

## **East Hawaii Hotspots: MACZAC mtg 12/11/14** (Craig Severance)

**Pepeekeo Palace Saga** continues with a Hawaii County Planning Commission refusal in early September to change the shoreline set back to "top of pali", which means the house plans will have to be reduced and the house built farther back, which should protect the coastal trail and the old landing just below. The owner and his partner claim to have been unaware of the SMA permit requirements and argued that only the state was empowered to determine setbacks. The state and county authorities nexus is something that could use a little more outreach and education?? Environment Hawaii will have the details.

**Hu Honua Liens:** Additional Liens have been placed on the Pepeekeo biofuels power generation facility and the gates are closed with guards. Again check Environment Hawaii for details.

**Hilo Bay Congestion:** traffic from the increasing number of kayaks, one man outriggers, stand-up paddleboards, Hawaiian canoes and small sailboats continues to increase, and some is at dawn and dusk when the risk of being "run-down" is greatest. Much of this traffic is either in or crossing the main ship and barge channel. None of these watercraft have lights, and few probably meet coast guard requirements. Meanwhile the new state regs requiring power vessel operators to carry certificates of completion for an approved boating safety class are in force statewide.

**Puna Lava flow:** Lower Puna is still recovering from the damage from 2 tropical storms. If, (When?) Pele crosses Highway 130, access to all of lower Puna will become much more difficult, with increased time and fuel costs. This will impact the intensity of use of the ramp at Pohoiki, which is already sometimes dangerously congested when surfers and swimmers are in the water and boats have to make a quick turn to get in. Pohoiki is a virtual fishing community during the Summer ika shibi fishery. Access to the communities of Kalapana, Kahena, Kapoho/vacationland along with the whole "red road" will also become difficult, and the social and economic impacts will be significant.

.

MACZAC Hotspots Report  
West Hawaii, Phil Fernandez  
Dec 2, 2014

1) Keauhou Aquifer

<http://dlnr.hawaii.gov/cwrm/groundwater/activities/keauhou/>

State Water Resource Management Commission Meeting to be held on December 10<sup>th</sup>. Verbal report will be given on December 11<sup>th</sup> at MACZAC meeting.

2) Sheraton Kona Resort at Keauhou Bay  
(West Hawaii Today, Pg 1, Nov 12, 2014)

Blatantly, in my opinion, by-passed county permit process to repair and extend a walkway along the waterfront. Added a ladder from walkway to lava shoreline without permission. Admitted error, after the fact, and is subject to \$10,000 fine. The issue with the Sheraton Kona Resort has been an ongoing battle by a coalition called the Keauhou Bay Stakeholders Group and the management at the Sheraton.

Article is attached.

# West Hawaii Today

WEDNESDAY, NOVEMBER 12, 2014

WESTHAWAIIITODAY.COM

75¢

## Sheraton faces fines

### NO PERMITS ISSUED FOR CONSTRUCTION, LANDSCAPING WORK

BY NANCY COOK LAUER  
WEST HAWAII TODAY  
ncook-lauer@westhawaiiitoday.com

A local resort is scrambling to get an after-the-fact permit after it was cited by the county Planning Department for unauthorized construction and

landscaping work.

The Sheraton Kona Resort & Spa at Keauhou Bay, as well as state and county agencies, have also incurred the wrath of canoe clubs, neighbors, boat owners, commercial recreation operators and cultural groups for what they

see as preferential treatment for the company, not only for construction within the coastal special management area, but also commercial recreation operations from the hotel site.

The Planning Department, in an Aug. 25 notice of violation,

fined the resort \$10,000 plus \$100 a day starting Oct. 1 if corrective action wasn't taken by Sept. 30. The department subsequently extended the deadline to Nov. 30 before fines would be levied.

Planners said a June 6 inspection showed workers mixing powdered cement in wheelbarrows and attempting to patch a sidewalk along the shoreline. In doing so, they allowed powdered

cement to wash into the ocean by wave action overtaking the sidewalk, according to the violation notice.

A subsequent inspection showed the resort did not immediately cease its work as ordered by the county, but completed the sidewalk repairs. In addition, a nonconforming building within the shoreline setback area

SEE SHERATON PAGE 4A

# SHERATON: Resort may have to acquire more permits

CONTINUED FROM PAGE 1A

was remodeled with vinyl windows, repaired and repainted, the county said. A ladder was also erected into the ocean, Planning Director Duane Kanuha told West Hawaii Today on Monday.

"There's no doubt there's going to be some kind of fine levied," Kanuha said.

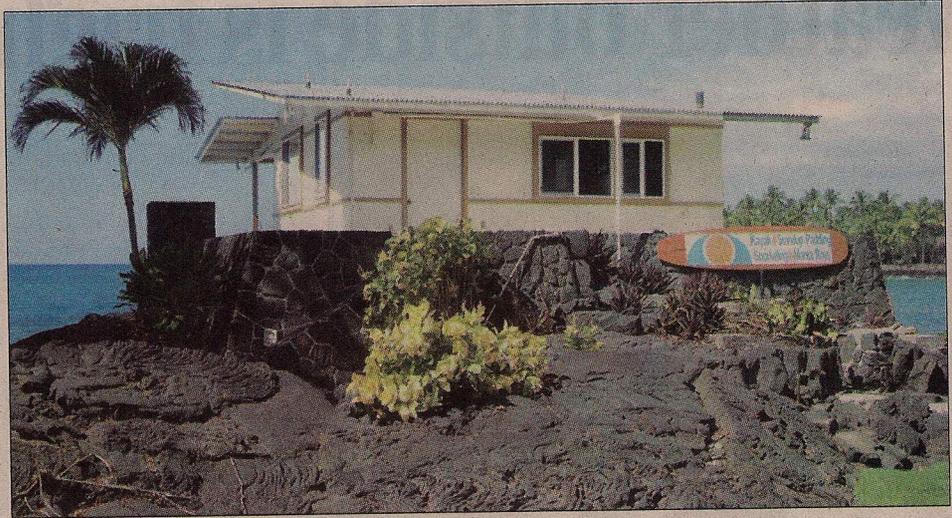
The county is requiring the resort to conduct a shoreline survey and have it certified by the state Department of Land and Natural Resources as part of a special management area assessment application for work that was done without the necessary special management area permits.

Depending on the survey, the resort may have to acquire additional permits and approvals, such as a shoreline setback variance from the Planning Commission.

The Sheraton has hired Hilo planning consultant Sidney Fuke to help it get into compliance.

"We are working in collaboration with all pertinent parties to ensure Sheraton Kona is in full compliance with state and county rules and regulations," Matthew Grauso, general manager at Sheraton Kona Resort & Spa at Keauhou Bay, said in a statement. "We value and respect the stewardship of our land in Keauhou, and will continue to do everything we can to be a great neighbor in our community."

That hasn't been enough to satisfy a group calling itself the "Keauhou Bay Stakeholders Group."



Unpermitted work was also done on this structure at the resort.

Composed of the Keauhou Canoe Club and Kona Community Cultural and Educational Foundation Inc., as well as commercial fishing operators, recreation concession operators and landowners, the group wants quicker action on the permit issues, as well as enforcement of commercial activities on the site.

"Questions about excessive timelines, favoritism, lack of consequences, influence of wealth and liability will be raised if immediate, substantive, corrective action is not undertaken," the group said in a Nov. 2 letter to Kanuha and state DLNR chairman William Aila.

"The violations of this Kona Surf Partners

project at the Sheraton Kona overlap and co-mingle between responsibilities of the County Planning Department and the Board of Land and Natural Resources, Office of Conservation and Coastal Lands, and Division of Boating and Ocean Recreation," the letter added. "Interdepartmental communication and coordination will be imperative in order to resolve the issues."

A DLNR spokeswoman said it appeared the issues are under the county's jurisdiction, but Kanuha said until the survey is

done, it's unclear.

As far as commercial activities, they are allowed under the current zoning, said Fuke.

"Commercial activities consistent with that zoning would be allowed," Fuke said.

The allegations in the letter are part of ongoing controversies between the resort and its neighbors.

"We've been trying to figure out a way to comprehensively get a handle on this," Kanuha said. "One issue pops up and one thing is resolved and then there's another one."

## Maui Hot Spots 12/2014 from Jim Coon

1. Ten Commercial Catamarans from Kaanapali and other boats from Lahaina are still trying to share only 3 day use moorings in Honolua Bay. They need two more day use moorings then they can use for an hour or so then move off for the next boat.
2. The ingress/egress buoys are now breaking off and drifting away due to DOBOR doing absolutely nothing to maintain them even when the boaters have volunteered to fix them but those offers have been rebuffed by DOBOR.
3. The new DOBOR rules package have unintentionally eliminated two day use moorings that were approved by DOBOR and have been important moorings for the dive boats. This has caused major difficulties for those companies since there are only a handful of appropriate dive sites depending on the weather for that day.
4. Hawaii's Administrative Procedure Act (HAPA) is over 50 years old and has not kept up with other States or the Federal Government in modernizing the rules making process. The time has come for the HAPA to be modernized to meet the needs of both departments and citizens. (See HAPA paper sent under separate cover). Much of the hot issues that we are dealing with could be resolved if HAPA were updated.

Molokai Hotspot MACZAC Report

November 2014

Submitted by: Lori Buchanan – Committee Member

- Molokai coastline impacts.....highway needs to move off the coast in areas, should move/extend SMA boundary.
- No enforcement on violations on shoreline hardening, not enough education for community about shoreline impacts.
- Impacts from ongoing watersport activities such as canoe, paddleboard and kayak races.
- Erosion and sedimentation near shore and reef.
- Moomomi proposed CBSFA.
- Propose CBSFA for east Molokai
- Divers/fishermen not from Molokai fishing out resources.
- Pesticides run off into marine waters.