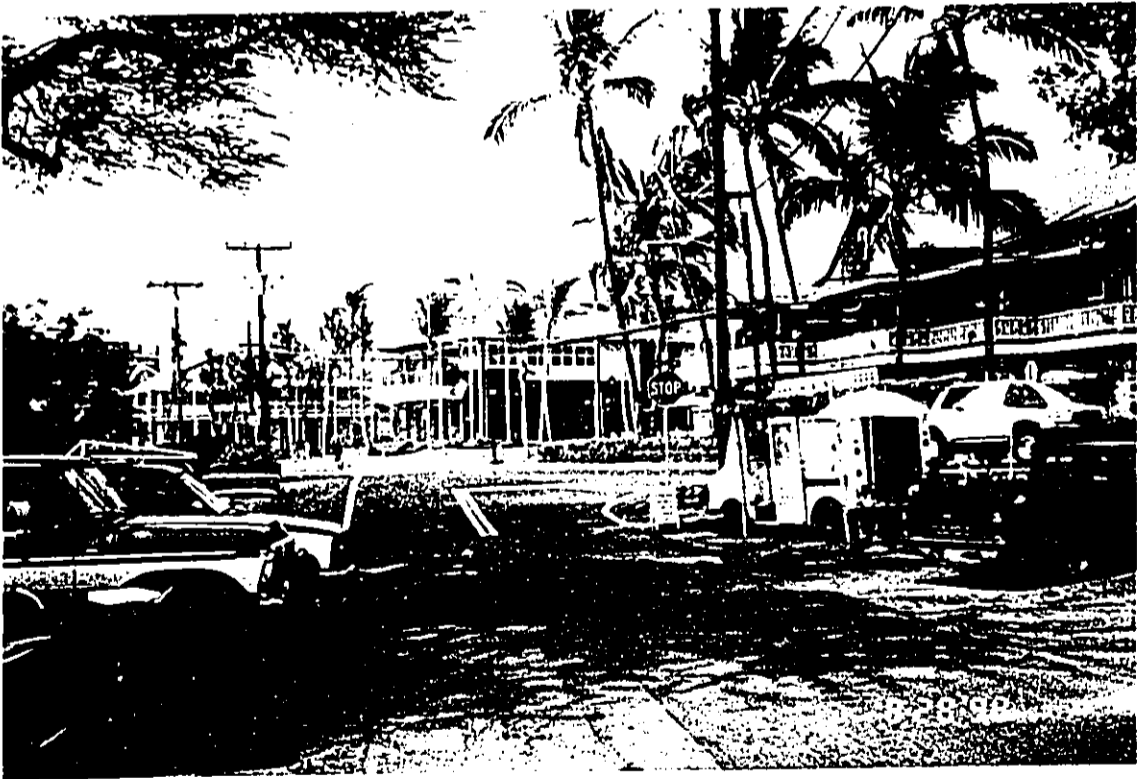
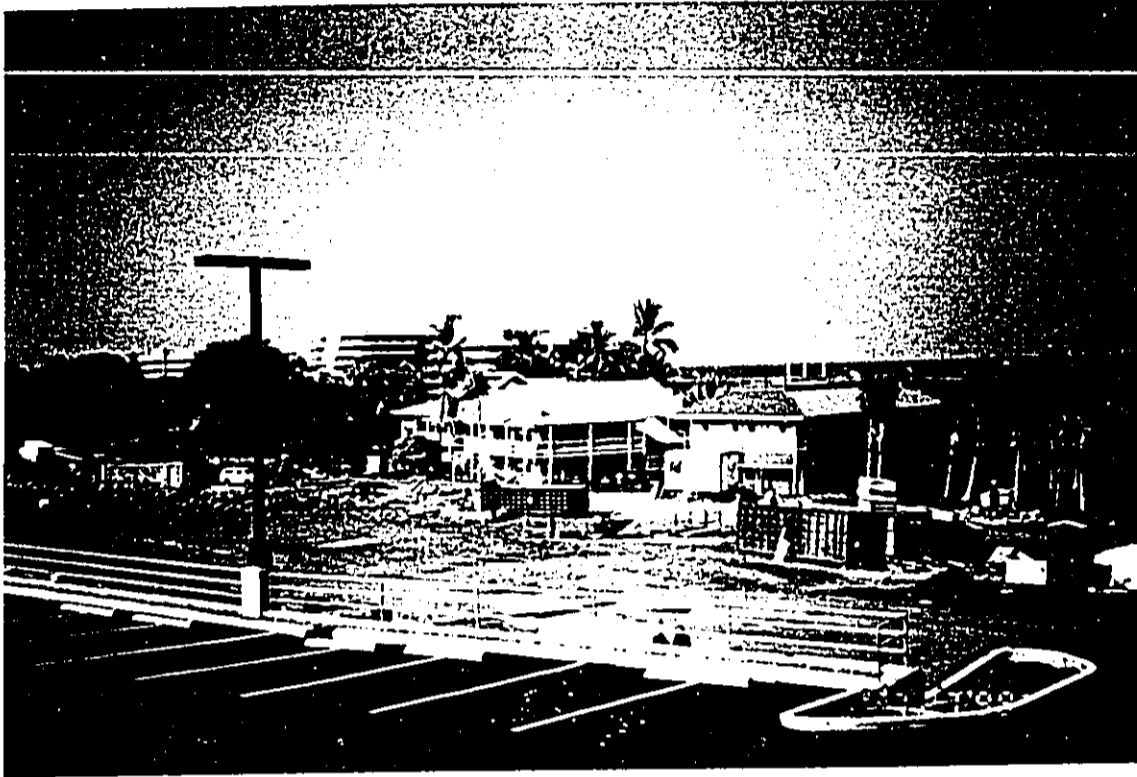


FIGURE 4: Commercial Development North of Site

These parcels are fronted by Alii Drive. Directly *mauka* of parcels 15, 17 and 18 and across Alii Drive is parcel TMK (3) 7-5-09:23 which is owned by Bishop Estate and is presently undeveloped.

- West: Oneo Bay.

## 2.3 Project Description

### 2.3.1 Nature of the Request

The applicant seeks governmental approval to expand the existing single story wooden structure to include second and third story levels. The proposed improvements will be structurally independent of the existing building. No part of the proposed project will make contact with the ground *makai* of the certified shoreline. The existing structure was constructed in the late 1960's in a location that was then landward of the certified shoreline as established at that time. This shoreline is depicted on the Site Plan and called out as the "Record Property Line" (see Figure 3). As per current regulation regarding the location of the certified shoreline, the existing restaurant occupies an area of approximately 800 square feet beyond the certified shoreline. Current extension beyond the certified shoreline ranges from 3 feet towards the south end of the structure to 18 feet towards the restaurant's north end. The proposed project will add approximately 500 square feet of structure extending over the certified shoreline. This addition extends as much as 12 feet beyond the certified shoreline (see Figure 3). The proposed seaward extension beyond the existing structure varies between 2 feet at the north end of the restaurant to 10 feet at the restaurant's south end. The proposed additions to the existing structure that extend seaward of the certified shoreline lay partially within existing Department of Land and Natural Resources easements occupying approximately 230 square feet of the existing easements. Those portions of the existing structure and proposed additions to the existing structure beyond the certified shoreline and not addressed by existing easements will require additional agreements for use of airspace above the state land. The expansion is intended to provide additional restaurant space and to add commercial, office and retail use to the site. It is intended that the proposed action be accomplished in accordance with the State, County and Kailua Village Design Commissions' objectives. It is the goal of the proposed expansion to increase the quality and occasion of leisure activities for visitors and *kamaa'ina* and add attractive commercial and office space as well as prime retail location opportunities for local merchants. The action would provide the following:

- increased opportunity for shoreline dining and entertainment;
- attractive commercial, office and retail space for local merchants;
- extension of Kailua Village seaside promenade through addition of a pedestrian walkway from the existing northern terminus of walkways at



the Royal Kona Resort connecting to the existing shore-side promenade. This extension, approximately 340 feet, would improve pedestrian and vehicular safety along this section of Kahakai Road; and meet the Kailua Village Master Plan goal of a continuous shore-side pedestrian walkway from the Royal Kona Resort to the Kailua Pier;

- continued access to Oneo Bay for shoreline activities.

### 2.3.1 *Conceptual Design*

The proposed conceptual design calls for a three-story structure with a suspended canopy roof (see Figures 5 - 7). The roof height would be no greater than 45 feet and would be at the height of the surrounding coconut palms. The facility's main entrance would front Kahakai Road. The proposed second and third floors would be structurally independent from the existing structure. The seaward expansion of the new structure would be cantilevered with no additional supports touching ground seaward of the existing seawall. Seaward expansion would partially fall within the existing 578 square foot state easement (DLNR General Lease No. S-4207)(see Figure 3) or require additional agreements with DLNR for use of this airspace. DLNR has indicated that they are willing to grant additional "air leases" as necessary to accommodate encroachment over areas not addressed by existing easements or leases.<sup>2</sup> The proposed design and the subsequent encroachments into the airspace makai of the certified shoreline are in part dictated by the configuration and placement of the existing restaurant and also by the configuration and dimensions of the subject parcel. Parking for the expanded facility would be provided on the parcels located between Kahakai Road and Alii Drive owned or leased by the Applicant. Total floor space for the proposed structure is approximately 13,000 square feet; the existing ground floor contributing 4,100 square feet, the proposed second floor adding 5970 square feet and the proposed third floor making up the remaining 2830 square feet.

### 2.3.2 *Landscaping*

The intent of the Applicant is to preserve the existing landscaping as much as possible. The existing coconut trees will be protected in place or be transplanted to another location on the site. The existing Kiawe tree on the north of the parcel will be preserved in place.

### 2.3.3 *Infrastructure*

The existing 25 parking stalls located on Parcel 18 will be increased to 50 stalls. Increased parking requirements will be accommodated on adjacent parcels

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<sup>2</sup> Letter from Department of Land and Natural Resources, dated 5/19/97 (see Appendix D).

located between Alii Drive and Kahakai Road either owned or leased by the Applicant. Provisions for handicapped parking and designated loading stalls will meet County zoning requirements.

Pedestrian traffic along the project's Kahakai Road frontage will be accommodated through extension of a walkway from the north end of the Royal Kona Resort, along the restaurant frontage and connecting to the existing Alii Drive *makai* promenade. This walkway will be located on both private property and in the County right of way and will be constructed to meet the Americans With Disabilities Act (ADA) specifications.

A range of 16 to 22 feet of paved surface will be provided along the section of Kahakai Road affected by the project. This width exceeds the existing width of pavement (14 to 18 feet) along some of this section of Kahakai Road. The Applicant is participating in discussions with the Hawaii County Department of Public Works and residents of Kahakai Road to change the traffic flow pattern on Kahakai Road. Options generated by these discussions include changing the traffic from two-way to one-way north to south along all or portions of Kahakai Road, abandonment of Kahakai Road as a public road and limiting traffic to local traffic only.

The project will be serviced by existing public utilities.

#### 2.4 Timetable and Cost

Upon receipt of all applicable State and County permits, the Applicant will begin the detailed design phase of the project. This phase of the project is expected to take 12 to 18 months to complete. The construction phase of the project will follow and is expected to take 18 to 24 months. The total elapsed time for the project can be estimated as 2 ½ to 3 ½ years. Cost of the project, including all onsite and offsite improvements is estimated at \$1.8 million dollars. The project will be funded entirely from private sources. No use of federal, state or county funds is anticipated.

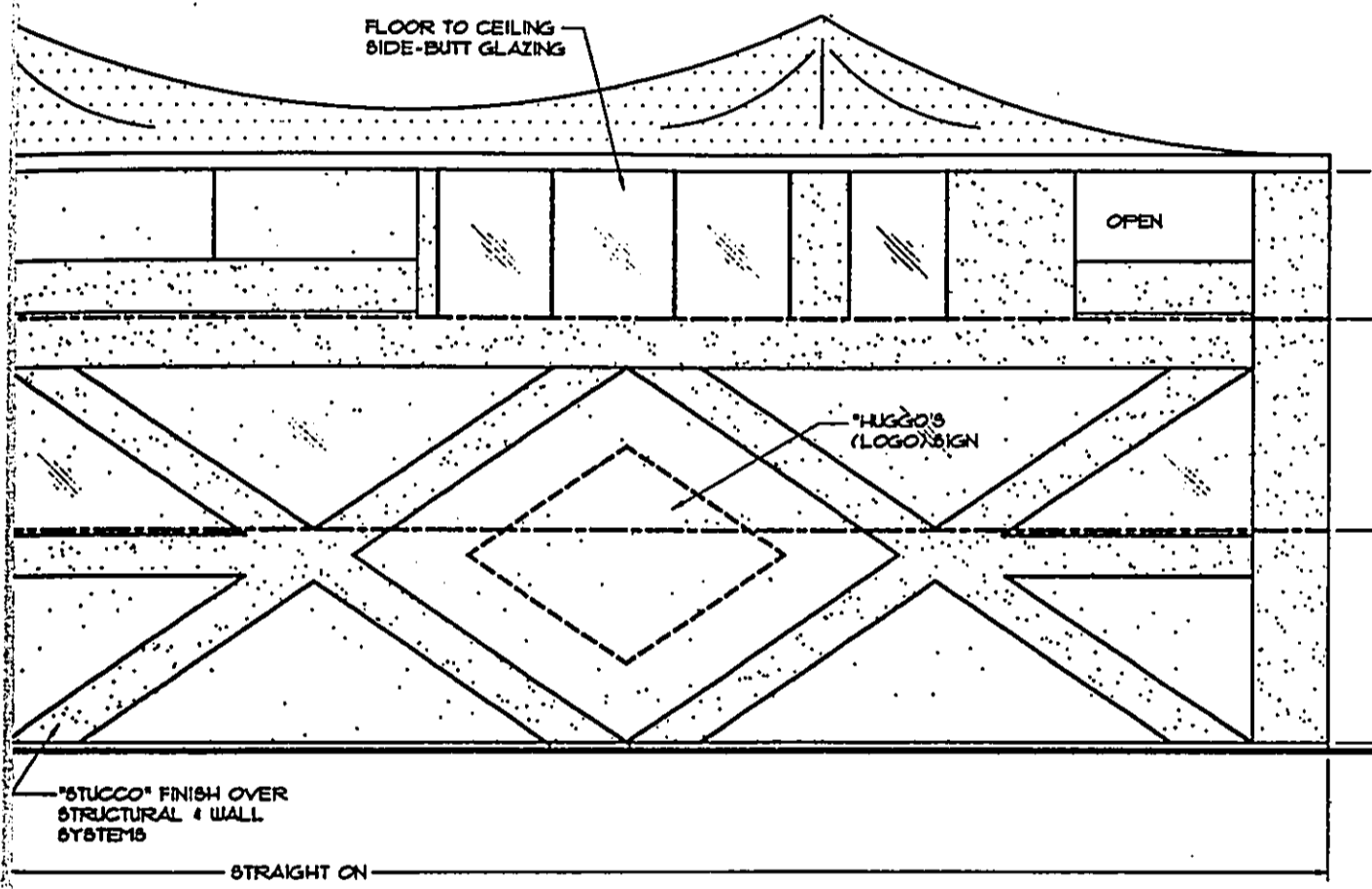
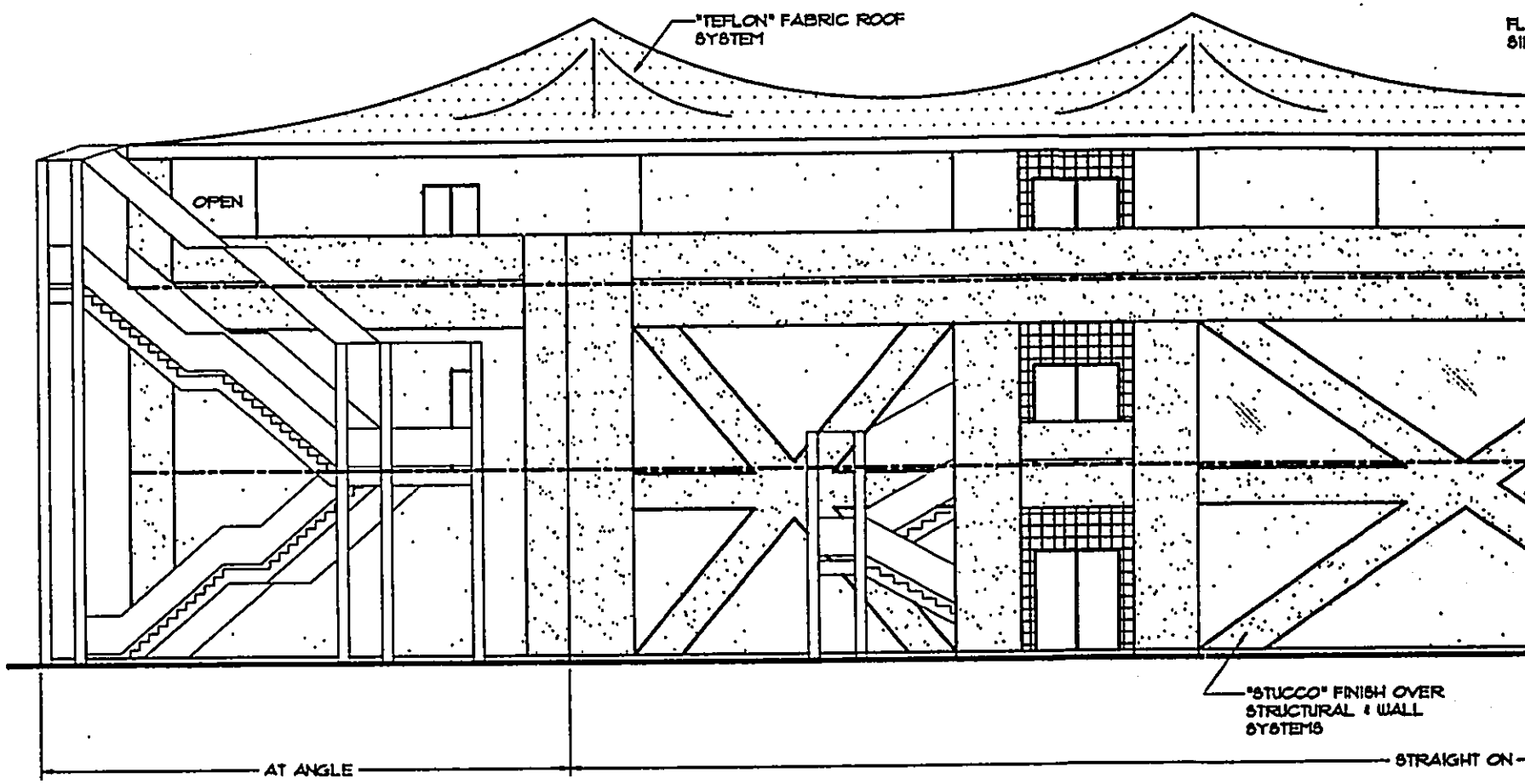


FIGURE 5: *Mauka* Elevation



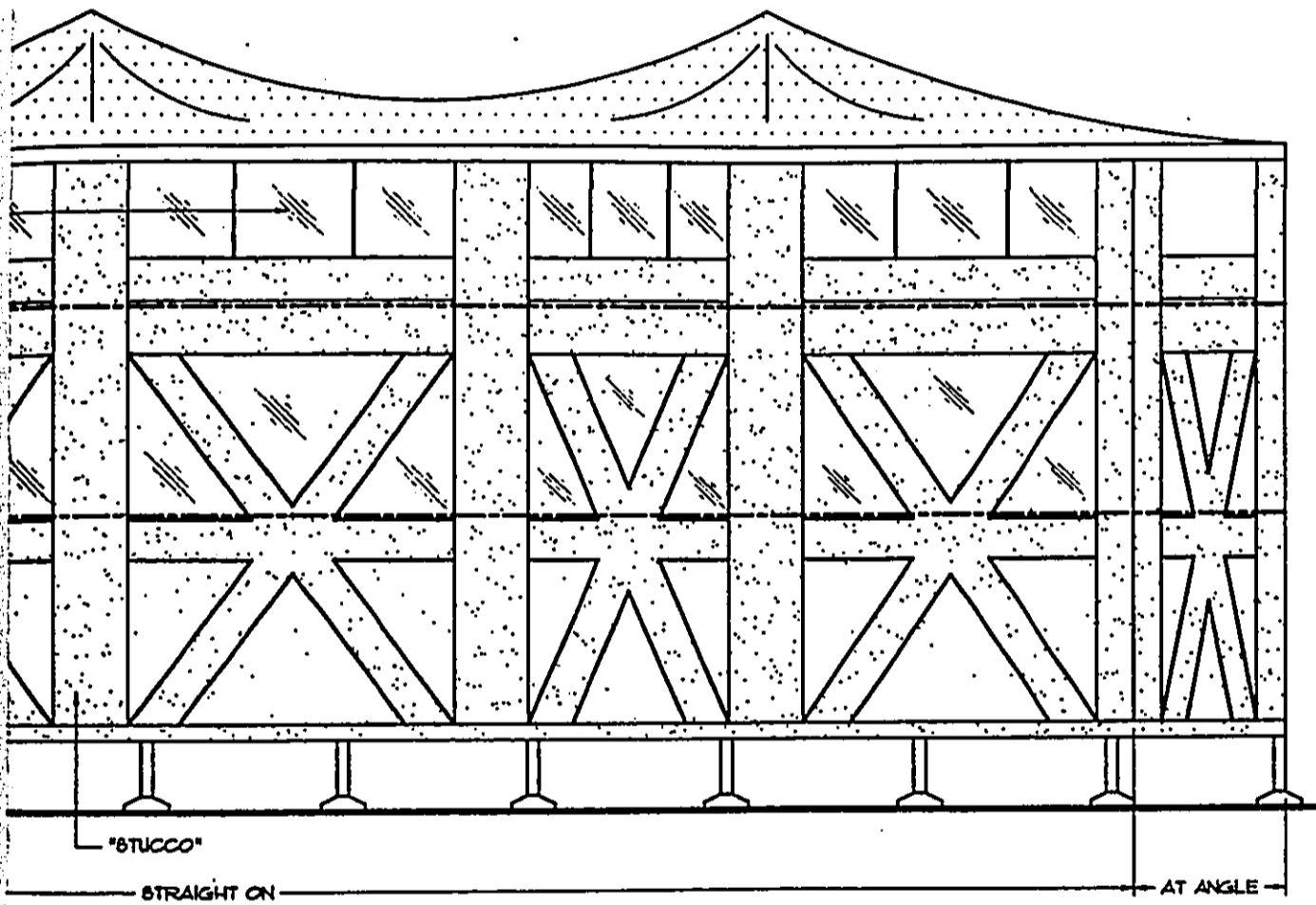
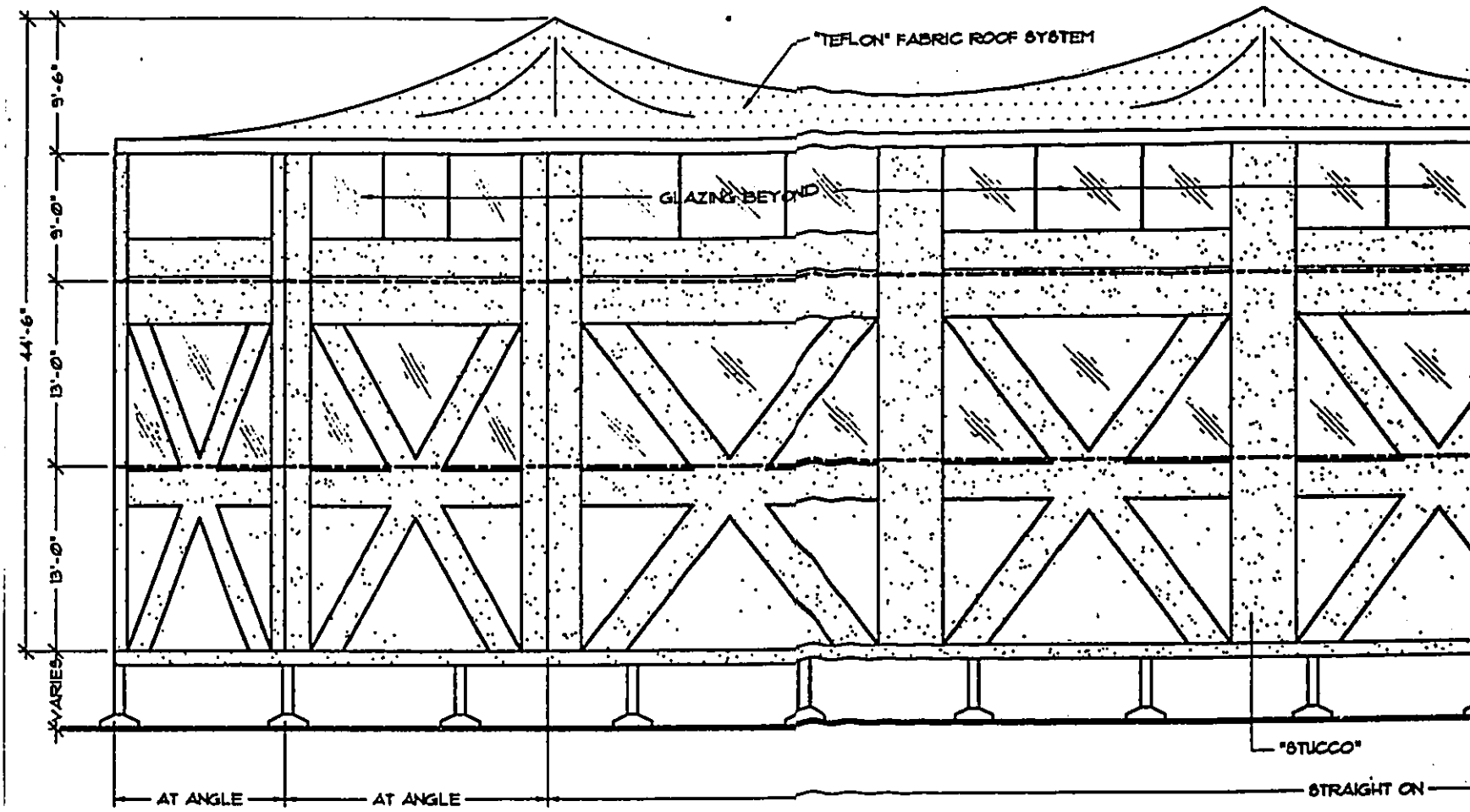


FIGURE 6: *Makai* Elevation



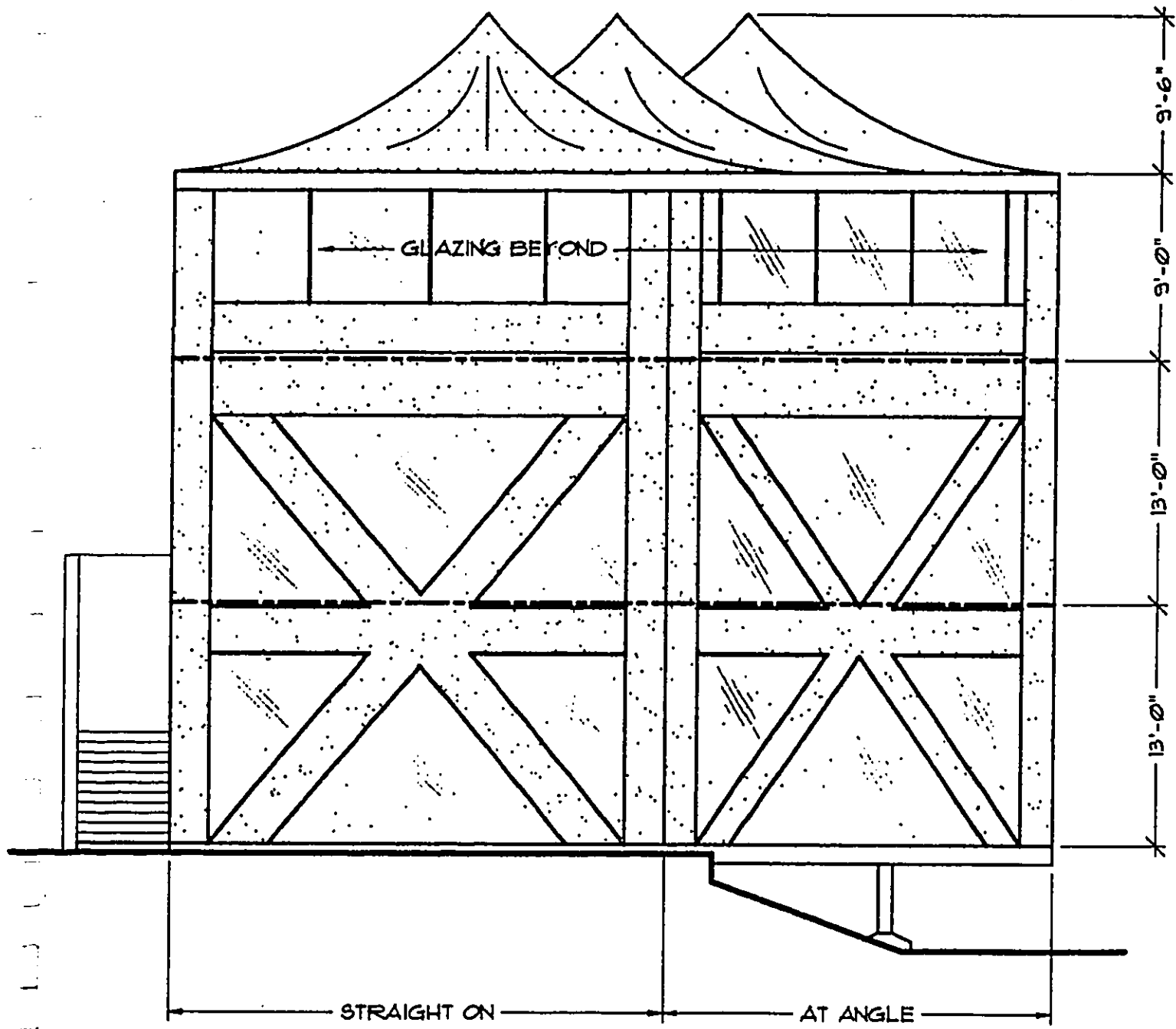


FIGURE 7: North Elevation

### 3.0 ENVIRONMENTAL SETTING, IMPACTS & MITIGATION MEASURES

#### 3.1 Physical Characteristics

##### 3.1.1 *Climate*

Situated in leeward Hawaii, Kona is shielded from prevailing northwesterly tradewinds by the landmass of Mauna Kea, Mauna Loa and Hualalai. The result is an alternating system of air circulation driven by differences in land and water temperatures. Particularly on warm days, this system produces light winds that blow offshore in the morning and early afternoon and onshore in the late afternoon and evenings.<sup>3</sup>

Kona has an annual rainfall range from 20" along the coast to 100" on the mountain slopes. Although climatic conditions have minimized the occurrence of orographic rainfall, Kona showers are frequent and heavy enough to produce a much higher mean rainfall in Kona than in other leeward areas in the State. Most of the precipitation in the district occurs in the summer months because the differences in land and water temperatures generate a moderate seabreeze circulation resulting in showers that are typically spotty in distribution and highly variable in duration and intensity. Kona is atypical in that it receives the majority of its annual precipitation in summer, from May through August.<sup>4</sup>

##### 3.1.2 *Topography & Soils*

The topography of the site is relatively flat ranging in elevation from 9' to 10' above mean sea level. The U.S. Department of Agriculture Soil Survey Report update for Hawaii Island classifies the soils within the subject property as 249 C - Waiaha Series: Waiaha (50%)-Punalu'u (30%)-Lava, pahoehoe (20%) complex, 0-10% slopes. Waiaha soils are formed from volcanic ash over pahoehoe lava and Punalu'u soils are formed from organic matter mixed with minor amounts of volcanic ash over pahoehoe lava. The surface layer of Waiaha soil is typically 0-8" black silt loam, while the subsurface layer is typically 8-15" dark brown, extremely cobbly fine sandy loam. The surface layer of Punalu'u soil is typically 0-4" black muck. The underlying material of both soil types is pahoehoe lava, at a typical depth of 15" for Waiaha soil and 4-10" for Punalu'u soil. Regarding both soils, the drainage class is well drained,

<sup>3</sup> Towill, R. M. Corporation. Drainage Master Plan for the County of Hawaii, 1971.

<sup>4</sup> State of Hawaii, Department of Land and Natural Resources. An Inventory of Basic Water Resources Data: Island of Hawaii. Report R34, 1970.



the initial infiltration rate of soil surface is rapid, the hazard of water erosion is slight to moderate, and the hazard of flooding is rare and extremely brief.<sup>5</sup>

### 3.1.3 Natural Hazards

*Flood and Coastal Hazards.* The Flood Insurance Rate Map (FIRM), as published by the Federal Emergency Management Agency, indicates a portion of the parcel is within the VE or coastal high velocity hazard zone while the majority of the parcel lies within the AE or 100 year flood zone(see Figure 8).<sup>6</sup> The VE Zone is that area susceptible to high velocity wave inundation and is the seaward-most zone. The AE Zone is that portion of the coastal area not subject to wave action but still subject to flooding during tsunami or high surf events. Each zone defines different degrees of hazard present and thus requires different flood plain management techniques. The Hawaii County Code contains compliance measures for structures within these flood zones that are formulated by the damage reduction requirements of the National Flood Insurance Program.<sup>7</sup> The more stringent of these requirements are associated with the VE Zone. These measures require the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) to be at or above the Base Flood Elevation (BFE) as noted on the FIRM. A registered professional engineer or surveyor must certify the elevation of the lowest structural member. The BFE for the site as noted on the FIRM is 10' above mean sea level. The elevation of the bottom of the lowest horizontal member (floor joist) of the existing structure has been established as 11.6' above mean sea level.<sup>8</sup> This places the existing structure in compliance with Federal and County flood regulations. If any structural modifications are made to the ground floor of the proposed facility they will be designed and constructed in accordance with Federal and County standards.

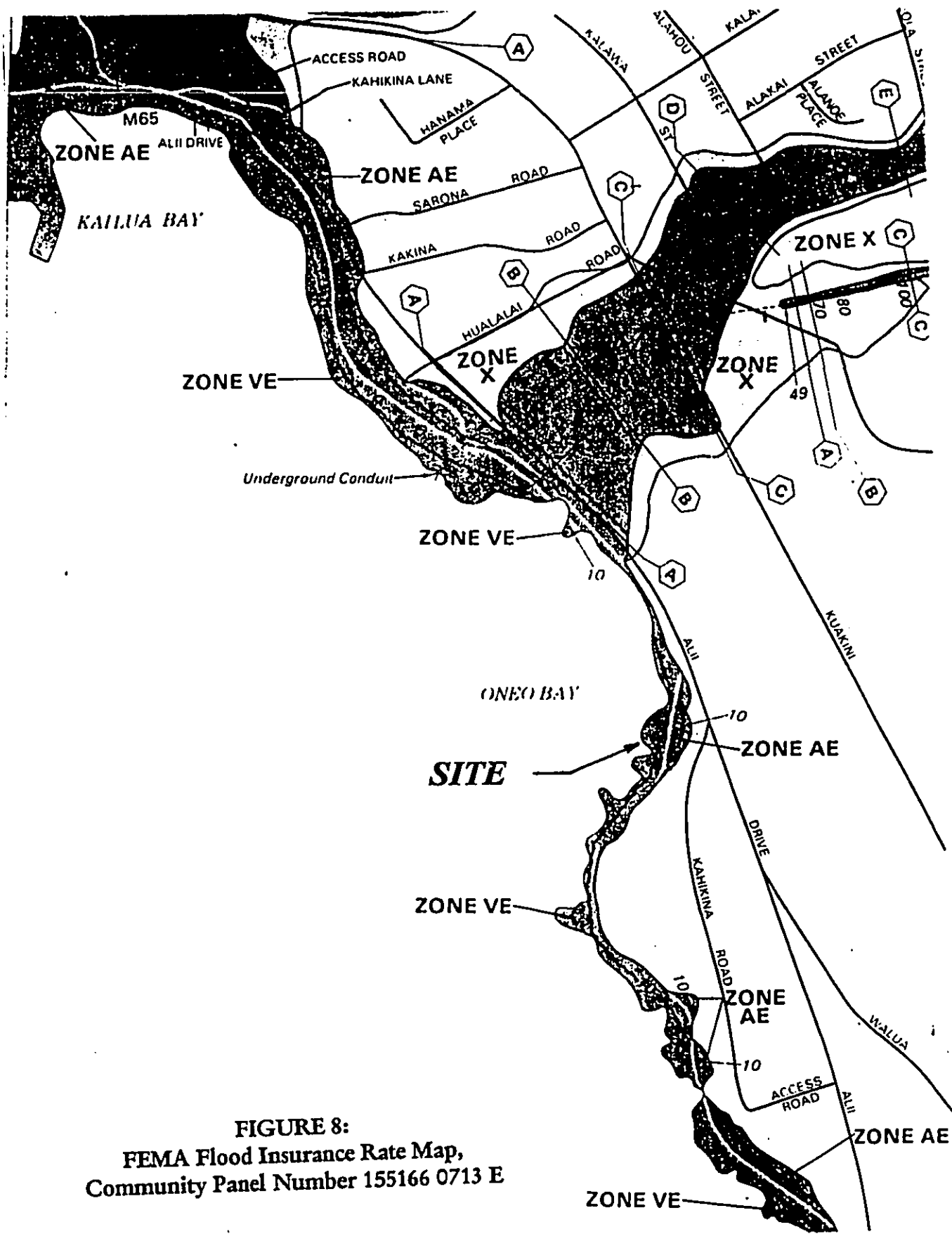
The site is within the Civil Defense Tsunami Evacuation Zone requiring complete evacuation during a Civil Defense Tsunami Warning. The tsunami evacuation route would cross Kahakai Road and parking lots to Alii Drive. The route would then turn south on Alii Drive approximately 100 yards to the

<sup>5</sup> U.S. Department of Agriculture, Natural Resource Conservation Service. Soil Survey of Island of Hawaii Update. State of Hawaii, 1998 Unpublished Data, photo # 8-60 series GS-VEEC.

<sup>6</sup> Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel Number 1551660713E, September 1988.

<sup>7</sup> Hawaii County Code, Chapter 27.

<sup>8</sup> Wes Thomas Associates, August 13, 1998 (see Appendix D).



**FIGURE 8:**  
**FEMA Flood Insurance Rate Map,**  
**Community Panel Number 155166 0713 E**

intersection of Alii Drive and Walua Road. The route would proceed *mauka* up Walua Road to the point of intersection with Kuakini Highway. At this point evacuees would be directed by County Police or Fire Department personnel to appropriate areas or actions (see Figure 9).

*Volcanic and Earthquake Hazard.* The site is located in an area designated by the United States Geological Survey (USGS) as Lava Flow Hazard Zone 4, on a scale of ascending risk 9 to 1. The County Building Code classifies the entire island of Hawaii in Earthquake Zone 4 and addresses the relative seismic hazards by maintaining certain structural requirements.<sup>9</sup> All Building Code requirements for construction within Earthquake Zone 4 will be met.

#### 3.1.4 Flora/Fauna

*Terrestrial.* Since the site has already been developed, the vegetation types consist of cultivated ornamentals. The predominant ground cover is lawn. Small trees/shrubs fringe the existing building. Coconut trees are scattered throughout the site and line the Kahakai Road frontage. There are no rare or endangered species on the site. To accommodate the expansion, some shrubs and portions of the lawn will be disturbed. It is not expected that any coconut trees will have to be removed. A re-landscaping effort will succeed the completion of the expansion. Terrestrial fauna primarily consists of exotic birds.

*Marine.* The existing restaurant is located on the shoreline section of the site with the *makai* border of the restaurant extending over the existing seawall. A survey of the inter-tidal area adjacent to the site produced a list of endemic invertebrates and seaweed. It is anticipated that the proposed project will not introduce impediments to the environmental conditions necessary for supporting this marine community. The site is not an essential habitat for any rare or endangered species.<sup>10</sup>

#### 3.1.5 Historic, Archaeological & Cultural Resources

*Historic and Archaeological Resources.* The site is not identified as containing features listed on the Hawaii and National Registers of Historic Places. The Hawaii State DLNR Historic Preservation Division confirmed the absence of any significant historic or archaeological features on the restaurant parcel, Parcel 14.<sup>11</sup> The areas proposed for parking expansion, Parcels 15, 17 and 18,

<sup>9</sup> Hawaii County Code, Chapter 5 - Building.

<sup>10</sup> Intertidal Biological Survey by Analytical Laboratories of Hawaii, August 1998(see Appendix A).

<sup>11</sup> Letter from the State Historic Preservation Division, dated June 24, 1998 (see Appendix D).

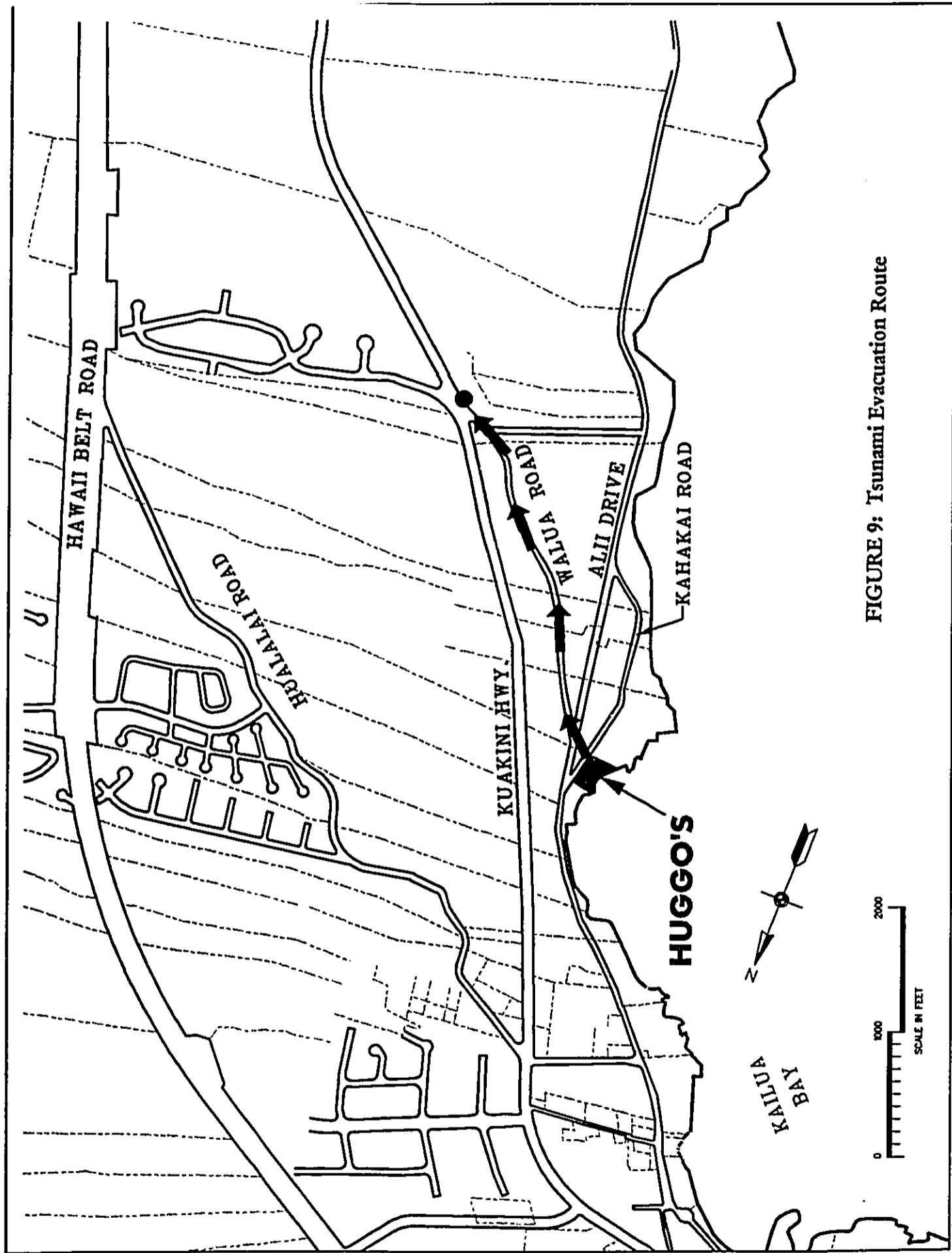


FIGURE 9: Tsunami Evacuation Route

have been previously disturbed, graded or paved over in the past and are not expected to contain any significant historic or archaeological features. The use of airspace makai of the certified shoreline is subject to regulation concerning the use of ceded lands.

*Cultural Resources.* The site has been in the current state of use since the late 1960's. No known significant cultural uses, other than shoreline activities, are known to pre-exist the current use. The proposed expansion of the existing facility will not adversely impact access to the coastline nor hinder shoreline activities.

### 3.1.6 Coastal Resources

The site lies in the southeast corner of Oneo Bay. The coastline turns from a north-south orientation to an east-west orientation at this corner. The subject parcel is partially fronted by a seawall that runs along the northern and southern portion of the parcel. The *makai* face of this seawall has been designated as the certified shoreline for some time and was re-certified as such on June 26, 1998 (see Figure 10). Seaward of the certified shoreline the coast is predominately pahoehoe lava flow interspersed with tidepools and coral deposited by wave action. Access to this intertidal area can be made from either the north or directly to the south of the existing restaurant. Access to the coastal area through the southern corridor requires descent from the level of Kahakai Road along uneven ground.

Coastal uses include but are not limited to fishing, skin diving, and swimming. Users occasionally begin or end the leg of a swim between the site in the southern portion of Oneo Bay and the pier in the northern portion of Kailua Bay. The proposed additions to the existing structure seaward of the certified shoreline will be cantilevered with no new construction occurring on the shoreline *makai* of the seawall. It is anticipated that the proposed expansion will not impact the existing use of the State's land along this segment of the coastline or otherwise impede or hinder the public's use of this land. The Applicant wishes to preserve existing shoreline access for recreational and cultural purposes and promote future shoreline uses. The extension of the pedestrian walkway from Alii Drive along Kahakai Road to the Royal Kona Resort would provide an improved opportunity for foot traffic and recreational uses of this coastline.

### 3.1.7 Air Quality & Noise

A temporary noise impact will exist throughout the construction phase of the project. State Air Quality Standards under Hawaii Administrative Rules Title 11, Chapter 60, and Department of Health Community Noise Control Rules

will be complied with.<sup>12 13</sup> Post construction, increased vehicular activity will result in minor impacts to existing noise and emission levels. These effects will be mitigated by means of planting screens bordering the Alii Drive frontage of the parking lots.

### 3.1.8 Scenic Resources

The project site is not listed in the Hawaii County General Plan as an example of a site or view plane of significant natural beauty.<sup>14</sup> Vistas from the Queen Kaahumanu Highway and Kuakini Highway are very limited due to topography, vegetation and existing development. The adjacent six and seven story towers of the Royal Kona Resort and the newly constructed commercial development north of the project site are the predominant visual features of this area. The planned building expansion will not exceed the height of the existing coconut trees thus the site's general appearance from afar will remain unchanged. A discussion of the project's impact to various view - planes follows:

#### View from Kailua Pier and Alii Drive properties north of the site

The proposed structure will be visible from the Kailua Pier and from commercial properties along Alii Drive to the north of the site. The North Tower of the Royal Kona Resort will remain the predominant visual feature along this section of coast. Views from the Kailua Pier facing *mauka* will not be impacted. A photograph taken of the existing structure from the north and altered to depict the proposed expansion is included as Figure 11. The proposed expansion will not block ocean views of any of the existing commercial enterprises located along Alii Drive. The property directly across Alii Drive from the project is a vacant parcel owned by Bishop Estate who is the fee simple owner of the project site.

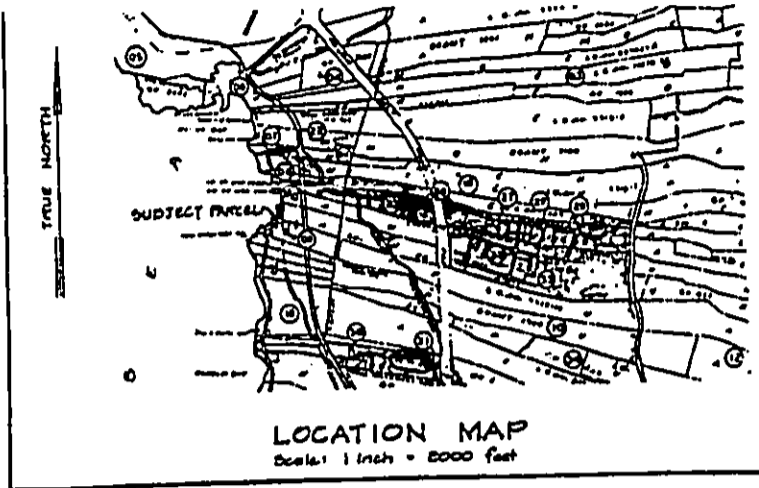
#### View from properties along Alii Drive south of the site

The project will not be readily visible from the majority of properties along Alii Drive and south of the site. Existing views are restricted to the top of the coconut palms on site. The condominium facility, The Kona Billfisher, has planted a landscape hedge of plumeria trees and palm trees that obstruct or partially obstruct views from that facility.

<sup>12</sup> Hawaii Administrative Rules Title 11, Chapter 60 (State of Hawaii Air Quality Standards).

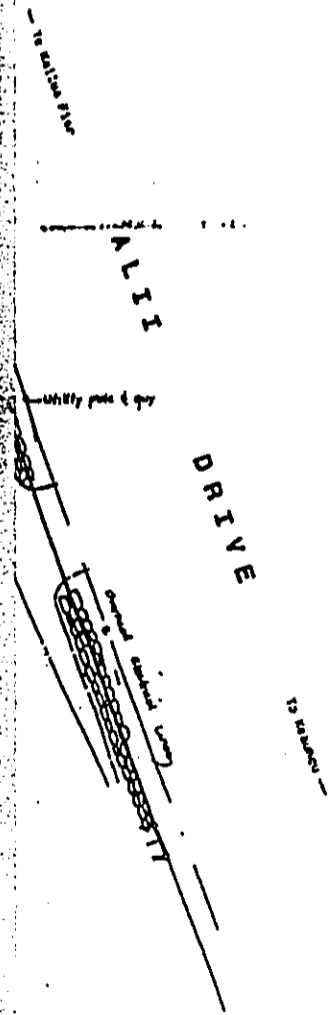
<sup>13</sup> Department of Health Noise Control Rules.

<sup>14</sup> Hawaii County General Plan, November 1989 pages 36 - 37.



SHORELINE CERTIFICATION MAP SHOWING  
 PORTIONS OF  
 R.P. 7845, L.C. AW. 7715, AP. 13  
 TO L. KAMEHAMEHA

AT PUA A. NORTH KONA, ISLAND AND COUNTY OF HAWAII  
 STATE OF HAWAII



This map was prepared by me or under my direct supervision.

*Crystal Thomas Yanasaki*  
 CRYSTAL THOMAS YANASAKI  
 Licensed Professional Land Surveyor  
 State of Hawaii Certificate Number LS-4331

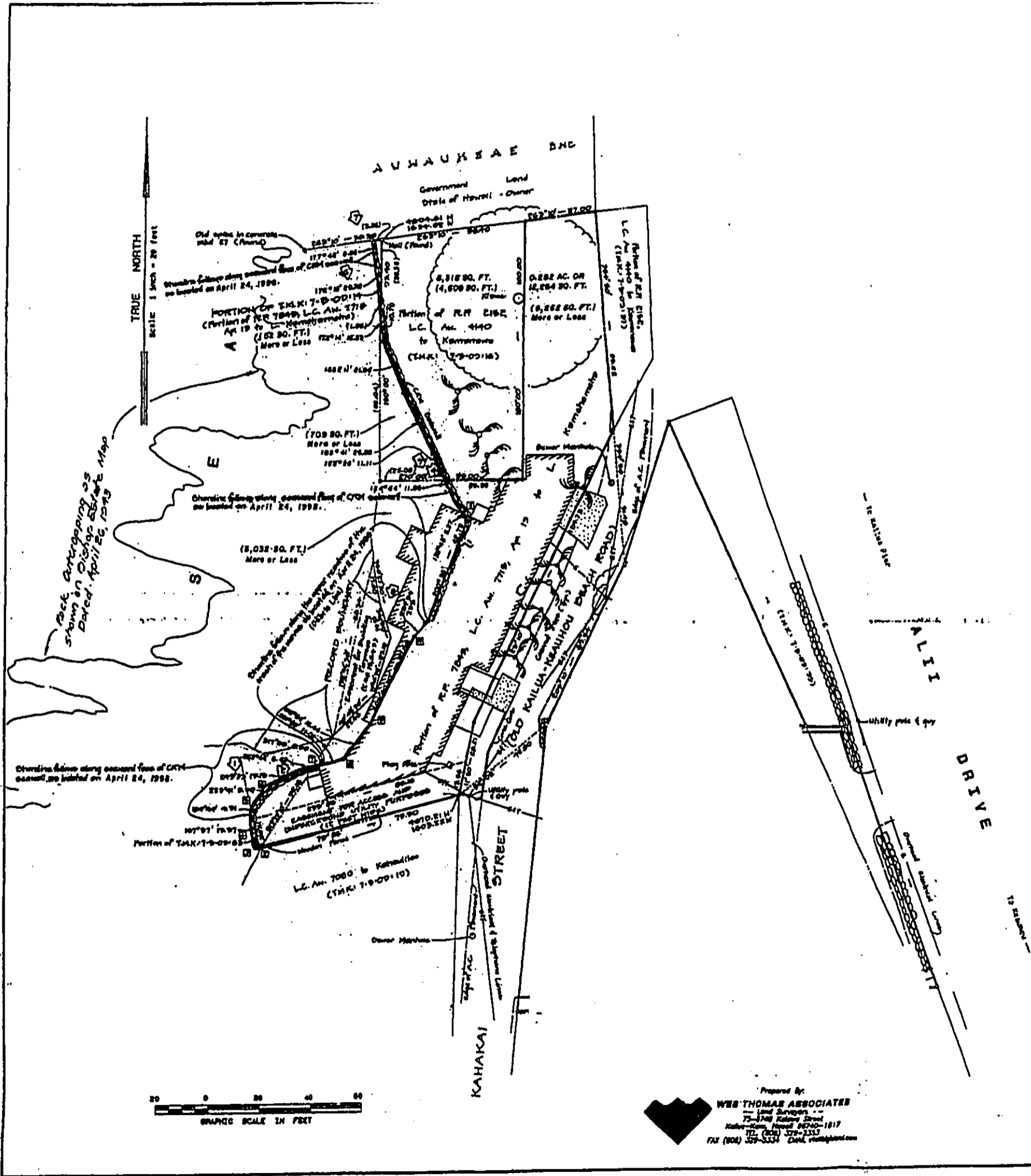
The shoreline as located and certified and delineated in red is hereby certified as being the actual shoreline as of 04/26/98.  
*Crystal Thomas Yanasaki*  
 Licensed Professional Land Surveyor

NOTES :

1. Azimuths and coordinates are referred to Government Survey Triangulation Station "KAMELO".
2. Features shown herein represent conditions existing on April 24, 1998.
3. This map does not represent a boundary survey by Van Thomas & Associates, Inc. There are discrepancies between found monumentation and notes and bounds descriptions of record.
4. There are descriptive discrepancies
5. den
6. den
7. Property I

FIGURE 10 Shoreline Certification Map

(cont. Div.)





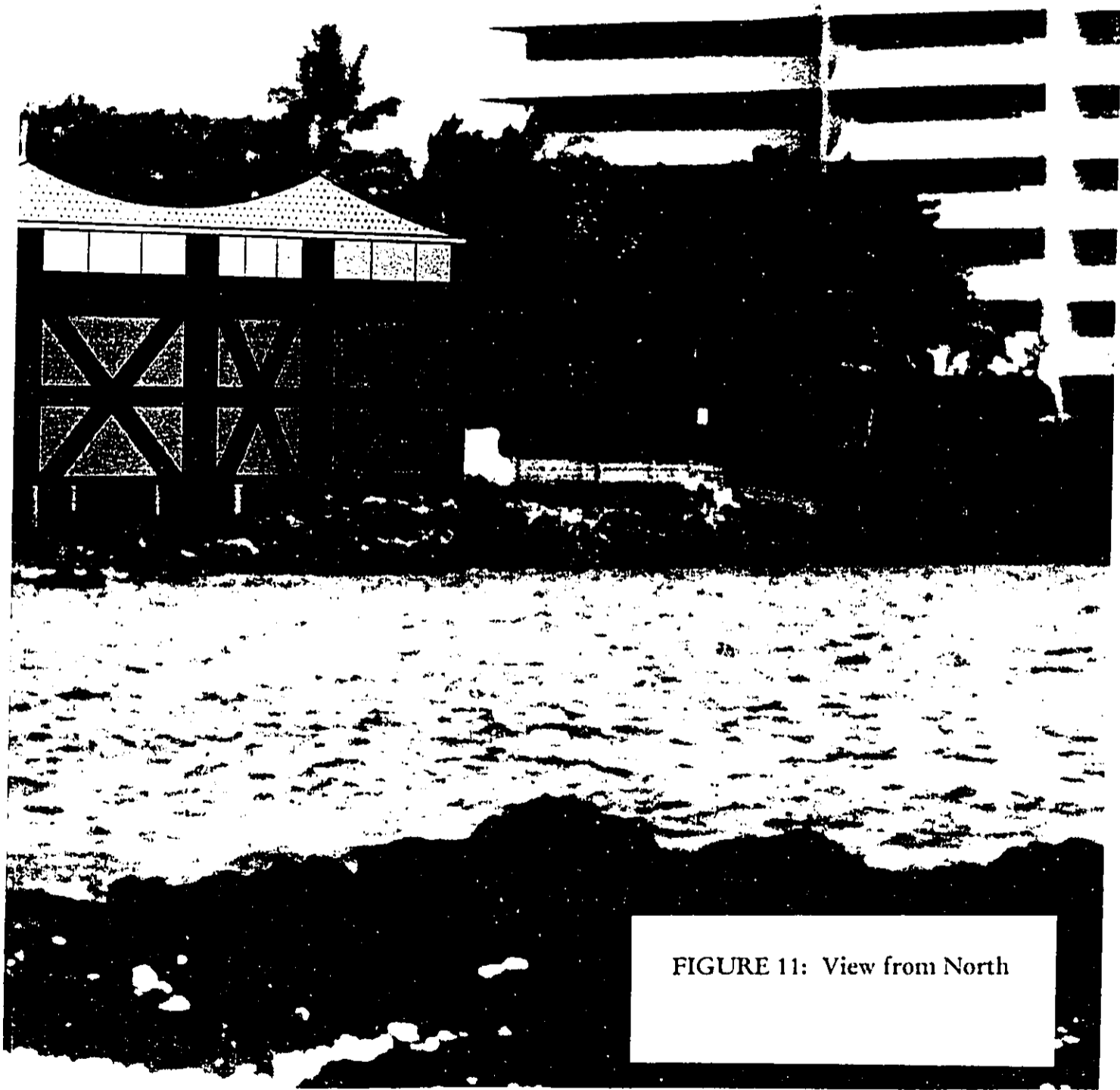


FIGURE 11: View from North



#### View from *mauka* properties looking *makai*

The project site is not readily visible from most *mauka* properties. The location of the site at the corner of Oneo Bay, the predominance of the Royal Kona Resort and the local topography hide all but tree top views from most *mauka* sites. This is especially true for properties lying *mauka* and south of the project site. There are very few developed properties *mauka* and north of the project. Those properties lying north of Aloha Kona Drive are most affected, however the site is distant enough from those properties to have the impact on views be minimal.

#### 3.1.9 Recreation Resources

Recreation in the immediate site vicinity includes but is not limited to pedestrian and ocean oriented activities. Kailua Village is an attractive destination for visitors and residents to partake in seaside strolling, fishing, snorkeling and swimming. Shoreline dining and shopping is also enjoyed from the King Kamehameha's Kona Beach Hotel to the Royal Kona Resort and is a featured attraction of the area.

Sidewalks bordering both sides of Alii Drive accommodate foot traffic through Kailua Village. The *makai* Alii Drive promenade, in its existing state, stops at the intersection of Kahakai Road and Alii Drive. A paved sidewalk begins again south of the parcel along the Kahakai Road frontage of the Royal Kona Resort. Along the stretch of Kahakai Road currently without a designated pedestrian walkway, pedestrians use the paved roadway often blocking traffic and creating a severe safety hazard (see Figure 12). The Applicant proposes to extend the *makai* pedestrian walkway from Alii Drive along the frontage of the existing restaurant parcel and approximately 110' further, connecting to existing walkways on the grounds of the Royal Kona Resort. The extension of the walkway will decrease pedestrian traffic in the driven portion of Kahakai Road. This will enhance pedestrian and vehicle safety along the restaurant frontage and encourage pedestrians travelling southward to extend their coastal foot excursions. It should also be noted that the absence of a dedicated walkway through this area all but prohibits access to handicapped individuals. The proposed *makai* promenade extension will be constructed to the Americans With Disabilities Act (ADA) specifications, thus enabling those individuals that may have experienced restricted access due to disabilities an improved capability to experience this section of coastline.

Shoreline access currently provides recreational opportunities to fishermen, skin divers and swimmers. Users occasionally begin or end the leg of a swim

between the site in the southern portion of Oneo Bay and the pier in the northern portion of Kailua Bay. In that no construction will take place on the shoreline *makai* of the seawall it is anticipated that the proposed expansion will not impact the existing use of this segment of the coastline. The Applicant wishes to preserve existing shoreline access for recreational purposes and promote future shoreline uses. The extension of the *makai* promenade from Alii Drive to the Royal Kona Resort will increase foot traffic through this area and encourage recreational uses of this coastline.

### 3.2 Socioeconomic Characteristics

#### 3.2.1 *Shoreline Recreation and Public Access*

Shoreline recreation includes but is not limited to opportunities for fishermen, skin divers and swimmers. Users occasionally begin or end the leg of a swim between the site in the southern portion of Oneo Bay and the pier in the northern portion of Kailua Bay. In that no construction will take place on the shoreline *makai* of the seawall it is anticipated that the proposed expansion will not impact the existing use of this segment of the coastline. The Applicant wishes to preserve existing shoreline access for recreational purposes and promote future shoreline uses. Shoreline dining and shopping is also enjoyed from the King Kamehameha's Kona Beach Hotel to the Royal Kona Resort and is a featured attraction of the area. The extension of the *makai* promenade from Alii Drive to the Royal Kona Resort will encourage increased foot traffic throughout the Kailua -Kona Village area and encourage recreational uses of this coastline.

#### 3.2.2 *Employment*

Employment opportunities will be provided in both construction and post construction phases. The construction project is anticipated to take 18 to 24 months to complete and will benefit those employed in the building trades and related industries. Once completed the project will provide opportunities for those seeking employment in restaurant, commercial, retail and resort service industries.

### 3.3 Public Facilities and Utilities

#### 3.3.1 *Roads and Traffic*

The proposed expansion of the existing structure will increase the vehicular activity in the immediate area. This increase in activity will be mitigated by several off-site improvements (see Figure 13). These improvements are listed below and then discussed in detail. The off-site improvements are as follows:

- Extension of the *makai* promenade from the Alii Drive - Kahakai Road Intersection to the Royal Kona Resort
- Expansion of off-site parking and re-design of existing off-site parking
- Provision of 16 to 22 feet of paved roadway along project frontage of Kahakai Road

These improvements will also serve to mitigate the current vehicular and pedestrian congestion experienced along Kahakai Road and Alii Drive and significantly improve the overall traffic safety in the area.

*Extension of Makai Promenade*

The northern portion of Kahakai Road, from the Royal Kona Resort to the intersection of Alii Drive and Kahakai Road currently is congested with a significant amount of pedestrian traffic within the paved roadway (see Figure 12). This pedestrian traffic intermingles with vehicular traffic causing an extreme safety hazard to both pedestrian and driver. Vehicles, including tour buses and delivery vehicles, must frequently come to a complete stop thus halting all other vehicle traffic along this section of road. Occasionally the halted traffic will back-up into the south-bound lane of Alii Drive and create further traffic delays and hazards to motorists and pedestrians along Alii Drive. The extension of the *makai* promenade through this area will relieve the safety hazards and traffic delays currently caused by pedestrians in the roadway. It would be expected that given a walkway dedicated to pedestrian traffic, the majority of pedestrians will utilize the walkway. The promenade extension will be across both private and County property. This use of County land is considered to be in the public's interest in that it increases the safety of the public and is a use consistent with the general use of the area.

*Expansion of Off-Site Parking and Re-Design of Existing Parking*

Off-site parking in the area is currently along Kahakai Road and in the existing parking lot on parcel TMK (3) 7-5-09:18. Cars parking along Kahakai Road will often stop traffic along the road while they complete their parking movement. Likewise, cars entering or leaving the existing parking lot onto Kahakai Road may cause delays to through traffic. Currently, delivery trucks park alongside the existing restaurant, greatly reducing the available width of pavement to motorists. The proposed expansion of off-site parking and improvements to the existing parking will improve or eliminate such hazards and delays caused by current inadequate parking. Dedicated loading stalls, designed to Hawaii County Zoning Code specifications are provided in areas convenient to delivery vehicles. Street parking on the mauka side of Kahakai Road from the Kahakai Road - Alii Drive intersection to the south corner of

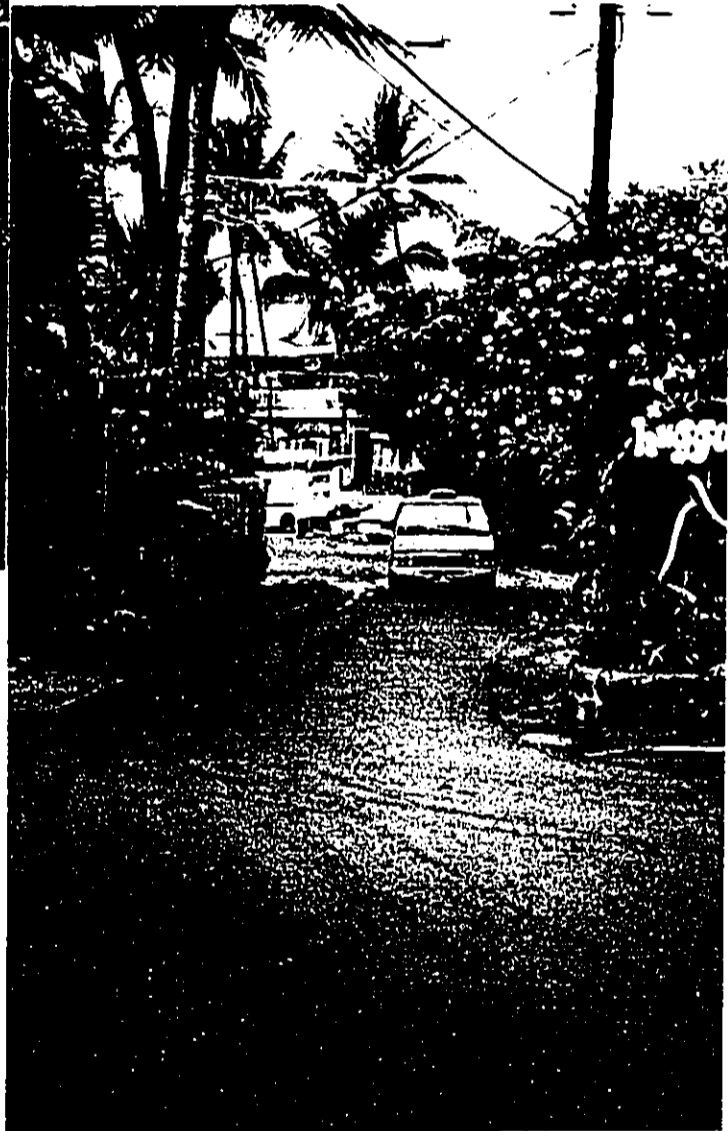
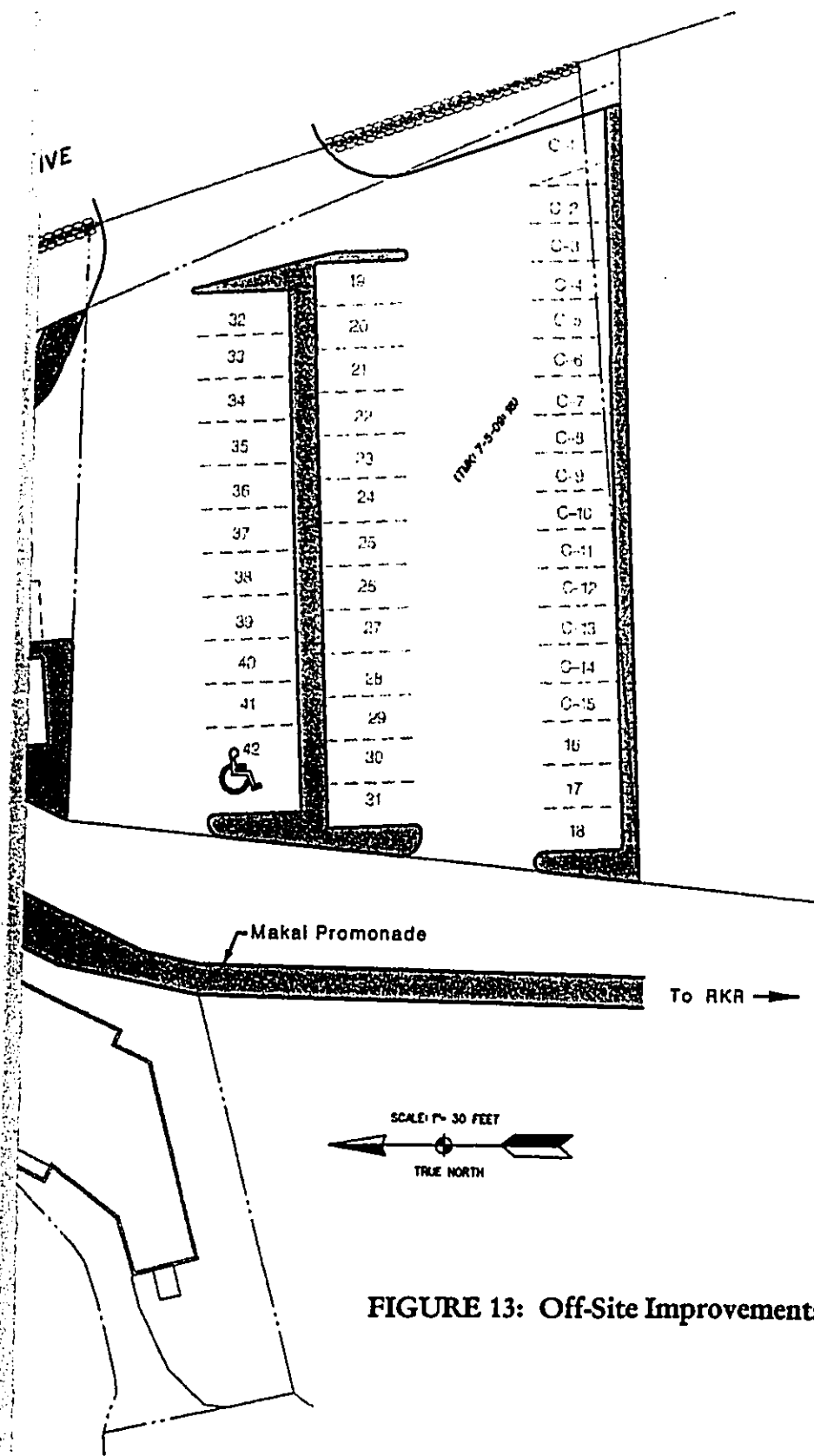
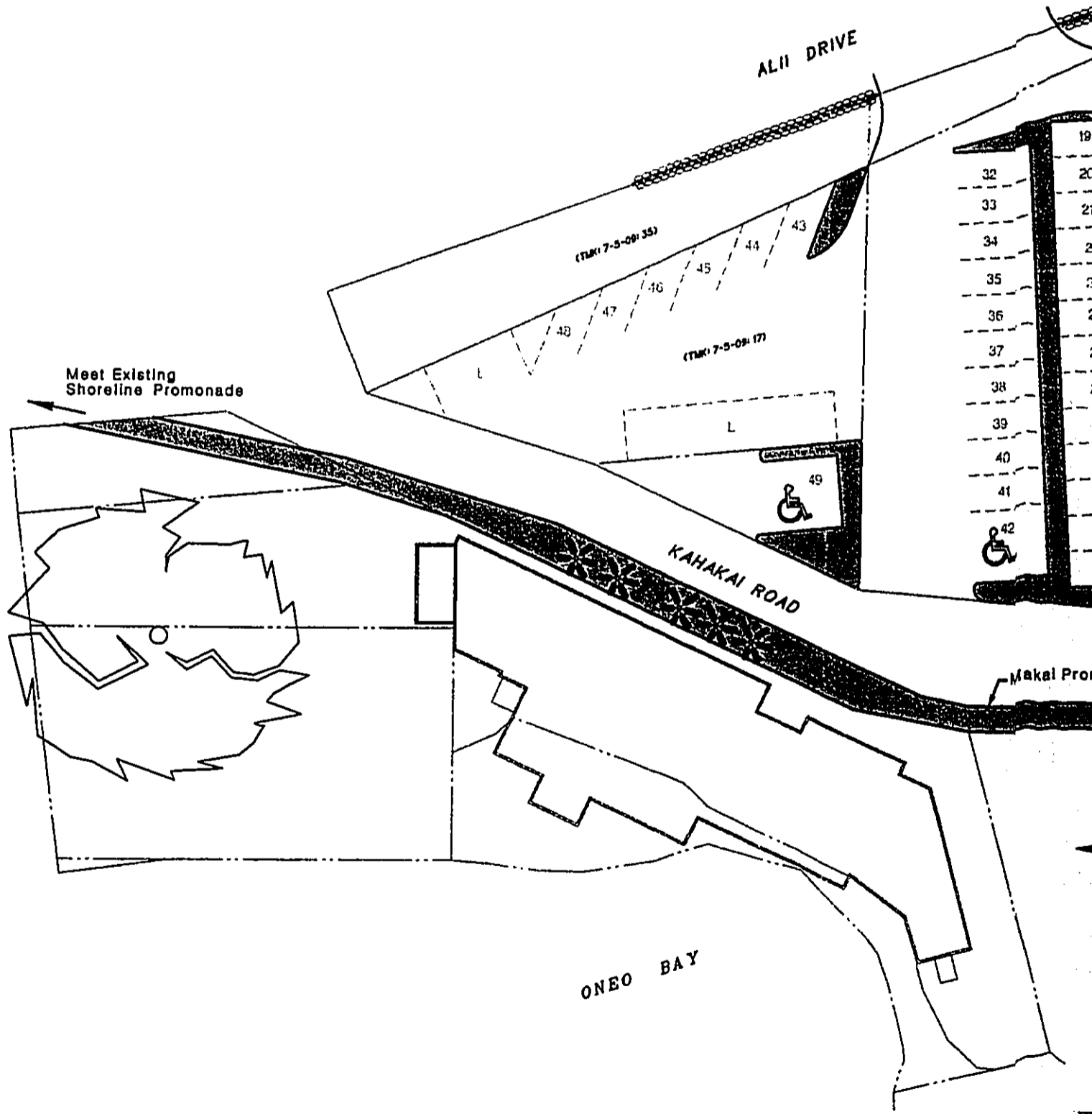


FIGURE 12: Kahakai Road Along Project Frontage - Existing Condition



TRUE NO  
Scale: 1 in. =

FIGURE 13: Off-Site Improvements





Parcel 18 will be eliminated. An additional entrance to off-site parking from Kahakai Road will be added. The geometry of this entrance will ensure easy entrance to parking, eliminating delays to through traffic. Total number of off-site stalls provided will number 50, double of that currently available. Dedicated handicapped parking will provide ample space and easy access for patrons with disabilities. The entrance from Alii Drive into the parking lot will be widened to allow for easier turning movements on and off that roadway. Overall, the improvements to off-site parking will improve traffic flow through the project area off-setting any increase in volume.

*Provision of a Minimum of 16 Feet of Paved Roadway*

The width of paved roadway along the project frontage of Kahakai Road currently varies from 14 to 18 feet and falls both within the County right-of way and private property. Traffic is currently slowed through the pavement bottlenecks and vehicles meeting head-on must come to a complete stop to allow one or another to pass. The off-site improvements proposed for the project will result in a range 16 to 22 feet of pavement width within the County right of way being provided for vehicular traffic along the project frontage of Kahakai Road. Although it is recognized that this width is a minimum, considering all the other improvements to the area, the net result will be a roadway that is many times more functional than the current roadway and traffic will flow at a much improved level of service than is presently experienced.

The Applicant is participating in discussions with the Hawaii County Department of Public Works and residents of Kahakai Road to change the traffic flow pattern on Kahakai Road. Options generated by these discussions include changing the traffic from two-way to one-way north to south along all or portions of Kahakai Road, abandonment of Kahakai Road as a public road and limiting traffic to local traffic only.

**3.3.2 Wastewater System**

The existing restaurant is connected to the County's public sewer system. A six-inch lateral connects the restaurant to an eight-inch sewer main located under Kahakai Road. Sewage flows by gravity to the Hale Halawai Pumping Station and from there is transported via force main eventually on to the Kealakehe Treatment Plant. The proposed additions to the existing restaurant will be able to be adequately served by the existing County wastewater system.

### 3.3.3 Water System

The existing project is served by a six-inch main line located under Alii Drive. This line is connected to two water sources serving the site from the north and south. The northern water source is a 0.30 million-gallon tank located off of Palani Road above the intersection with Queen Kaahumanu Highway at an elevation of approximately 310 feet above sea level. The waterline connecting the tank to Alii Drive travels down Palani Road and crosses Kuakini Highway and then travels south towards the project beneath Alii Drive. This waterline has recently been upgrade to a line 12 inches in diameter to a point approximately 500 feet south of the Alii Drive - Hualalai Road intersection. Water is also supplied to the project from two 0.50 million-gallon tanks located south of and *makai* of the intersection of Hualalai Road and Queen Kaahumanu Highway. The waterline connecting these tanks to Alii Drive proceeds *makai* from the tank site crossing Kuakini Highway and Walua Road before turning north and connecting to the six-inch line routed under Alii Drive. The proposed additions to the existing restaurant will be able to be adequately served by the existing County water system.

### 3.3.4 Drainage System

The existing restaurant has no provision for disposal of storm water run-off. All additional storm water generated by the proposed expansion of the existing restaurant and off-site improvements will be disposed of on-site by means of drywells.

### 3.3.5 Electrical and Telephone

Electric and telephone overhead lines along Alii Drive service the existing restaurant. This area of the Big Island obtains electrical power from the Keahole Co-Generation Plant. The proposed additions to the existing restaurant will be able to be adequately served by the existing electrical and telephone utilities

### 3.3.5 Fire and Police Protection

The village of Kailua Kona is served by a fire station located just *mauka* of the Palani Road junction with Queen Kaahumanu Highway. Two companies operating in three shifts with 12 firemen per shift provide round-the-clock protection. Each shift has Mobile Intensive Care Technicians (MICT) on duty to provide emergency first aid. Response time to the project site is approximately five minutes. Emergencies are transported to Kona Hospital, approximately 20 minutes from the site. The firemen are also trained for sea rescue operations and the station is equipped for such emergencies. Fire

hydrants are located to the north and south of the project, along the *mauka* side of Alii Drive, approximately equidistant in distance to the project.

Police patrols for the Kailua-Kona village area are dispatched from the Kealahou station. Three shifts with an average of 8 policemen per shift provide routine patrol and emergency response to the area. Response time is approximately five minutes.

The proposed additions to the existing restaurant will be able to be adequately served by the existing fire and police protection services.

#### 4.0 RELATIONSHIP TO LAND USE PLANS, POLICIES & CONTROLS

##### 4.1 State Plan

The proposed project conforms to the Hawaii State Plan objectives and policies for the economy, the physical environment and for facility systems as described in the following discussions:<sup>15</sup>

226-8 Objectives and policies for the economy - visitor industry. The proposed project will improve the quality of an existing visitor destination. The existing restaurant has been providing service to the visitor industry for nearly 30 years. Through this period the establishment has become a recognized landmark encouraging a mingling of visitors and community members. The Applicant's are known for their custom of putting forth holiday and tournament celebrations. These events often donate a sizeable proportion of their proceeds to local charities. The proposed expansion will further develop this character which, in service to the *kama'aina* and visitor industry, is a perpetuation of the Aloha Spirit and a continued source of job opportunities and steady employment for Hawaii's people.

226-11 Objectives and policies for the physical environment - land-based, shoreline, and marine resources. The proposed expansion of Huggo's Restaurant is mostly vertical and will not substantially encroach seaward of the existing structure and thus is a prudent use of shoreline and marine resources. Best Management Practices will be employed throughout the construction phase to protect the shoreline and marine resources. An intertidal biological survey indicates that there are no endangered marine species inhabiting the immediate area.<sup>16</sup> The extension of the *makai* promenade promotes coastline accessibility to pedestrian and handicapped individuals alike.

<sup>15</sup> Hawaii Revised Statutes Chapter 226, 1988.

<sup>16</sup> Intertidal Biological Survey by Analytical Laboratories of Hawaii, August 1998 (see Appendix A).

226-12 Objectives and policies for the physical environment - scenic, natural beauty, and historic resources. Existing vistas from Kailua Village to the south will not be impeded. The height of the Royal Kona Resort immediately south of the site exceeds the height of the proposed project by a significant amount, therefore, the prominent structure in view from this corridor will be the neighboring resort. Impact of ocean vistas from *mauka* areas will be minimal due to topography, vegetation and existing development. The overall visual appearance of the site will remain unchanged and will soften any visual impact of the proposed project.

226-17 Objectives and policies for facility systems - transportation. The proposed expansion considers the promotion of the efficient, economical, safe and convenient movement of people and goods. The project's proposed pedestrian and vehicular improvements to Kahakai Road and off-site parking removes existing safety hazards and improves the overall function of Kahakai Road as a transportation corridor. The extension of the *makai* promenade will encourage pedestrians to explore Kailua Village by foot thus promoting non-polluting means of transportation and serving to accommodate present and future development needs of the Kailua Village community.

#### 4.2 State Land Use Law

Hawaii was the first state in the U.S.A. to adopt a State Land Use Law, now the apex of the system for implementing the State Plan. The original Land Use Law (Act 187, 1961) and subsequent amendments (Hawaii Revised Statutes Chapter 205) classify all lands in the state into four use districts; agriculture, conservation, rural, and urban. The State Land Use Law establishes a State Land Use Commission, appointed by the governor, to review petitions for changes in district boundaries submitted by landowners or public agencies.<sup>17</sup>

The subject property is designated Urban by the State Land Use Commission. The counties regulate land uses in urban districts. Through zoning ordinances, the counties determine permissible uses. Restaurant and marketplace retail activities are considered permissible uses within the Urban District.

The proposed expansion to the existing structure will be partially *makai* of the certified shoreline. Those portions extending seaward of the certified shoreline will be cantilevered with no new construction touching ground. It is anticipated that the proposed expansion will not impact the existing use of the State's land along this segment of the coastline or otherwise impede or hinder the public's use of this land. The State Department of Land and Natural Resources (DLNR) has reviewed the proposed use and consented to grant

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<sup>17</sup> Hawaii Coastal Zone Management Program, July 1990.

additional leases for airspace as necessary to accommodate the proposed encroachments over the certified shoreline.<sup>18</sup>

#### 4.3 Hawaii County General Plan

Coordination of the State Plan at the county level is through the County General and Development Plans. The Hawaii County General Plan addresses environmental and economical elements in the context of goals and policies for the long-range comprehensive physical development of the county. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation for the site is Resort, which includes services that support hotels and condominium-hotels. The project conforms to the Hawaii County General Plan objectives and policies discussed below.<sup>19</sup>

**Economic:** The proposed expansion will provide residents with expanded and improved economic opportunities associated with restaurant and marketplace retail activities compatible with the County's natural and social environment.

**Flood Control and Drainage:** The project design conforms to the construction standards set forth in the County Flood Control Code.<sup>20</sup> All Department of Public Works requirements will be met.

**Natural Beauty:** The proposed *makai* promenade extension will encourage and increase public pedestrian and disabled access opportunities to scenic Oneo Bay.

**Natural Resources and Shoreline:** The proposed project will maintain opportunities for the public to fulfill recreational, economic and educational needs without despoiling or endangering existing natural resources. It will cause minimum adverse effect to water and scenic resources and minimum danger of floods, landslides, erosion, siltation or failure in the event of an earthquake as all County Flood Control and Department of Public Works requirements will be met.

**Recreation:** The proposed *makai* promenade extension will make this portion of Oneo Bay more accessible for recreation. Foot excursions throughout Kailua Village will be encouraged as the pedestrian corridor between the Royal Kona Resort and the Kailua Pier will be completed. Handicapped access to the area will also be greatly improved by the proposed *makai* promenade extension.

**Transportation:** The extension of the *makai* promenade and improvements to off-site parking and Kahakai Road provides a safer, more

<sup>18</sup> Letter from Department of Land and Natural Resources, dated May 19, 1997 (see Appendix D).

<sup>19</sup> Hawaii County General Plan.

<sup>20</sup> Hawaii County Code Chapter 27.

efficient means for transporting pedestrians and vehicles in the project area. Use of the land within the County right-of-way for construction of the *makai* promenade is in the best interest of the public and consistent with the general use of the area.

**Land Use—Commercial Development:** The proposed use will promote commercial development in an area adequately served by necessary services such as water, utilities, sewers and transportation systems. The project will fit into the locale with minimal intrusion while providing services to both visitors and the local community.

#### 4.4 Hawaii County Zoning

Specific land use designations and permissible uses are further defined in county zoning codes through land use ordinances and rules. The site is designated Resort-Hotel-750 square feet/unit by the County Zoning Code.<sup>21</sup> Since condominium-hotel-supporting services are permitted uses within this district, the proposed project will not require rezoning. The proposed project conforms to the height limit of 45' in this zoning district. The existing structure does not meet yard setbacks on the mauka (front) and north (side). Front yard setbacks in areas with Resort zoning designations are set at 20 feet, the existing structure is set back 2 feet from the front property line. Side yard setbacks are set at 8 feet, the north side of the existing structure is setback less than 1 foot from this property line (see Figure 3). It will be necessary for the Applicant to obtain a variance for the non-conforming yard setbacks.

All proposed projects within the Resort-Hotel district require Hawaii County Plan Approval. Located within the Kailua Village Special District, the Kailua Village Design Commission must provide architectural and design review of all applications to ensure conformance to the Kailua Village Master Plan.

Within the Resort zone, the zoning code requires 20% landscaping of the total land area of building sites. The existing landscaping will be altered for the construction phase of the expansion and then restored to meet this requirement upon improvement completion. Construction will not substantially alter or increase footprint or impact total area currently landscaped. Off-site parking improvements will meet or exceed requirements as set forth in the County Zoning Code.

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<sup>21</sup> County Zoning Code Sec. 25-5-92(a) (5) (30) & (31).

#### 4.5 West Hawaii Regional Plan

The West Hawaii Regional Plan reflects the vision of the Hawaii State Plan in its effort to emphasize the factors that will produce a preferred quality of life. This plan echoes the state commitment to balance rapid economic growth with the need to have quality service programs. The West Hawaii Regional Plan is intended to complement the Hawaii County General Plan and also community development plans.

#### 4.6 Master Plan for Kailua-Kona

The Kailua-Kona Master Plan provides general design guidelines for a village image along the Alii Drive corridor, the core of Kailua Village. These guidelines will be used by the Kailua-Kona Village Design Commission to review the design of the proposed project.<sup>22</sup>

The plan indicates that private property owners should be required, as part of all development approvals, to provide adequate walkways along street frontage and cooperative efforts between the public and private sectors should be made to provide more pedestrian access to the shoreline. The Master Plan identifies implementing steps for establishment of a shoreline promenade, continuous from the pier and King Kamehameha's Kona Beach Hotel south to the Royal Kona Resort.<sup>23</sup> The extension of the waterfront promenade, addressed within the scope of the proposed expansion, conforms to the Kailua-Kona Master Plan's Waterfront Walkway Policies and Project Action Plans.

#### 4.7 Coastal Zone Management & Special Management Area Permit

The Special Management Area (SMA) Use Permit is the most direct means through which the objectives and policies of the Hawaii Coastal Zone Management (CZM) Act program are implemented.<sup>24</sup> The objectives of the CZM rules and policies are to preserve, protect and, where possible, to restore the natural resources of the island's coastal zone areas. The project was presented to CZM program personnel in a meeting held 11/13/98 to establish conformance with CZM guidelines.

The subject property is located within the County's Special Management Area and a SMA Use Permit is required. The Board of Land and Natural Resources certified the shoreline on June 26, 1998<sup>25</sup> (see Figure 10). In order to receive

<sup>22</sup> Letter from County of Hawaii Planning Department dated May 18, 1998, (see Appendix D).

<sup>23</sup> Towill, R.M. County of Hawaii Planning Department Master Plan for Kailua-Kona, April 1994.

<sup>24</sup> State of Hawaii, Hawaii CZM Law, an Assessment in Response to Act 126, January 1984.

<sup>25</sup> State of Hawaii, DLNR, Land Division, letter dated July 29, 1998(see Appendix C).

approval, the SMA Rules require the project to conform to the objectives and policies of the CZM Act.<sup>26</sup> The following is a discussion of the policies:

#### 4.7.1 *Recreational Resources*

*The policy objective is to provide coastal recreational opportunities accessible to the public.* Shoreline access currently provides recreational opportunities to fishermen, skin divers and swimmers. Users occasionally begin or end the leg of a swim between the site in the southern portion of Oneo Bay and the pier in the northern portion of Kailua Bay. The project will not affect lateral shoreline access or alter the current uses of the shoreline. Shoreline dining and shopping is also enjoyed from the King Kamehameha's Kona Beach Hotel to the Royal Kona Resort and is a featured attraction of the area. The addition of the *makai* promenade will encourage pedestrian traffic in the area and thus result in a net increase in shoreline accessibility.

#### 4.7.2 *Historic Resources*

*The policy objective is to protect, preserve and where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.* The site is not known to have any historical or archaeological features and, having been previously graded and extensively landscaped, does not offer an essential habitat for endangered species of plants or animals including sea turtles. The proposed improvements should not have an adverse impact to historical or natural resources within the area.<sup>27</sup>

#### 4.7.3 *Scenic and Open Space Resources*

*The policy objective is to protect, preserve and where desirable, restore and improve the quality of coastal scenic and open space resources.* The project will not impose a severe impact on the overall coastal view plane. Ocean views of existing areas of open water from the existing commercial properties to the north of the project site will not be obstructed by the proposed expansion. The most predominant visual feature in the immediate area, the Royal Kona Resort, will remain as such with a roof height over 25 feet above the proposed expansion's roof height. Views from Queen Kaahumanu Highway and Kuakini Highway toward the sea are already obstructed by topography and existing vegetation and development and will not be substantially interfered with by the project. Views from existing *mauka* development to the south and directly *mauka* of the project site will not be impacted by the project due to topography and.

<sup>26</sup> Hawaii Revised Statutes Chapter 205A.

<sup>27</sup> Letter from the State Historic Preservation Division, dated June 23, 1998 (see Appendix D).



existing development. Views from existing *mauka* development to the north of the project site will be the most likely to be impacted, however due to distance and the steep slope of the terrain, this impact will be minimal and will not result in a loss of whitewater views. The overall visual feature of the existing property will remain unchanged. The proposed development lies within an area extensively developed for resort and tourist destination purposes and thus does not constitute a Coastal Open Space Resource as defined by the Coastal Zone Management Program.

#### 4.7.4 Coastal Ecosystems

*The policy objective is to protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.* The proposed expansion will not have a substantial adverse impact on the nearby coastal ecosystem. Impacts to the coastal biological community and adverse affects on water quality will be managed through application of Best Management Practices (BMPs), as dictated by Coastal Zone Management Policy, throughout the construction phase. Prior to placement of concrete for foundations, measures will be taken to insure that no migration of concrete or cement will take place into the adjacent coastal waters. Dredging, filling or otherwise altering the waters of Oneo Bay will not take place as part of the proposed expansion. Post construction runoff from storm water will be disposed of on -site and will not be a significant increase from the existing condition. The site is not known to offer essential habitat for endangered species of plants or animals, including sea turtles.<sup>28</sup>

#### 4.7.5 Economic Uses

*The policy objective is to provide public or private facilities and improvements important to the State's economy in suitable locations.* The proposed use would provide increased opportunity for employment, shoreline dining and viewing of Kailua Bay from this vantage-point. The existing establishment is a well-known dining destination for tourist and *kama'aina* alike. The proposed project would provide for resort support-service development consistent with other recent improvements in the immediate area. The extension of the shoreline promenade and overall improvements to the current vehicle and pedestrian congestion problems currently plaguing this section of Kahakai Road would result in an usage that maximizes conveniences to its users and optimizes the benefits derived by the residents of the County.

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<sup>28</sup> Intertidal Biological Survey by Analytical Laboratories of Hawaii, August 1998 (see Appendix A).

#### 4.7.6 Coastal Hazards

*The policy objective is to reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion and subsidence. In that the proposed expansion is mostly vertical in nature, exposure to coastal flooding hazards from tsunami and storm waves as well as erosion and subsidence will be minimal. The bottom structural member of the existing restaurant is above the Base Flood Elevation for coastal flooding as established by the Flood Insurance Rate Map for the area as published by FEMA. The project site does not lie within an area identified as subject to stream flooding. All proposed construction will comply with the restrictions and flood-proofing requirements of the County's Flood Control Code and the National Flood Insurance Program.*"

#### 4.7.7 Managing Development

*The policy objective is to improve the development review process, communication, and public participation in the management of coastal resources and hazards. The project's location will require a Shoreline Setback Variance, one of the eight triggers of the environmental review process regulated under Hawaii Revised Statutes, Chapter 343. Encroachment seaward of the certified shoreline and the construction of the *makai* promenade within the County's right of way may also constitute use of State and County lands which is also identified as a trigger for the environmental review process under Chapter 343. All requirements of these statutes regarding the development review process, communication and public participation will be met. As required by the Environmental Impact Statement Rules, Title 11, Chapter 200 of the Hawaii Administrative Rules, the Applicant has conformed to early consultation requirements and all other procedures pertaining to the filing of an Environmental Assessment. The project will also require public notification and meetings as part of the Shoreline Setback Variance application process and Special Management Area application. All requirements of these applications and the development review process associated with each will be met.*

#### 4.8 Shoreline Setback Variance

*The parcel on which the existing restaurant is constructed, TMK (3) 7-5-09:14, is of a configuration and dimension to be allowed a 20 foot setback from the certified shoreline. In that the existing restaurant structure straddles the certified shoreline, pursuant to Hawaii County, Department of Planning's Rule 11-*

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<sup>29</sup> Hawaii County Code Chapter 27.

Shoreline Setback, Section 11-7(b), the enlargement of the existing structure requires a Shoreline Setback Variance. The project meets criteria for approval of such a variance as the project provides improvements to both private and public facilities that are clearly in the public interest and constitutes reasonable use of the land. Additionally the proposed expansion neither adversely affects beach processes nor artificially fixes the shoreline. Safe lateral access to and along the shoreline will be maintained, even improved by the extension of the *makai* promenade from the Alii Drive - Kahakai Road intersection, south to the grounds of the Royal Kona Resort.

The Applicant will meet all Hawaii County requirements as to rules of practice and procedure for the Shoreline Setback Variance

#### 4.9 Other Permits & Approvals

The following are Federal, State and Hawaii County permits and approvals most likely to be required by the project:

##### Federal

- Department of Army - Section 10 Permit pursuant to the Rivers and Harbors Act of 1899 (see Appendix D for letter dated 6/29/98).

##### State

- Department of Land and Natural Resources - Additions to airspace easements as required (see Appendix D for letter dated 5/19/97).

##### County

- Planning Department - Shoreline Setback Variance
- Planning Department - Special Management Area Permit
- Planning Department - Building Setback Variance
- Planning Department - Sign Permit
- Public Works Department - Elevation Certificate
- Public Works Department - Work in County Right-Of Way
- Public Works Department - Grading Permit (parking lots only)
- Building Department - Building Permit
  
- Hawaii County Council - Approval of Change in Traffic Flow Pattern (Kahakai Road)

## 5.0 DETERMINATION WITH SUPPORTING FINDINGS & REASONS

Pursuant to the significance criteria set forth by the Environmental Council through Hawaii Administrative Rules, Sections 11-200-12, the proposed project is not expected to cause significant impacts to the environment. Per the discussion below, the determination is to issue a Finding of No Significant Impact.

The proposed project will not involve an irrevocable commitment to loss or destruction to any natural or cultural resources. The project site is not identified as an essential habitat of any plant or animal species including sea turtles. The proposed project will not impact sites of historical or cultural significance. The project area has been previously graded or altered in the past and no expansion of the existing building's footprint is anticipated. The proposed expansion will not reduce the size of any beach nor restrict public access to tidal and submerged lands. The Applicant wishes to preserve existing shoreline access for recreational and cultural purposes and promote future shoreline uses.

The proposed project will not curtail the range of beneficial uses of the environment. The proposed project will enhance the range of beneficial uses of the local environment by providing improved pedestrian access along this section of coastline. The extension of the *makai* promenade will encourage pedestrian and disabled members of the public to conduct excursions from the Kailua Pier to the Royal Kona Resort. Lateral access to the shoreline will be unimpeded by the proposed project.

The proposed project will not conflict with the State's long term environmental policies, goals or guidelines. The project conforms with the State's policy of providing unrestricted access to shoreline areas and improves the quality of an existing visitor destination. The existing seawall will not be extended or modified and no additional hardening of the shoreline will take place as part of the proposed project. No new construction will take place makai of the certified shoreline. The proposed expansion is vertical in nature and will not affect lateral shoreline access or alter the current uses of the shoreline. The existing restaurant's lowest horizontal structural member is approximately 1.5 feet above the minimum elevation required by FEMA and Hawaii County. All additions to the existing restaurant also exceed all applicable FEMA and Hawaii County requirements.

The proposed project will not substantially affect the economic or social welfare, or public health of the community or State. The project will add short term economic opportunities in the construction industry and long term

economic opportunities in the restaurant and retail industries. The proposed expansion will be adequately serviced by existing public health facilities and will not negatively affect the public health of the community or State. The extension of the makai promenade will be constructed to the Americans With Disabilities Act standards and thus benefit the social welfare and public health of members of the community with disabilities by improving the safety and access to this portion of Kailua Village.

The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities. The improvements to Kahakai Road and the existing parking lots as well as the extension of the *makai* promenade will greatly reduce the current safety hazard to pedestrian and vehicular traffic along this portion of Kahakai Road. The proposed expansion will otherwise be adequately serviced by existing public facilities.

The proposed project will not involve a substantial degradation of environmental quality. The project will utilize Best Management Practices to limit degradation of the environment during construction. Prior to placement of concrete for foundations, measures will be taken to insure that no migration of concrete or cement will take place into the adjacent coastal waters. Impact on the marine ecosystem adjacent to the project will be negligible. The existing public sewer system is adequate to service the proposed expansion. Landscaping will meet or exceed Hawaii County Code and Kailua Village Design Commission requirements.

The proposed project will not have cumulative environmental impacts or involve a commitment for larger actions. The full extent of the proposed development has been discussed within this Environmental Assessment. As the Royal Kona Resort occupies the adjacent land to the south of the project and the lands directly north of the project are owned by the State no further development of the shoreline in this area is anticipated. The Applicant has entered into discussions with the Department of Land and Natural Resources for the purpose of obtaining an annually renewable lease for the shoreline parcel directly north of the project. The Applicant proposes landscaping improvements for this parcel, TMK (3) 7-5-09:26.

The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or it's habitat. The project site has not been identified as a habitat for any rare threatened or endangered species of flora or fauna, including sea turtles.

The proposed project will not detrimentally affect air or water quality or ambient noise levels. During construction Best Management Practices will be followed to limit the impact on air and water quality and all Department of

Health regulations regarding air and water quality as well as noise emissions will be complied with. After construction, air and water quality will not be impacted while impacts to the ambient noise levels will be minimized by the use of planting screens in the parking areas. All Hawaii County ordinances regarding noise levels will be observed.

The proposed project is not likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion prone area, geologically hazardous land, estuary, fresh water or coastal waters. In that the proposed expansion is mostly vertical in nature, exposure to coastal flooding hazards from tsunami and storm waves as well as erosion and subsidence will be minimal. The existing restaurant's lowest horizontal structural member is approximately 1.5 feet above the minimum elevation required by FEMA and the Hawaii County Flood Code. All proposed construction will comply with the restrictions and flood-proofing requirements of the County's Flood Control Code and the National Flood Insurance Program. The project site does not lie within an area identified as subject to stream flooding nor does it lie in any other environmentally sensitive area such as a beach, erosion prone area, geologically hazardous land, estuary or fresh water.

The proposed project does not substantially affect scenic vista and view planes identified in county or state plans or studies. The project site does not lie within scenic vista and view planes identified in the Hawaii County General Plan. The views from Queen Kaahumanu Highway and Kuakini Highway toward the sea are already obstructed by topography, and existing vegetation and development and will not be substantially interfered with by the project.

The proposed project does not require substantial energy consumption. The proposed expansion of the existing structure will utilize energy conservation measures in design and will be cooled by the afternoon sea breezes that prevail. All Hawaii County Building Code requirements as to energy conservation will met. The project will be adequately serviced by existing utilities.

## 6.0 REFERENCES

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**APPENDIX A**  
**INTERTIDAL BIOLOGICAL SURVEY**



APPENDIX A

An Assessment of the  
Intertidal Community Structure at Oneo Bay

Prepared for

**Huggo's Restaurant**

Prepared by:

**Analytical Laboratories of Hawaii**  
PO Box 1145  
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August 28, 1998

## TABLE OF CONTENTS

INTRODUCTION .....	3
METHODS .....	3
RESULTS AND DISCUSSION .....	4
<b>Physical Structure</b> .....	4
<i>General Contour</i>	
<i>Low Intertidal</i>	
<i>Mid Intertidal to Certified Shoreline</i>	
<b>Intertidal Biological Community</b> .....	4
<i>Flora</i>	
<i>Fauna</i>	
Invertebrates	
Fish	
<b>Endangered Species</b> .....	7
<b>Anchialine Ponds</b> .....	7
<b>Traditional and Recreational Uses</b> .....	7
SUMMARY AND RECOMMENDATIONS.....	10
REFERENCES .....	10
 <u>List of Figures</u>	
Figure 1 -- Kailua Bay Fisheries Management Area .....	9
 <u>List of Tables</u>	
Table 1 -- Non-seed Plants .....	5
Table 2 -- Invertebrates .....	7

## INTRODUCTION

Huggo's Restaurant proposes improvements to the existing facility that includes expansion of the single story structure to include second and third story levels. The facility is situated on the oceanfront on the southeast corner of Oneo Bay, Kailua-Kona, Island of Hawaii. The existing restaurant has been in operation since 1969.

A possible concern from the local community as well as the regulating agencies regarding the construction and operation of the expanded facility is the potential for impact of the intertidal area located between the construction site and Oneo Bay. In the interest of addressing these concerns and assuring the maintenance of environmental quality, a survey has been conducted. The survey was designed to assess the shoreline biological community in context of its vulnerability to impact from both the short-term construction and long-term operation of the expansion activity.

The survey provides a descriptive narrative of the physical as well as biological condition of the intertidal area and includes the assessment of both non-endangered as well as endangered species. Flora and Fauna that were observed are listed. Human use is addressed in the context of recreation and traditional consumptive activities including subsistence collecting of seaweed (*limu*) and invertebrates (*ama* crab, *opih*i and others). State regulations particular to the area for collecting and fishing are also disclosed.

The design of the survey was such that few cryptic organisms or species living within interstitial spaces of the reef were included.

## METHODS

Identification and description of the physical environment of the intertidal has been conducted and included in this report. These include estimations of solid as well as loose substrate and a description of seasonal erosion and accretion of sand and loose rock.

Biological survey methods follow standard protocols of data collection and analysis. To establish a descriptive baseline of the intertidal biotic community, collections of samples of flora and fauna were conducted and the organisms were identified using standard taxonomic keys. Samples were collected by wading in the shallows and by snorkeling at a high tide during exceptionally calm conditions. All biota was identified to genus and species from which a species list has been compiled and presented in this report (Tables 1 and 2).

Specific attention was given to the potential for impact to endangered species. Lists of endangered species were obtained from the Fish and Wildlife Service and determination was made of the potential for impact to these organisms in the intertidal area of this survey.

Regulatory designation of reserve or habitat areas of particular concern were also reviewed for the areas adjacent to this proposed activity. Appropriate Federal, State and County organizations were contacted and interviewed to identify potential regulatory concerns that were appropriate to address.

Literature research was conducted from which other comparable studies were reviewed. The information from these was used for comparative purposes as well as quality control to demonstrate correctness and completeness of this survey.

## RESULTS AND DISCUSSION

### Physical Structure

#### *General Contour*

The intertidal area adjacent to the proposed activity extends for a distance of 280 feet along the coastline. It is comprised of a combination of solid convoluted basalt that forms small promontories with shallow channels between them. The solid substrate is nearly all basalt but is also composed of some calcareous cemented accretion of rock and coral fragments.

The general contour of the solid substrate forms a small promontory approximately six feet high on the south end of the property that extends a short distance into the water. A low lying lava tongue extends more than 25 feet offshore at sea level from the center of the property and another low lying basalt outcropping borders the north end. Between the three outcroppings are shallow gently sloping rocky channels that extend off shore. The channels are composed of eroded, fractured and tortured basalt that is intermittently covered with sand and other basalt and calcareous debris as it migrates to and from shore during tidal and oceanic wave episodes.

#### *Low Intertidal*

The low tide line of the rocky outcroppings is primarily composed of eroded solid basalt substrate. The channels between the outcroppings are, in all but the calmest conditions, also composed of eroded solid substrate. In these narrow sloping channels, water motion from wave action keeps basalt and calcareous sand distributed to only the deep crevices.

#### *Mid Intertidal to Certified Shoreline*

From mid tide to the certified shoreline, the substrate is composed of a combination of solid basalt forming rock outcroppings on which loose rock, gravel and sand accumulate during low wave conditions between these areas. The loose substrate and rubble that accumulates during low water motion conditions is eroded to solid substrate during storm conditions. The existing Huggo's Restaurant extends out over this debris where it is supported by pilings.

A rock wall that parallels the shore on the north end of the property defines the certified shoreline. The splash zone on the rock promontory defines the certified shoreline on the south end of the property.

### Intertidal Biological Community

#### *Flora*

The intertidal flora is completely confined to non-seed plants (Table 1). It is nearly entirely restricted to hard substrate that encounters minimal abrasion and erosion from sand and debris carried by the waves. The dominant plants are composed of six macroalgal species. They constitute the benthic intertidal macroalgal organisms that are comprised of both upright (bushy and leaf like) and crustose (crust forming) plants.

The most conspicuous upright plant in the intertidal is Ahnfeltia concinna. A. concinna is commonly the highest growing intertidal seaweed on basalt rock coastlines characteristic of the survey area. Ulva fasciata is a second dominant plant that frequently occurs in wash areas but is rarely exposed to air other than at low and exceptionally calm periods. Padina spp. occurs on the rocks in the area as well as Turbinaria ornata. Dominant but less conspicuous intertidal plants that contribute greatly to reef building are the crustose coralline algae. The dominant coralline alga that was encountered during the survey was Porolithion onkodes.

It is recognized that marine algae bloom under the influence of a complex set of environmental influences. Therefore, the presence of these plants can be transient. As a result, the completeness of this species list should be considered with significant latitude. The Marine Biologist that conducted the survey has identified other species of algae in Oneo Bay throughout the years. These most likely colonize the survey area at various times during the year and have therefore been identified here. These include species in the genera Enteromorpha, Sargassum, Giffordia, Ectocarpus, Hypnea, Jania and Padina.

Table 1. Non-seed Plants

Dominant Macroalgal Species Present During the Survey

Ahnfeltia concinna  
Ulva fasciata  
Padina spp.  
Turbinaria ornata  
Porolithion onkodes

Transient Algae Present During Other Conditions

Enteromorpha spp.  
Sargassum spp.  
Giffordia breviarticulata.  
Ectocarpus spp.  
Hypnea spp.  
Jania spp.  
Padina spp.

The substrate interspersed between the dominant plants is commonly populated by a wide variety of inconspicuous plants that form a low-lying turf or film. The turf forms a layer that can impart a slippery or sandy texture to the substrate surface.

A significant population of plants rarely colonizes the area of the survey that is characterized by soft substrate.

## *Fauna*

### Invertebrates

The survey area was examined for the presence of invertebrates. The dominant organisms that were encountered primarily fall into three taxonomic groups; mollusks, echinoderms and crustaceans.

- Mollusks

The solid substrate in the high intertidal and splash zone supports an abundant population of Nerita picea. Above these, the common "periwinkle" (Littorina pintado) was also identified. Isolated small opihi (Cellana exarata) were encountered but they are not common. This limpet is considered a delicacy in the local diet and the small size of individuals in the survey area is likely to be the result of collecting of the larger individuals for food. All opihi seen in the survey area were significantly smaller than the legal size for collecting of 1.25 inch shell diameter. The bivalve Isognomon pema was identified attached to rocks in the low intertidal.

Though nocturnal and cryptic mollusks such as octopus were not seen during the survey, it is recognized that they are relatively common in Oneo Bay.

- Echinoderms

The most common sea urchin encountered in the survey was Echinoderamta mathaei. Isolated individuals of Eucidaris metularia were recorded but the shingle urchin (Colobocentrotus atratus) was also relatively abundant. Sea cucumbers were seen in the subtidal but not in the intertidal. The only cryptic organism that was identified during the survey was the brittle star, Ophiocoma pica.

- Crustaceans

The most common crustaceans encountered were the hermit crabs that inhabit the discarded Nerita picea. These were abundant. Ama Crabs (Grapsus tenuicrustatus) were also common. These, as in the case of the opihi, were small. This is also likely to be due to fishing pressure. The small shrimp, Brachycarpus biunguiculatus was noted under rocks and associated with areas where the biological community was well developed and cryptic habitat was abundant.

- Corals

As is the case with most intertidal areas where occasional surge causes significant scouring of the rock surfaces, corals are essentially absent.

Table 2. Invertebrates

Nerita picea  
Littorina pintado  
Cellana exarata  
Isognomon perna  
Echinoderamta mathaei  
Eucidaris metularia  
Colobocentrotus atratus  
Ophiocoma pica  
Grapsus tenuicrustatus  
Brachycarpus biunguiculatus

### Fish

Intertidal habitat that is characterized as having moderate surge where the substrate is composed of a combination of rock outcroppings and mobile loose substrate does not support a high diversity of intertidal fish that are obligate inhabitants. Among the fish that are entirely dependent on this intertidal area are some species of blennies of the genera Istiblennius and Entomacrodus. These genera, affectionately known as rock skippers, were identified in the survey area.

A wide variety of other fish have been identified in the intertidal but only occur here during exceptional high tides and during calm sea conditions. Some of the most common are the puffers, wrasses, threadfins, surgeons, tangs, angelfish, sculpins, butterflyfish and triggerfish. These groups of fish are not obligate inhabitants of the intertidal and are therefore not treated in detail in this survey.

### **Endangered Species**

Three species of marine animals that occur in Hawaiian waters have been declared threatened or endangered by Federal jurisdiction. The threatened green sea turtle (Chelonia mydas) that occurs commonly along the Kona Coast is among these. The hawksbill turtle (Eretmochelys imbricata) has been seen off the Kona Coast but is considered uncommon. In view of the survey area having no overlap with the habitat of humpbacked whales, the area of the survey was examined for its significance to sea turtles.

The habitat types needed to ensure the survival of sea turtles include areas suitable for feeding, resting, basking and nesting. Though the area offshore of the proposed development provides suitable feeding and resting habitat for turtles, the intertidal area is not known to consist of essential habitat for endangered species of sea turtles.<sup>1</sup>

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<sup>1</sup> Personal Communication with U.S. Fish and Wildlife Service personnel

Although sighted frequently, it has not been verified that the green sea turtle nests along the Kona Coast, but it has been verified that it nests in the Northwest Hawaiian Islands. Federal agencies with jurisdiction over endangered marine species report that their observations confirm that the hawksbill turtle does not migrate long distances but nests primarily in the Main Hawaiian Islands, including Hawaii Island. The hawksbill turtle also stays in deeper waters which may partially account for less frequent sightings.<sup>2</sup>

#### **Anchialine Ponds**

Though brackish water seeps from the groundwater to the intertidal shoreline, anchialine ponds are absent from the project area. The brackish water that seeps through the shoreline migrates out to sea and gradually dissipates offshore. This natural phenomenon occurs along the entire Kona Coast with concentrated seepage along the shorelines of embayments.

#### **Recreational and Traditional Uses**

Oneo Bay is a popular site for varied recreational and traditional activities. Frequent uses of the bay include swimming, snorkeling and boating. The most common use of the Oneo Bay shoreline includes recreational and traditional forms of collecting and fishing. Collection is primarily of food species of *limu* or seaweed and *opibi*, a limpet. The existing access to the intertidal area fronting Huggo's Restaurant is obtained from either end of the property. These accesses will not be altered by the proposed activity.

Although no license is required for recreational saltwater fishing, State laws and rules exist which pertain to fishing and collecting. Oneo Bay is a regulated fishing area, a part of the Kailua Bay Fisheries Management Area (Figure 1). This area includes the portions of Kailua and Oneo Bays enclosed by a straight line drawn from Kukailimoku Point to the seawall of the Royal Kona Resort (Figure 1). Oneo Bay is within Zone B of the FMA. Regulations permit the following fishing activities in Zone B:

- To take any legal size fish in season with not more than two lines, or two rods and lines, and with not more than two hooks each.
- To take crabs with not more than 10 nets, provided the nets are not more than two feet in diameter.
- To take shrimp for bait with a hand net, provided that the net is not more than three feet in any dimension.

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<sup>2</sup> Personal Communication with U.S. National Park Service personnel.



- To use nets of mesh size not less than 3 inches to take fish, or akule net to take akule only, provided that nets shall not be in the water between sunset and sunrise, or remain in the water except during active retrieval or unloading of fish from that net.
- To use spears or thrownets.
- Commercial Marine licensees with a Bait License may take nehu and iao for bait purposes.
- Licensed pond owners or operators may take young mullet (pua) or other small fish for stocking their fishpond.

Figure 1. Map of Kailua Bay Fisheries Management Area.

- To use nets of mesh size not less than 3 inches to take fish, or akule net to take akule only, provided that nets shall not be in the water between sunset and sunrise, or remain in the water except during active retrieval or unloading of fish from that net.
- To use spears or thrownets.
- Commercial Marine licensees with a Bait License may take nehu and iao for bait purposes.
- Licensed pond owners or operators may take young mullet (pua) or other small fish for stocking their fishpond.

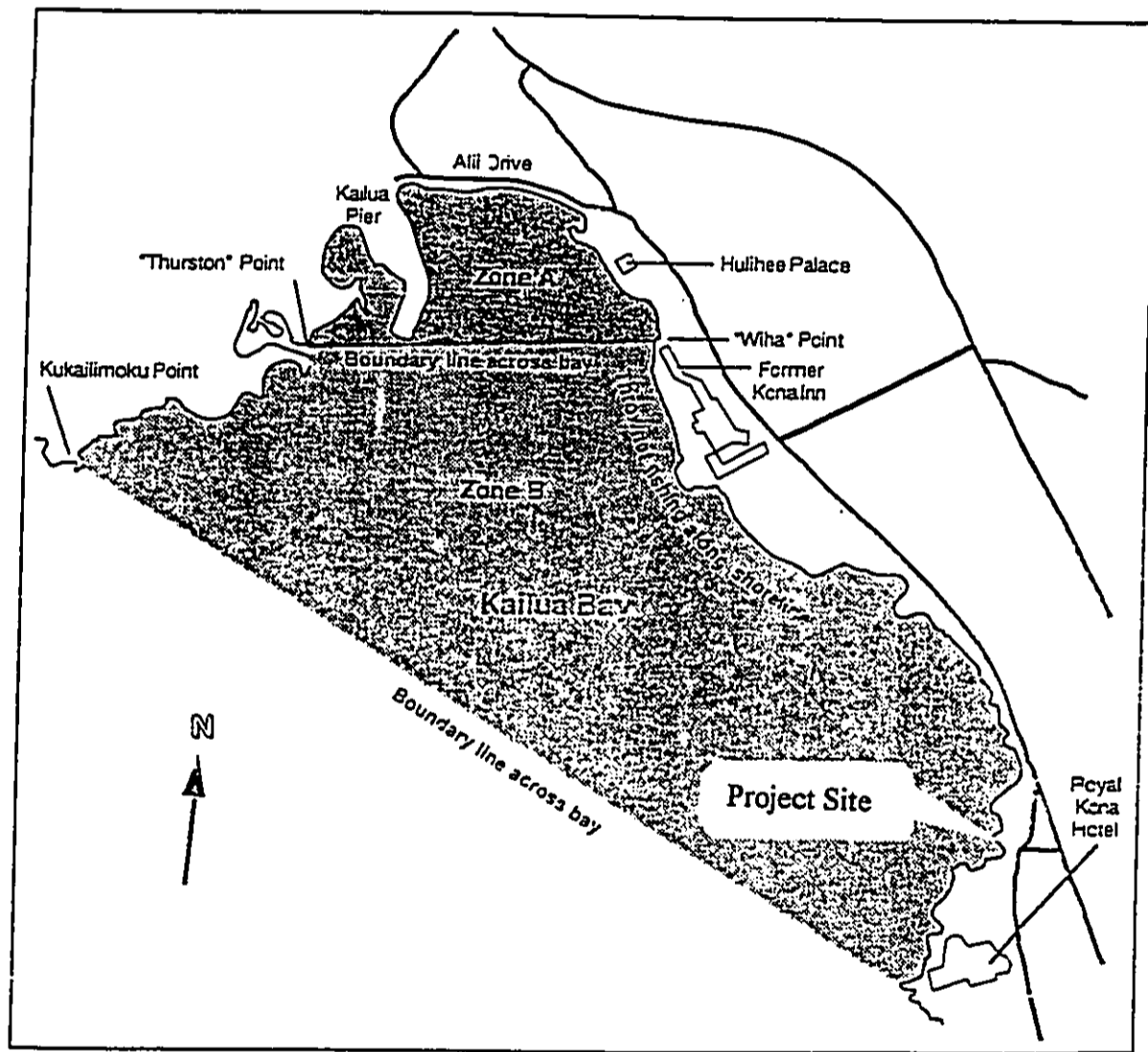


Figure 1. Map of Kailua Bay Fisheries Management Area.

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## SUMMARY AND RECOMMENDATIONS

Stresses from natural phenomenon are the dominant factor in determining community structure in the intertidal area adjacent to the proposed development. The project area has not been identified as essential habitat for endangered species. There are no anchialine ponds in the project area. The absence of plans to modify the shoreline or near shore environment eliminates the risk of direct alteration of ecosystems. Provided that mitigation measures are taken for containing construction phase runoff, the proposed development will have no substantial adverse environmental or ecological effect as it will not introduce impediments to the environmental conditions necessary for supporting the biological community.

Traditional and recreational uses of the area will not be altered by the proposed expansion. Fishing and collecting, however, are subject to the State of Hawaii Fishing Regulations.

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**APPENDIX B  
LESSOR'S LETTER OF ACKNOWLEDGEMENT  
AND CONSENT**



PAID  
7-28-98  
Alanii  
329-7144

KAMEHAMEHA SCHOOLS BERNICE PAUHI BISHOP ESTATE

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July 24, 1998

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GERARD A. JERVIS  
SECRETARY

Dear Mr. Platen Luder,

HENRY H. PETERS  
TREASURER

Building Improvement, Huggo's Restaurant, Lease No. 16,189, TMK: 375-009-014, Pua'a,  
North Kona, Island of Hawai'i

I am in receipt of your letter of June 18, 1998 regarding the proposed additions to the above referenced property. This lease permits the lessee to make additions and repairs to the building, provided a copy of the building plans are submitted to the lessor for its review prior to the start of construction.

Please forward a copy of your shoreline management area permit to this office for signature.

If you have any questions please call me at 322-5313.

Sincerely,

G. Rick Robinson  
Senior Land Manager  
Hawai'i Island Region

GRR:as

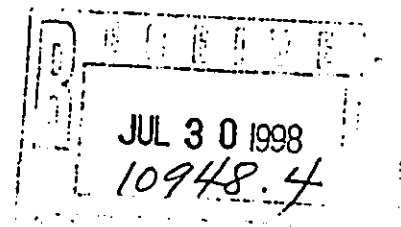
**APPENDIX C  
DOCUMENTATION FOR  
SHORELINE CERTIFICATION**



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
P.O. BOX 621  
HONOLULU, HAWAII 96809

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

JUL 29 1998



Ref.:LD-PEM

Ms. Crystal Thomas Yamasaki, LPLS  
Wes Thomas Associates  
75-5749 Kalawa Street  
Kailua-Kona, Hawaii 96740

Dear Ms. Yamasaki:

Subject: Shoreline Certification Request  
Applicant: Wes Thomas Associates  
Property Owner: Alanui Enterprises  
Location - Island: Hawaii District: N. Kona  
Tax Map Key: 7-5-09:14 & 16  
Property Description: Parts of RP 7845, LCAw 7715, Ap 13 to L. Kamehameha,  
Puaa I, N. Kona, Hawaii  
Land Division Case No.: HA-196

This is to inform you that the subject shoreline certification request has been certified and no appeal has been received. Four (4) certified copies of the map are enclosed herewith.

Should you have any questions regarding this matter, please feel free to contact Patti Miyashiro of our Honolulu Office at 587-0430.

Very truly yours,

  
DEAN Y. UCHIDA  
Administrator

Enclosures

c: Hawaii Land Board Member  
Hawaii District Land Office (w/enclosures)  
Survey Div., DAGS (w/enclosures)

**APPENDIX D**  
**COMMENTS AND RESPONSES**



BENJAMIN J. CAYETANO  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF LAND MANAGEMENT  
P.O. BOX 936  
HILO, HAWAII 96721-0936

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

May 19, 1997

Ted Baldau  
Ala Nui Enterprises  
Box 390628  
Kailua-Kona, Hawaii 96739

Dear Mr. Baldau:

Thank you for your letter dated April 8, 1997 requesting information on what is required from our Department should there be a second story addition to Huggo's Restaurant.

I checked with our planning branch in Honolulu, if a conservation district use application (CDUA) is required because the second story will be going into the airspace or makai side of the certified shoreline. A CDUA is not required because the second story will not be on the land/ground. If a CDUA was required, a draft environmental assessment would need to be submitted with the application.

If your client is going to pursue this, the State can and has in the past sold easements for air space. We can help you with this.

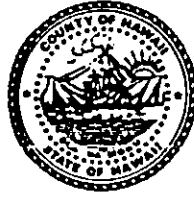
Should you have any questions, please call my office at 974-6203.

Sincerely,

*Charlene E. Unoki*  
Charlene E. Unoki

cc: Hawaii BM  
Support Services

Stephen K. Yamashiro  
*Mayor*



Virginia Goldstein  
*Director*

Russell Kokubun  
*Deputy Director*

## County of Hawaii

### PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-8742

May 18, 1998

Mr. Ted Baldau  
Alanui Enterprises  
P.O. Box 390628  
Kailua-Kona, Hawaii 96739

Dear Mr. Baldau:

Early Consultation - Draft Environmental Assessment  
Huggos's Restaurant - 2 story addition  
Special Management Area  
Kailua Village Special District  
Tax Map Key: 7-5-009: 014

At its meeting of May 12, 1998, the Kailua Village Design Commission asked that the following issues be addressed in the preparation of the Draft Environmental Assessment:

1. The Kailua Village Master Plan makes recommendations relative to building heights along Alii Drive as well as other related design issues.
2. The provision of curb, gutter and sidewalk improvements along Kahakai Road.
3. The inclusion of additional landscaping within the new and existing parking areas; not to remove any existing trees if not required.

In addition, we have the following comments:

1. The subject property is situated within the Special Management Area and the Shoreline Setback area. A Special Management Area Major Use Permit and a Shoreline Setback Variance Application will have to be submitted to the Planning Commission.
2. Any formal application must include a certified shoreline survey, which has been confirmed by the Chairman of the Board of Land and Natural Resources.

Mr. Ted Baldau  
Page 2  
May 18, 1998

3. The County Council passed Ordinance no. 96-160 (Zoning Code) on December 7, 1996. Therefore, the proposed project will have to comply with the new requirements of the zoning code relative to yards, off-street parking, building height, landscaping and any other applicable requirements of the Zoning Code. This coordinated review should be done so as to include these matters within the Draft EA. All other affected agencies must also be contacted for their requirements. As there may be possible conflicts between agency requirements, please contact them as early as possible to ensure that these conflicts can be resolved when plugged into the design process for the proposed improvements. A more detailed review of the project relative to the Zoning Code requirements shall be made after the submittal of the Draft Environmental Assessment.
4. Since the project may involve construction work makai of the certified shoreline, permits from the Department of Land and Natural Resources as well as the Corps of Engineers may be required.
5. The proposed project is located within a flood hazard zone. Construction must meet with the Chapter 27 of the Hawaii County Code, administered by the Department of Public Works.
6. In conjunction with the shoreline setback variance, a draft environmental assessment must be submitted together with the variance application. Our office must then comply with the requirements of Chapter 200, Environmental Impact Statement Rules prior to scheduling the various applications for a public hearing before the County Planning Commission.

Should you have any questions, please feel welcome to contact Royden Yamasato of my staff at 327-3510.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

RHY:rld  
a:\75009014\baldau.ltr

xc: West Hawaii Office  
KVDC, Chairperson

BENJAMIN J. CAYETANO  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

June 1, 1998

KAZU HAYASHIDA  
DIRECTOR

DEPUTY DIRECTORS  
BRIAN K. MINAII  
GLENN M. OKIMOTO

IN REPLY REFER TO:  
STP 8.8583

Mr. Ted Baldau  
Alanui Enterprises  
P.O. Box 390628  
Kailua-Kona, Hawaii 96739

Dear Mr. Baldau:

Subject: Proposed Addition of 2nd and 3rd Story to  
Hugo's Restaurant  
Draft Environmental Assessment  
Shoreline Setback Variance

Thank you for your transmittal of May 22, 1998.

The proposed improvements will not have a significant impact on our State transportation facilities.

We appreciate the opportunity to provide comments.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kazu Hayashida".

KAZU HAYASHIDA  
Director of Transportation

BENJAMIN J. CAYETANO  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
33 SOUTH KING STREET, 6TH FLOOR  
HONOLULU, HAWAII 96813

MICHAEL D. WILSON, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY  
GILBERT COLOMA-AGARAN

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
DIVISION  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

June 23, 1998

Ms. Kathy Anderson  
Ala Nui Enterprise  
P.O. Box 390628  
Kailua-Kona, Hawaii 96739

LOG NO: 21940 ✓  
DOC NO: 9806MS03

Dear Ms. Anderson:

**SUBJECT: Addition to Huggo's Restaurant  
Pua'a 1, North Kona, Hawaii island  
TMK:(3)7-5-09:14**

Thank you for the opportunity to review this proposal. It is our understanding that the project consists of adding a second story to an existing structure, with no expansion of the existing building's footprint. Because there is no additional land altering activity, we believe that the proposed project will have "no effect" on significant historic sites.

If you have further questions please call Patrick McCoy at 587-0006 (Honolulu), or Marc Smith at 933-0482 (Hilo).

Aloha,

A handwritten signature in black ink, appearing to read "Don Hibbard".

DON HIBBARD, Administrator  
State Historic Preservation Division

MS:amk



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U. S. ARMY ENGINEER DISTRICT, HONOLULU  
FT. SHAFTER, HAWAII 96858-5440

June 29, 1998

Operations Branch

Mr. Ted Baldau  
ALANUI ENTERPRISES  
P.O. Box 390628  
Kailua-Kona, Hawaii 96739

Dear Dr. Baldau:

Thank you for your letter dated May 22, 1998 concerning the expansion of Huggo's Restaurant. After careful review of the plans you provided I have determined that a Department of the Army (DA) permit under Section 10 of the Rivers and Harbors Act of 1899 will be required. Since the expansion does not involve any discharge into waters of the U.S., and the overhang is high and not extensive enough to constitute a "discharge", a DA permit under Section 404 of the Clean Water Act will not be required.

The proposed action can be authorized by a Letter of Permission, and I have enclosed a permit application form for your use.

If you have any questions concerning this determination, please contact Mr. William Lennan of my staff at 438-9258, extension 13 and reference File No. 980000222.

Sincerely,

A handwritten signature in cursive script, appearing to read "George P. Young".

George P. Young, P.E.  
Chief, Operations Branch



**WES THOMAS ASSOCIATES**

#10948.4

August 13, 1998

Ted Baldau  
Alanui Enterprises  
P O Box 390628  
Kailua-Kona, HI 96739

RE: Huggo's Restaurant Elevation of Lowest Supporting Beam  
TMK: 7-5-09:16 (3rd Division)

Gentlemen:

Pursuant to your request, we have determined that the elevation of the lowest supporting member of the floor of the structure on the subject property is 11.61 feet (Mean Sea Level). This elevation was established in 1987 and confirmed in 1991.

If you have any questions, or if you need additional information, please feel free to contact the undersigned.

Very truly yours,

WES THOMAS ASSOCIATES

*Christine Nishida*

for Chrystal Thomas Yamasaki, L.P.L.S.

CTY:



PAID  
7-28-98  
Alanii  
329-7144

KAMEHAMEHA SCHOOLS BERNICE PAUHI BISHOP ESTATE

BOARD OF TRUSTEES

July 24, 1998

RICHARD S.H. WONG  
CHAIRMAN

O. K. STENDER  
FIRST VICE CHAIR

Eric von Platen Luder  
Olu Kai Ltd.  
75-5828 Kahakai Road  
Kailua-Kona, Hawai'i 96740

LAWITANI LINDSEY  
SECOND VICE CHAIR

GERARD A. JERVIS  
SECRETARY

Dear Mr. Platen Luder,

HENRY H. PETERS  
TREASURER

Building Improvement, Huggo's Restaurant, Lease No. 16,189, TMK: 375-009-014, Pua'a,  
North Kona, Island of Hawai'i

I am in receipt of your letter of June 18, 1998 regarding the proposed additions to the above referenced property. This lease permits the lessee to make additions and repairs to the building, provided a copy of the building plans are submitted to the lessor for its review prior to the start of construction.

Please forward a copy of your shoreline management area permit to this office for signature.

If you have any questions please call me at 322-5313.

Sincerely,

G. Rick Robinson  
Senior Land Manager  
Hawai'i Island Region

GRR:as



BENJAMIN J. CAYETANO  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF LAND MANAGEMENT  
P.O. BOX 936  
HILO, HAWAII 96721-0936

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

May 19, 1997

Ted Baldau  
Ala Nui Enterprises  
Box 390628  
Kailua-Kona, Hawaii 96739

Dear Mr. Baldau:

Thank you for your letter dated April 8, 1997 requesting information on what is required from our Department should there be a second story addition to Huggo's Restaurant.

I checked with our planning branch in Honolulu, if a conservation district use application (CDUA) is required because the second story will be going into the airspace or makai side of the certified shoreline. A CDUA is not required because the second story will not be on the land/ground. If a CDUA was required, a draft environmental assessment would need to be submitted with the application.

If your client is going to pursue this, the State can and has in the past sold easements for air space. We can help you with this.

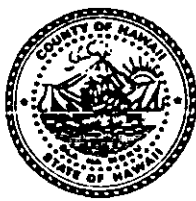
Should you have any questions, please call my office at 974-6203.

Sincerely,

*Charlene E. Unoki*  
Charlene E. Unoki

cc: Hawaii BM  
Support Services

Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Russell Kokubun  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-8742

May 18, 1998

Mr. Ted Baldau  
Alanui Enterprises  
P.O. Box 390628  
Kailua-Kona, Hawaii 96739

Dear Mr. Baldau:

Early Consultation - Draft Environmental Assessment  
Huggos's Restaurant - 2 story addition  
Special Management Area  
Kailua Village Special District  
Tax Map Key: 7-5-009: 014

At its meeting of May 12, 1998, the Kailua Village Design Commission asked that the following issues be addressed in the preparation of the Draft Environmental Assessment:

1. The Kailua Village Master Plan makes recommendations relative to building heights along Alii Drive as well as other related design issues.
2. The provision of curb, gutter and sidewalk improvements along Kahakai Road.
3. The inclusion of additional landscaping within the new and existing parking areas; not to remove any existing trees if not required.

In addition, we have the following comments:

1. The subject property is situated within the Special Management Area and the Shoreline Setback area. A Special Management Area Major Use Permit and a Shoreline Setback Variance Application will have to be submitted to the Planning Commission.
2. Any formal application must include a certified shoreline survey, which has been confirmed by the Chairman of the Board of Land and Natural Resources.

Mr. Ted Baldau  
Page 2  
May 18, 1998

3. The County Council passed Ordinance no. 96-160 (Zoning Code) on December 7, 1996. Therefore, the proposed project will have to comply with the new requirements of the zoning code relative to yards, off-street parking, building height, landscaping and any other applicable requirements of the Zoning Code. This coordinated review should be done so as to include these matters within the Draft EA. All other affected agencies must also be contacted for their requirements. As there may be possible conflicts between agency requirements, please contact them as early as possible to ensure that these conflicts can be resolved *when plugged into the design* process for the proposed improvements. A more detailed review of the project relative to the Zoning Code requirements shall be made after the submittal of the Draft Environmental Assessment.
4. Since the project may involve construction work makai of the certified shoreline, permits from the Department of Land and Natural Resources as well as the Corps of Engineers may be required.
5. The proposed project is located within a flood hazard zone. Construction must meet with the Chapter 27 of the Hawaii County Code, administered by the Department of Public Works.
6. In conjunction with the shoreline setback variance, a draft environmental assessment must be submitted together with the variance application. Our office must then comply with the requirements of Chapter 200, Environmental Impact Statement Rules prior to scheduling the various applications for a public hearing before the County Planning Commission.

Should you have any questions, please feel welcome to contact Royden Yamasato of my staff at 327-3510.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

RHY:rld  
a:\75009014\baldau.ltr

xc: West Hawaii Office  
KVDC, Chairperson

BENJAMIN J. CAYETANO  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

June 1, 1998

KAZU HAYASHIDA  
DIRECTOR

DEPUTY DIRECTORS  
BRIAN K. MINAII  
GLENN M. OKIMOTO

IN REPLY REFER TO:  
STP 8.8583

Mr. Ted Baldau  
Alanui Enterprises  
P.O. Box 390628  
Kailua-Kona, Hawaii 96739

Dear Mr. Baldau:

Subject: Proposed Addition of 2nd and 3rd Story to  
Hugo's Restaurant  
Draft Environmental Assessment  
Shoreline Setback Variance

Thank you for your transmittal of May 22, 1998.

The proposed improvements will not have a significant impact on our State transportation facilities.

We appreciate the opportunity to provide comments.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kazu Hayashida".

KAZU HAYASHIDA  
Director of Transportation

BENJAMIN J. CAYETANO  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
33 SOUTH KING STREET, 6TH FLOOR  
HONOLULU, HAWAII 96813

MICHAEL D. WILSON, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY  
GILBERT COLOMA-AGARAN

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
DIVISION  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

June 23, 1998

Ms. Kathy Anderson  
Ala Nui Enterprise  
P.O. Box 390628  
Kailua-Kona, Hawaii 96739

LOG NO: 21940 ✓  
DOC NO: 9806MS03

Dear Ms. Anderson:

**SUBJECT: Addition to Huggo's Restaurant  
Pua'a 1, North Kona, Hawaii island  
TMK:(3)7-5-09:14**

Thank you for the opportunity to review this proposal. It is our understanding that the project consists of adding a second story to an existing structure, with no expansion of the existing building's footprint. Because there is no additional land altering activity, we believe that the proposed project will have "no effect" on significant historic sites.

If you have further questions please call Patrick McCoy at 587-0006 (Honolulu), or Marc Smith at 933-0482 (Hilo).

Aloha,

A handwritten signature in black ink, appearing to read "Don Hibbard".

DON HIBBARD, Administrator  
State Historic Preservation Division

MS:amk



DEPARTMENT OF THE ARMY  
U. S. ARMY ENGINEER DISTRICT, HONOLULU  
FT. SHAFTER, HAWAII 96858-5440

REPLY TO  
ATTENTION OF

June 29, 1998

Operations Branch

Mr. Ted Baldau  
ALANUI ENTERPRISES  
P.O. Box 390628  
Kailua-Kona, Hawaii 96739

Dear Dr. Baldau:

Thank you for your letter dated May 22, 1998 concerning the expansion of Huggo's Restaurant. After careful review of the plans you provided I have determined that a Department of the Army (DA) permit under Section 10 of the Rivers and Harbors Act of 1899 will be required. Since the expansion does not involve any discharge into waters of the U.S., and the overhang is high and not extensive enough to constitute a "discharge", a DA permit under Section 404 of the Clean Water Act will not be required.

The proposed action can be authorized by a Letter of Permission, and I have enclosed a permit application form for your use.

If you have any questions concerning this determination, please contact Mr. William Lennan of my staff at 438-9258, extension 13 and reference File No. 980000222.

Sincerely,

George P. Young, P.E.  
Chief, Operations Branch



WES THOMAS ASSOCIATES

#10948.4

August 13, 1998

Ted Baldau  
Alanui Enterprises  
P O Box 390628  
Kailua-Kona, HI 96739

RE: Huggo's Restaurant Elevation of Lowest Supporting Beam  
TMK: 7-5-09:16 (3rd Division)

Gentlemen:

Pursuant to your request, we have determined that the elevation of the lowest supporting member of the floor of the structure on the subject property is 11.61 feet (Mean Sea Level). This elevation was established in 1987 and confirmed in 1991.

If you have any questions, or if you need additional information, please feel free to contact the undersigned.

Very truly yours,

WES THOMAS ASSOCIATES

*Christine Nakuba*

for Chrystal Thomas Yamasaki, L.P.L.S.

CTY:

**APPENDIX E**  
**DRAFT EA COMMENTS AND RESPONSES**





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U. S. ARMY ENGINEER DISTRICT, HONOLULU  
FORT SHAFTER, HAWAII 96858-5440

November 6, 1998

Operations Branch

Mr. Ted Baldau  
ALANUI ENTERPRISES  
P.O. Box 390628  
Kailua-Kona, Hawaii 96739


Dear Mr. Baldau:

Thank you for your letter dated October 28, 1998 transmitting the draft environmental assessment for the expansion of Huggo's Restaurant. As I stated in my letter dated a Department of the Army (DA) permit under Section 10 of the Rivers and Harbors Act of 1899 will be required. As Mr. Lennan explained during the telephone conversation on 5 November, even if the expansion required a few new pilings, only a Section 10 permit would be required.

Several of the figures in the DEA are very confusing, specifically Figures 6,7 and 11. They do not depict the appropriate building elevations as shown in Figure 3.

If you have any questions concerning this matter, please contact Mr. William Lennan of my staff at 438-9258, extension 13 and reference File No. 980000222.

Sincerely,

  
George P. Young, P.E.  
Chief, Operations Branch

## ALANUI ENTERPRISES

P.O. BOX 390628  
KAILUA-KONA, HI 96739  
PHONE: 808-329-6225  
FAX: 808-329-7144

December 21, 1998

Mr. George P. Young, P.E.  
Chief, Operations Branch  
Department of The Army  
U.S. Army Engineer District, Honolulu  
Ft. Shafter, Hawaii 96858-5440

File No. 980000222

**SUBJECT:** Response to Comments  
Draft Environmental Assessment  
Expansion Of Huggo's Building and Off-Site Improvements  
North Kona District, Hawaii County  
TMK (3) 7-5-09:14, 15,17 &18

---

Dear Mr. Young:

Thank you for the comments contained within your 11/6/98 correspondence. Prior to applying for building permits for the proposed expansion of Huggo's, a Section 10 permit will be obtained from the Department of the Army.

We have revised Figures 6, 7, and 11 with the intention of clarifying the specified elevations to correspond with Figure 3. Figure 3 has also been revised for greater clarity. These revised figures will be contained within our Final Environmental Assessment document, a copy of which shall be forwarded to your office

Sincerely,  
ALANUI ENTERPRISES

  
Ted Baldau

CC: Hawaii County Planning Department

BENJAMIN J. CAYETANO  
GOVERNOR



GARY GILL  
DIRECTOR

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

236 SOUTH BERETANIA STREET  
SUITE 702  
HONOLULU, HAWAII 96813  
TELEPHONE (808) 586-4185  
FACSIMILE (808) 586-4186

November 9, 1998

Ms. Virginia Goldstein, Director  
County of Hawaii Planning Department  
25 Aupuni Street  
Hilo, HI 96720

Attention: Phyllis Fujimoto or Alice Kawaha

Dear Ms. Goldstein

Subject: Draft Environmental Assessment (EA) for Huggo's Building Improvement and Expansion, Kailua-Kona

In order to reduce bulk and conserve paper, we recommend printing on both sides of the pages in the final document. We also have the following comments to offer:

1. Figure 3: This figure is confusing. It is hard to visualize the additional stories in relation to the property line, the record property line (these two items need to be distinguished from one another in the text), the seawall and the 2nd and 3rd story wall lines. A presentation using colors would be helpful.
2. Funding: The total project cost is given at \$1.8 million. Please disclose if any portion will be state or county funds, which includes any federal funds flowing through the state or county.
3. Contacts: Consult with the Coastal Zone Management Program of the Office of Planning regarding this activity over the shoreline. Document your contact in the final EA. Also include copies of any response letters to those received during the preconsultation phase of this environmental assessment.

If you have any questions, please call Nancy Heinrich at 586-4185.

Sincerely,

A handwritten signature in cursive script that reads "Gary Gill".

Gary Gill  
Director

c: Eric von Platen Luder, Olu Kai  
✓ Ted Baldau, Alanui Enterprises

## ALANUI ENTERPRISES

P.O. BOX 390628  
KAILUA-KONA, HI 96739  
PHONE: 808-329-6225  
FAX: 808-329-7144

December 21, 1998

Mr. Gary Gill, Director  
State of Hawaii  
Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, Hawaii  
96813

**SUBJECT:** Response to Comments  
Draft Environmental Assessment  
Expansion of Huggo's Building and Off-Site Improvements  
North Kona District, Hawaii County  
TMK (3) 7-5-09:14, 15, 17 & 18

Dear Mr. Gill:

Thank You for the comments contained within your 11/9/98 correspondence. The final document text will be printed on both sides of the pages. The responses to the additional comments are as follows:

1. Figure 3 has been revised utilizing a color presentation. Notes have been added to Figure 3 to distinguish between the property line and record property line and an explanation added to the text clarifying the difference between the two.
2. The project will be funded entirely by private funds. No federal, state or county funds will be used for the project.
3. A copy of the Draft Environmental Assessment was hand carried to the offices of the Coastal Zone Management Program on 11/13/98. A meeting was held with Mr. John Nakagawa of that office on the same date to review the proposed expansion. Copies of this and all other response letters will be included along with copies of comment letters as an appendix to the Final Environmental Assessment document.

Mr. Gary Gill  
December 21, 1998  
Page 2

If you have any questions or require additional information, please do not hesitate to call.

Sincerely,  
ALANUI ENTERPRISES



Ted Baldau

CC: Hawaii County Planning Department



# SIERRA CLUB, HAWAII CHAPTER

P.O. Box 2577,  
Honolulu, Hawai'i 96803  
(808) 538-6616

'98 DEC 1 PM 1 18

COUNTY OF HAWAII

November 30, 1998

Phyllis Fujimoto  
25 Aupuni St. #109  
Hilo, HI 96720

Dear Ms. Fujimoto,

The Sierra Club would like you to consider the following issues in processing the environmental assessment and special management area permit for the expansion of the Huggo building:

1) Although this area is heavily urbanized, does it make sense to increase the intensity of use along the shoreline? Shouldn't the county be planning for coastal retreat in the long-term given the nature of sea level rise?

2) What kind of precedent does it set for the state and the county to allow a commercial structure to be built makai of the shoreline when there is no compelling need for the structure to be built makai of the shoreline?

Sincerely,

  
David Kimo Frankel  
Director

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To Ted Baldaw	From Phyllis F.	
Co.	Co.	

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## ALANUI ENTERPRISES

P.O. BOX 390628  
KAILUA-KONA, HI 96739  
PHONE: 808-329-6225  
FAX: 808-329-7144

December 22, 1998

Mr. David Kimo Frankel  
Director  
Sierra Club, Hawaii Chapter  
P.O. Box 2577  
Honolulu, Hawaii  
96803

**SUBJECT:** Response to Comments  
Draft Environmental Assessment  
Expansion Of Huggo's Building and Off-Site Improvements  
North Kona District, Hawaii County  
TMK (3) 7-5-09:14, 15, 17 & 18

Dear Mr. Frankel:

Thank you for the comments contained within your 11/30/98 correspondence. Our responses to these comments are as follows:

1. We appreciate your concerns as to the increased intensity of use along the shoreline. The off-site improvements associated with the project have been designed to mitigate existing pedestrian, traffic and parking problems that currently exist in the area of Kahakai Road as well as accommodate the proposed expansion. The extension of the *makai* promenade will provide increased safety for those pedestrians traveling between Kailua Village and the Royal Kona Resort.

As to Hawaii County's long term planning for sea level rise, we know of no such current movement within the County Planning Department to modify or revise current code requirements to account for this phenomenon. The project as planned meets or exceeds the Federal Emergency Management Agency's (FEMA) and Hawaii County Code's current regulations for construction in coastal high hazard areas.

2. The nature of the project is a vertical expansion of an existing commercial structure built prior to current shoreline regulations. The configuration of the existing parcel and structure are such as to limit the options of the Applicant as to floor plan of the proposed expansion.

Mr. David Kimo Frankel  
December 22, 1998  
Page 2

Thank you for your consideration in this matter.

Sincerely,  
ALANUI ENTERPRISES



Ted Baldau

CC: Hawaii County Planning Department



PHONE (808) 594-1888

FAX (808) 594-1865



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
711 KAPI'OLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

December 2, 1998

Mr. Ted Baldau  
Ala Nui Enterprises  
Box 390628  
Kailua-Kona, Hawaii'i 96739

EIS #257

Re: Olu Kai Ltd.'s Draft Environmental Assessment for Huggo's Building Expansion and Off-site Improvements, Kailua-Kona, Hawaii'i, TMK: -5-09:14, 15, 17 & 18

Dear Mr. Baldau:

Thank you for the opportunity to review and comment on the draft Environmental Assessment (DEA) for the expansion of and improvements to Huggo's restaurant in Kailua-Kona. The improvements include the enlargement of the existing single story wooden structure to include second and third story levels. The second and third story addition will be structurally independent of the existing building. The proposed addition will extend as much as 12 feet beyond the certified shoreline and 2-10 feet seaward of the existing structure.

The Office of Hawaiian Affairs is concerned with the effect this project will have on (1) the continued hardening of the shoreline and (2) the use of the airspace above the submerged, ceded lands without compensation.

The State of Hawaii has adopted a policy which strives to promote and conserve the natural resources of the state. In adopting this policy the Legislature provided guidelines concerning shoreline resources. Hawaii Revised Statutes at Section 344-4(4)(B) states that agencies must strive to "[p]rotect the shorelines of the State from encroachment of man-made improvements, structures, and activities". The result of neglecting this guideline is two-fold. First, it allows the loss of the natural shoreline for the general public of today as well as tomorrow. Second, it anticipates property and economic loss during high wave and storm surges. Considering the state's policy against the encroachment of man-made improvements to the shoreline and the reasons behind this policy, we believe it would be inappropriate to allow this project to proceed.

Mr. Ted Baldau  
Ala Nui Enterprises  
December 2, 1998  
Page two

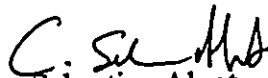
In addition, we are concerned about the use of the airspace above ceded lands, apparently without compensation. While we do not believe that this project should proceed for environmental reasons we do believe that compensation should be paid for the use of ceded lands or the airspace above them when the use promotes private business enterprises.

If you have any questions, please contact Sebastian Aloit, Land and Natural Resource Division Officer or Lynn Lee, EIS Planner at 594-1936.

Sincerely,



Colin Kippen  
Deputy Administrator



Sebastian Aloit  
Land and Natural Resources Division Officer

cc: Board of Trustees  
West Hawaii Community Affairs Office  
County Planning Commission

## ALANUI ENTERPRISES

P.O. BOX 390628  
KAILUA-KONA, HI 96739  
PHONE: 808-329-6225  
FAX: 808-329-7144

December 22, 1998

Mr. Colin Kippen  
Deputy Administrator  
State of Hawaii  
Office of Hawaiian Affairs  
711 Kapiolani Boulevard, Suite 500  
Honolulu, Hawaii  
96813

**SUBJECT:** Response to Comments  
Draft Environmental Assessment  
Expansion Of Huggo's Building and Off-Site Improvements  
North Kona District, Hawaii County  
TMK (3) 7-5-09:14, 15,17 &18

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Dear Mr. Kippen:

Thank you for the comments contained within your 12/02/98 correspondence. Our responses to these comments are as follows:

1. The project will not entail a further hardening of the existing shoreline. No new construction will be placed seaward of the shoreline as certified on June 26 of this year. The existing seawalls at the northern and southern portions of the existing structure will remain intact and as-is. The proposed expansion of the existing restaurant is vertical in nature and will not affect lateral shoreline access or alter the current uses of the shoreline. The Applicant wishes to maintain such uses so that the public's use of this section of shoreline is not impacted. The extension of the *makai* promenade will make this section of coastline more accessible to the general public by encouraging pedestrian traffic in this area.

Due to the vertical nature of the development the proposed project has minimal exposure to coastal flooding hazards from tsunami and storm wave inundation. The seaward portion of the existing restaurant and proposed additions lie within the coastal high hazard area designated as Zone VE by the Federal Emergency Management Agency (FEMA). FEMA's policies as enforced through Chapter 27 of the Hawaii County Code requires the lowest horizontal structural member of a building within the VE Zone to be at or above the Base Flood Elevation (BFE) established by FEMA. The BFE for this area has been established as 10 feet above mean sea level. The existing restaurant's lowest horizontal member has

Mr. Colin Kippen  
December 22, 1998  
Page 2

been certified as being 11.6 feet above mean sea level and thus exceeds FEMA and Hawaii County requirements. The proposed additions to the existing restaurant will also meet or exceed all applicable FEMA and Hawaii County requirements. Therefore no property or economic loss during tsunami and storm events is anticipated.

2. A portion of the proposed expansion falls within the 578 square foot area addressed by DLNR General Lease Number S-4207. As necessary the Applicant will negotiate with the Department of Land and Natural Resources for additional airspace leases for use of the airspace above the ceded lands that fall outside of the area addressed by the existing lease.

Thank you for your consideration in this matter.

Sincerely,  
ALANUI ENTERPRISES



Ted Baldau

CC: Hawaii County Planning Department