



**SUBJECT TO CHANGE**

**COUNTY OF KAUA'I  
PLANNING DEPARTMENT**

**DIRECTOR'S REPORT**

**I. SUMMARY**

**Action Required by Planning Commission:** Consideration of a Class IV Zoning Permit and Use Permit to allow After-the-Fact improvements and proposed modifications to the existing helicopter facility at Port Allen Airport.

**Permit Application Nos.** Class IV Zoning Permit Z-IV-2019-13 and Use Permit U-2019-10

**Name of Applicant(s)** SMOKY MOUNTAIN HELICOPTERS, INC.  
(Lorna Nishimitsu, Authorized Agent)

**II. PERMIT INFORMATION**

<b>PERMITS REQUIRED</b>	
<input checked="" type="checkbox"/> <b>Use Permit</b>	Pursuant to Section 8-3.2 of the KCC, 1987, as amended, a Use Permit is required to allow modifications to an existing a helicopter facility located in the Open (O) Zoning District.
<input type="checkbox"/> <b>Project Development Use Permit</b>	
<input type="checkbox"/> <b>Variance Permit</b>	
<input type="checkbox"/> <b>Special Permit</b>	
<input type="checkbox"/> <b>Zoning Permit Class</b> <input checked="" type="checkbox"/> IV <input type="checkbox"/> III	Pursuant to Section 8-3.2 of the KCC, 1987, as amended, a Class IV Zoning Permit is a procedural requirement for obtaining a Use Permit in the Open (O) Zoning District.
<input checked="" type="checkbox"/> <b>Special Management Area Permit</b> <input type="checkbox"/> Use <input checked="" type="checkbox"/> Minor	A Special Management Area Minor Permit SMA(M)-2019-12 is being processed administratively in conjunction with this project.
<b>AMENDMENTS</b>	
<input type="checkbox"/> <b>Zoning Amendment</b>	
<input type="checkbox"/> <b>General Plan Amendment</b>	
<input type="checkbox"/> <b>State Land Use District Amendment</b>	

**JUN 25 2019**

**Date of Receipt of Completed Application:** April 12, 2019  
**Date of Director's Report:** June 12, 2019  
**Date of Public Hearing:** JUNE 25, 2019  
**Deadline Date for PC to Take Action (60<sup>TH</sup> Day):** Time Line Waived by Applicant

**III. PROJECT DATA**

PROJECT INFORMATION			
<b>Parcel Location:</b>			
<b>Tax Map Key(s):</b>	1-8-008:004 (portion) and 1-8-008:005	<b>Area:</b>	54,461 square feet, portion of 166.452 acres
ZONING & DEVELOPMENT STANDARDS			
<b>Zoning:</b>	Open (O)		
<b>State Land Use District:</b>	Urban		
<b>General Plan Designation:</b>	Natural		
<b>Height Limit:</b>	30 feet		
<b>Max. Land Coverage:</b>	10% in Open District		
<b>Parking Requirement:</b>	NA		
<b>Front Setback:</b>	10 feet		
<b>Rear Setback:</b>	15 feet		
<b>Side Setback:</b>	5 feet or half the wall plate height whichever is greater		
<b>Community Plan Area:</b>	Hanapepe-Eleele Development Plan		
<b>Community Plan Land Use Designation:</b>	Park		
<b>Deviations or Variances Requested:</b>			

**IV. LEGAL REQUIREMENTS**

<b>Section 8-3.1(f), KCC:</b>	This report is being transmitted to the Applicant and Planning Commission in order to satisfy the requirements of Section 8-3.1 (f), relating to the provision of the Planning Director's report and recommendation on the subject proposal within sixty (60) days of the filing of a completed application. The application was received on April 12, 2019 and the Applicant, through its authorized agent, was notified accordingly of the Planning Department's intent to commence permit processing.
<b>Public Hearing Date:</b>	JUNE 25, 2019

## **V. PROJECT DESCRIPTION AND USE**

As represented, the Applicant is seeking After-the-Fact approval for the addition of restroom facilities within the existing hangar, the construction of a detached structure to house the operation's compressor, the placement of a 12' x 56' mobile office trailer to replace the previously approved 8' x 40' mobile office trailer, 8' x 4' concrete generator pad for a propane gas tank to replace a tank with less capacity, and the relocation of the 8' x 40' shipping container to the north side of the hangar for storage.

The Applicant would also request approval to install 4' high chain link fencing and gates within the existing perimeter fencing, installation of 1059 sf of concrete pathways, installation of a septic system, and placement of gravel with an underlayer of fabric for dust abatement in lieu of previously required landscaping.

Although not referenced in the Applicant's submittal, TMK 1-8-008:005 was included after research indicated that the existing hangar occupies that parcel. It is important to note that over the years, the TMK's have changed numerous times within the airport site.

For further details of the project, please refer to the attached application.

## **V. APPLICANT'S REASONS/JUSTIFICATION**

Please refer to sections of the application.

## **VI. ADDITIONAL FINDINGS**

1. The project is located at the Port Allen Airport (also known as Burns Field) within the Open (O) Zoning District and an Urban District State Land Use Classification. It is surrounded by Open zoned parcels, with the salt pans to the west within the Open/Special Treatment Resource and Cultural Districts and have a Conservation District State Land Use Classification. The property to the north and west of the airport is classified as both State Land Use District and County Zoning District (A) Agriculture.
2. The single runway, unmanned general aviation airport has been in operation since 1929, after a Presidential Executive Order in 1927 to set aside land for military purposes. It was the first commercial airport on Kauai. In 1941, it was designated as a territorial airport by the Governor's Executive Order.
3. The following permits have been requested for a heliport facility:
  - SMA(U)-2000-5, Class IV-2000-31 and Use Permit U-2000-26 for four 4,500 sq. ft. helicopter lease lots to accommodate 18 to 20 foot high hangars with helicopter aprons; two 3,600 sq. ft. fixed wing tie down

areas; a 10 to 12 foot high, 1200 sq. ft. single story maintenance shed and comfort station, a parking area with 20 spaces for the public and two spaces for employees, runway lights for emergency use, a fuel storage tank and landscaping was heard by the Planning Commission on April 13, 2000. This was located within the airport facility to the south of this site and did not include this site (TMK 1-8-008:005)

Intervenor status was granted to Wilma Holi, a native Hawaiian requesting to protect traditional native Hawaiian cultural rights to prepare salt beds and gather salt located on the project site identified as TMK 1-8-008:004 (portion).

On May 11, 2000, Judge Gail C. Nakatani ordered that the final environmental assessment for the project was legally inadequate, and ordered the preparation of a new draft environmental assessment because the agency failed to consider the alternative of moving the helicopter facilities to Lihue Airport.

A revised environmental assessment was submitted and the Planning Department received notice from the Department of Transportation on January 10, 2002, that a Finding of No Significant Impact (FONSI) was Issued.

On May 28, 2002 the Planning Commission accepted the withdrawal of the above referenced permits.

On August 26, 2004, the Planning Department received correspondence From State of Hawaii, Department of Transportation stating that Hawaii must “make its airports available as an airport for public use on fair and reasonable terms and without unjust discrimination to all types, kinds, and classes of aeronautical use”.

- SMA(M)-2005-18 for a 6,000 sq. ft. aircraft hangar, an 8' x 8' x40' administration steel office trailer (TMK 1-8-008:005) and above ground fuel storage tank (1-8-008:004, within the airport facility) was approved on March 30, 2005. A Declaration of Exemption from the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR was issued for these improvements in November, 2003. This is for the current site. See Exhibit “A”.
4. The subject parcel is situated within 500 feet from the shoreline area. Therefore, a Shoreline Setback Application will be necessary for the proposed development and subject to the shoreline setback requirements specified in Ordinance No. 979. A completed application has not been received at this time.

5. The property is relatively flat and lies within the AE Flood Zone which means a 1% annual chance of flood.
6. The property is accessed from Lele Road.
7. Comprehensive Zoning Ordinance

The project as proposed appears to meet the setback and height requirements but no measurements are shown on the plot plan. The Applicant will need to adhere to the 10% allowable lot coverage prior to approval by the Planning Commission. The site plan also does not show the building separations, therefore the department is unable to determine if these meet the separation requirements between buildings. Additionally, parking requirements will need to be met.

Although, not referenced previously, Section 8-9.4(a) states "Where a parcel is adjacent to, or within one thousand (1,000) yards of, a Use District or Districts other than an Open District, no use permit shall be issued for uses and structures on parcels which are not generally permitted, or permitted under a use permit, in all adjacent or proximate Districts. This proposed development falls within one thousand yards of the State Agricultural, Conservation Land Use Districts, and County Residential (R-10) and Special Treatment Resource, Public and Special Treatment Cultural Districts.

Outdoor Recreation Concessions are not generally permitted or a permitted use in any of the Districts within 1000 yards of this property.

Any use or approval of new structures would not be allowed due to it's proximity to districts other than the Open District.

Outdoor Recreation Concessions have always been required to obtain a Use Permit within the Open District since the adoption of the CZO in 1972. There is no permit on record that allows this use. In the previous SMA Minor application SMA(M)-2005-18 the commercial use was not nor could it have been approved without a Use Permit and Class IV Zoning Permit. Specifically, Condition 6. States that any additional structures would need a SMA Use Permit which requires a public hearing. (Refer to Exhibit "A")

Furthermore, all helicopter tour companies operating from Lihue Airport are subject to the public hearing Use Permit process in obtaining approval for their operations. The After-the-Fact placement of the office building constitutes on-site commercial activity as customers come to the site and business is transacted within the existing office.

The existing use could not be considered to be a legally non-conforming use.

8. Hanapepe-Eleele Development Plan

The plan was adopted in 1977 and designated this area as “Open” and for future expansion of Salt Pond Park. The department is currently updating this plan and has received community input regarding protection of the salt pans during a focused workshop on heritage resources.

9. Kauai County General Plan

Sector : VII. Heritage Resources 2.2 Perpetuating Cultural Practices through Restoration, Stewardship, and Education states “Protecting and restoring cultural sites is vital to the restoration of culture, Hawaiian way of life, flourishing ecosystems, and local food production.”

The Heritage Resource Map shows that adjacent areas contain State Registered Historic Sites, Cultural Features, Preserves and Sand Dunes.

- On April 5, 2017, the Planning Director submitted written testimony to the Chair of the Board of Land and Natural Resources and the Director of Transportation, State of Hawaii in opposition to the potential lease renewal and assignment for Smoky Mountain Helicopters citing concerns about negative impacts to the Hawaiian cultural practitioners conducting pa‘akai (salt) making activities. See Exhibit “B”.
- On September 21, 2017, another letter was sent citing opposition to the State’s consent to assign the lease, once again citing protection of these Heritage Resources. See Exhibit “C”.
- On December 15, 2017, the Applicant signed the lease agreement included in this application.

Section 2.4.2 Hanapepe-Eleele points out that the salt pans and the stewards of this valued cultural resource are that continued cooperation with the airstrip is of concern as it may negatively impact the integrity of salt-making resources.

Section 3.4 Supporting Traditional and Community Based Coastal Resource Management states that “Our ability to preserve and protect these resources will require deploying a range of management practices and policies to minimize threats”.

Section 4 Airports and Harbors

B.4. Partnership Needs states “Collaborate with HDOT Airports Division and other agencies in future planning of land uses at Burns Field in Port Allen”.

The land use designation for this property is Natural. Areas designated as Natural have either limited development capacity or are not suitable for development due

to topography, hazards vulnerability, sensitive resources, and other constraints.

The Department of Transportation sent a letter on February 27, 2017, acknowledging the “Natural” designation of the property and providing comments prior to the adoption of the General Plan 2018. See Exhibit “D”.

**Goals** – The Applicant states the following:

Goal 1 – A Sustainable Island. According to the General Plan, “sustainability means growing responsibly to meet the needs of current and future generations without depleting important resources”.

Goal 2 – A Unique and Beautiful Place. The focus of the General Plan is to make sure that there is a shared responsibility to care for and protect treasured resources, traditions and qualities of the natural, built and human environments.

Goal 3 – A Healthy and Resilient People. The Applicant’s business contributes to generating income for the State via taxes by conducting its business. Just as with all taxpayers, including employees who pay income taxes, we all contribute in small part to creating financial resources for the State to be used as prudently as possible, which should in turn help to increase the people’s resiliency and vitality.

Goal 4 – Allowing the curing of the violations by its predecessor will enable to let the Applicant ensure that there are restroom facilities on site, as well as making the business operations more amenable to the clientele, while providing the helicopter mechanics with the proper support to keep machines in safe working condition. Ensuring that all operations at the Port Allen Airport are upgraded and maintained by the various lessees contributes to the economy and quality of life of the community.

**Policies** – The Applicant states the following:

- **Manage Growth to Preserve Rural Character.** The Port Allen Airport has been a part of the Hanapepe-Eleele community for eight decades, and although not a rural facility, in comparison to the Lihue Airport which lands large passenger and other aircraft, is far more rural in nature than urban airports. What was done to the premises (before the acquisition and after the acquisition, for which retroactive permits are sought), does not constitute “growth” that will change the rural character of the area
- **Provide Local Housing.** The airport operations and any development at the airport will not provide local housing.
- **Recognize the Identity of Kauai’s Individual Towns and Districts.** The Port Allen Airport is one of two small airports on the island. It has been operational since before World War II, and is more intrinsically ingrained

in the identity of the community which it is located.

- **Make Strategic Infrastructure Investments.** The work done, and that the Applicant seeks to do, does not make any strategic infrastructure investments for the neighborhood, but it does improve leasehold facilities on State land.
- **Reduce the Cost of Living.** The development will not help reduce the cost of living of the island's population, nor will it increase the cost of living.
- **Build a Balanced Transportation System.** The development will not increase traffic or congestion problems.
- **Protect Kauai's Scenic Beauty.** The development will have negligible negative visual impacts. The facilities are at an airport, and will not impact any scenic points that have not already been impacted by the presence of the airport.
- **Uphold Kauai as a Unique Visitor Destination.** The Applicant's operation provides an activity for visitors to see the island from a different perspective.
- **Help Business Thrive.** Permitting the previous work and allowing the new work will help the Applicant's business both comply with wastewater disposal and present means of reducing any dust impacts to neighboring properties.
- **Help Agricultural Lands Be Productive.** The premises are not within an Agricultural district, and will neither contribute to, nor detract from, the productivity of any agricultural lands on the island.
- **Protect Our Watersheds.** The premises are not located within or near any watershed areas.
- **Complete Kauai's Shift to Clean Energy.** The Applicant's requests to allow previously completed work, and new work, will not contribute to any shift to clean energy as the Quonset hut hangar is not conducive to installation of photovoltaic panels.
- **Prepare for Climate Change.** Unfortunately, the Port Allen Airport is on the coastline, and any sea level rise resulting from climate change will inevitably impact the entire facility.
- **Respect Native Hawaiian Rights and Wahi Pana.** The work on the premises will have no substantial impacts on the salt makers or their salt



beds. By an addition of a gravel layer over a fabric screen, however, the Applicant is attempting to reduce any potential impacts from dust.

- **Protect Access to Kauai's Treasured Places.** The work done or to be done at the premises will have no impact on the public's access to streams, the shoreline, trails, recreational areas, or places associated with Hawaiian religious, cultural, or traditional practices. Both the salt beds and the Salt pond Park have access over government roads.
- **Nuture Our Keiki.** The work done or to be done will not provide for or diminish nurturing the young people of Kauai.
- **Honor Our Kupuna.** The work done or to be done will neither honor nor dishonor or discredit the Kupuna of Kauai.
- **Communicate with Aloha.** The scheduling of this Application before the Planning Commission will allow the public to participate in the planning and decision making.

#### 10. Environmental Assessment – HRS 343

In 1987 the State Legislature amended Act 325 to establish certain categories of action which require the agency processing an applicant's request for approval to prepare an environmental assessment.

Chapter 343, 11-200-6(1)(G) states that "The construction of new, or the expansion or modification of existing helicopter facilities within the State which by way of their activities may affect any land classified as conservation district by the state land use commission under chapter 205, HRS; the shoreline area as defined in section 205A-41, HRS; or, any historic site as designated in the National Register or Hawaii Register as provided for in the Historic Preservation Act of 1966, Public Law 98-665, or chapter 6E, HRS; or until the statewide historic places inventory is completed, any historic site found by a field reconnaissance of the area affected by the helicopter facility and which is under consideration for placement on the National Register or the Hawaii Register of Historic Places."

In the previously submitted environmental assessment for four helicopter, one of the previous users, Inter-Island Helicopters received community support due to the fact that it conducted search and rescue missions and assisted with fire suppression, green harvest and flying equipment and parts for State and County projects, in addition to tour operations. The salt makers and the County maintain their concerns for protection for the salt pans.

The Applicant states in their submittal that they are not proposing construction of new, or expansion or modification of, any helicopter facilities. The department

considers this permit to be a modification and expansion of these facilities and has requested that the Applicant submit an environmental assessment prior to the Planning Commission action or an exemption letter signed by Department of Transportation Airports Division.

#### 11. Use Permit

Pursuant to Article 20 of the Comprehensive Zoning Ordinance (CZO), Chapter 8 of the Kauai County code (1987), the purpose of the Use Permit procedure is to assure the proper integration into the community of uses which may be suitable only in a specific location of a district, or only under certain conditions, or only if the uses are designed, arranged or conducted in a particular manner, and to prohibit the uses if proper integration cannot be assured. Section 8-20.5 of the CZO specifies a Use Permit may be granted only if the Planning Commission finds that the use meets the following criteria:

- The use must be a compatible use;
- The use must not be detrimental to persons or property in the area;
- The use must not cause substantial environmental consequences; and
- The use must not be inconsistent with the intent of the CZO and General Plan.

**Compatibility** – The helicopter operation at the existing airport facility may be considered to be compatible with the airport use. However, the Applicant has not provided justification to that it is compatible with the historic and cultural salt pan operation adjacent.

**Detriment to Person or Property in the Area** – There may be detriments to person and/or property in the area, the department is unable to establish compliance with this criteria.

**Environment Consequences**- Without an environmental assessment and Finding of “No Significant Impact” (FONSI) as required for helicopter facility modifications, the department is unable to establish compliance at this time.

**Consistency with the CZO and General Plan** – Based on the findings in Section 8-9.4(a) of the CZO, the use is not compatible with the guidelines for the Open Zoning District. Furthermore, the proposal is not in compliance with the “Natural” Designation in the General Plan, and without the benefit of an environmental assessment, the department cannot determine if it meets the intent of Sector VII – Heritage Resources for protection of significant historic sites.

#### 12. Special Management Area (SMA)

At the time of application, the department was not aware of Condition 6 of the approval of SMA(M)-2005-18 that states that any additional structures require the

approval of a Special Management Area Use Permit. Due to the cost of the improvements, the department accepted a Special Management Area Minor Permit SMA(M)-2019-12 which the Applicant will need to withdraw. Additionally, the Applicant will have to address the commercial operations being conducted at the site.

In addressing the issues of the Special Management Area and its objectives and policies, the following aspects will be considered and evaluated:

- a. Recreational Resources
- b. Cultural/Historic Resources
- c. Scenic Resources
- d. Coastal Hazard
- e. Coastal Ecosystem

### 13. Native Hawaiian Traditional & Cultural Rights

The Applicant has consulted with Mr. Leonard Kimokeo Kapahulehua, a cultural practitioner who has stated his familiarity with the area and agreed that the development will have no measurable effect on any known traditional or customary practices of native Hawaiians. The Applicant has not identified any current residents that may be impacted, nor has any other outreach been identified.

Based on past concerns of other salt makers currently working in the salt pans, and the fact that Mr. Kapahulehua no longer resides on Kauai, the department believes that the Applicant has not sufficiently satisfied the following requirements:

1. The identity and scope of “valued cultural, historical, or natural resources” in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area.
2. The extent to which those resources – including traditional and customary native Hawaiian rights – will be affected or impaired by the proposed action; and
3. The feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist.

## VII. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at time of the public hearing scheduled on June 25, 2019. See Exhibit “E”.

## VIII. PRELIMINARY EVALUATION

In evaluating the Applicant’s proposal to modify existing helicopter facilities, the following should be considered:

1. SMA Rules and Regulations

The Applicant will need to withdraw SMA(M)-2019-12 and submit for a Special Management Area Use Permit per Condition 6 of SMA(M)-2005-18.

1. CZO Development Standards

Based on the information represented in the Application, the Applicant will need to provide setback, lot coverage, parking requirements, building height and separation information prior to any decision making.

The Application will need to be revised to address the commercial use of the office, this includes, number of tours, days and hours of operation and number of helicopters in addition to the compatibility of this use.

3. General Plan 2018

The modifications proposed and the after-the-fact modifications are not in compliance with the Natural designation outlined in the General Plan. Further, modifications that extend the life of non-conforming uses should not be considered. Additionally, the concerns regarding impacts to Historic Resources identified in the General Plan have not been adequately addressed.

It is uncertain as to whether the Applicant has made provisions for night illumination with the project, based on the preliminary plans that have been submitted. If so, night illumination should be designed to minimize adverse impacts on the Federally Listed

Threatened Species, Newell's Shearwater and other seabirds. Night lighting should be shielded from above and directed downwards and shall be approved by the U.S. Dept. of the Interior Fish and Wildlife Service. If external lighting is to be used in connection with the proposed project, all external lighting should be only of the following type: *downward-facing shielded lights*. Spotlights aimed upward or spotlighting of structures is prohibited.

4. Hanapepe –Eleele Development Plan

The proposal as submitted does not conform to the requirements for the Open Designation.

5. Environmental Assessment

It should be noted that while it is currently unclear whether or not the Department can require the Applicant (pursuant to HRS 343) to perform an environmental assessment of the area, it is, however, quite clear that without the benefit of an environmental assessment, staff cannot, given this specific proposal, definitively declare the the proposed use will not have a significant impact on the subject area. An environmental assessment will be required to be completed and a Finding of No Significant Impact (FONSI) be provided prior to

Planning Commission Actions.

6. Native Hawaiian & Traditional Cultural Rights

In light of the concerns of cultural practitioners who reside on Kauai and work in the salt pans currently, additional outreach is necessary to satisfy the requirements outlined above.

7. Use Permit

At this time, the Applicant has failed to provide justification to meet the criteria identified for approval of a Use Permit.

**Agency Comments** – The Applicant should resolve and comply with all agency requirements prior to permit application review, including but not limited to the drainage requirements imposed by the County DPW Engineering Division, and the environmental health regulations of the State Department of Health (DOH).

**IX. PRELIMINARY CONCLUSION**

Based on the foregoing, it is concluded that the application as submitted does not address the issues raised above and the Planning Commission cannot take action without an environmental assessment, the application can be DENIED or DEFERRED until such time as the Applicant addresses the issues outlined in this report.


The Applicant has requested that the applications be deferred to address the issues and has waived the time line for the Planning Commission to take action. See Exhibit “F”

**X. PRELIMINARY RECOMMENDATION**

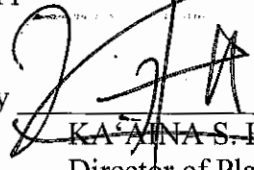
Based on the foregoing evaluation and conclusion, it is recommended that the proposed project to allow modifications to an existing helicopter facility be DEFERRED until such time that the Applicant addresses the deficiencies outlined above.

The Planning Commission is advised that this report does not represent the Planning Department’s final recommendation in view of the forthcoming public hearing process scheduled on June 25, 2019 whereby the entire record should also be included as part of the decision making process. The entire record should include, but not be limited to:

- pending government agency comments;
- testimony from the general public and interested others; and
- the Applicant’s response to staff’s report and recommendation as provided herein.

By   
JODY GALINATO  
Planner

Approved & Recommended to Commission:

By   
KATRINA S. HULL  
Director of Planning

Date: 5/16/19

# EXHIBIT "A"

**BRYAN J. BAPTISTE**  
MAYOR



**IAN K. COSTA**  
DIRECTOR OF PLANNING

**GARY K. HEU**  
ADMINISTRATIVE ASSISTANT

**MYLES S. HIRONAKA**  
DEPUTY DIRECTOR OF PLANNING

**COUNTY OF KAUA'I**  
PLANNING DEPARTMENT  
4444 RICE STREET  
KAPULE BUILDING, SUITE A473  
LIHU'E, KAUA'I, HAWAII 96766-1326

TELEPHONE: (808) 241-6677 FAX: (808) 241-6699

March 30, 2005

Department of Transportation - Airports Division  
State of Hawaii / Inter-island Helicopters  
400 Rodgers Blvd., Ste. 700  
Honolulu, HI 96819-1880

**Subject: Special Management Area Minor Permit SMA(M)-05-18  
Construction of Aircraft Hanger & Above-ground Fuel Storage Tank  
TMK:1-8-08:05, 04 por., Hanapepe Airport, Hanapepe, Kauai**

Based on the information submitted, we have completed our review and assessment of the subject proposal and hereby issue a Special Management Area Minor Permit authorizing, as represented, construction of a 6,000 s.f. metal hanger building and an above-ground fuel storage tank as proposed in your application, and located in Hanapepe.

Approval of the application is subject to the following conditions:

1. As represented, the applicant shall use appropriate erosion control measures during and after clearing activities. Cleared areas shall be re-vegetated immediately following completion of clearing. No grading or grubbing as defined in the County's Grading and Grubbing Ordinance is permitted under this approval.
2. If historic/cultural remains such as archaeological artifacts, charcoal deposits or human burials are found during construction, the applicant shall stop work in the immediate area, and shall contact the State Historic Preservation Division (SHPD) at 742-7033, and the Planning Department, to determine appropriate action.
3. Upon construction completion of the hanger building and the fuel storage tank improvements, all temporary structures (sheds, shipping containers, etc.) associated with Inter-island Helicopter's operation shall be removed.



4. The applicant shall submit and receive approval, for a landscape plan utilizing native plants or landscaping common to the area, from the Planning Department.  
The approved landscape plan shall be implemented (including installation) prior to the completion of construction and prior to occupancy of the new hanger building.
5. The hanger building and the above-grade fuel storage tank shall be painted utilizing dark to medium earth tone colors. Color samples shall be submitted to, and approved by, the Planning Department prior to occupancy of the new hanger building.
6. Any additional structures (i.e. Hangars, storage buildings, restrooms, etc.) proposed for this property and within the State's Hanapepe airport facility shall require a Special Management Area (SMA) Use permit approved by the Kauai Planning Commission and processed through public hearing procedures. Minor upgrades to communication and safety equipment required under the Federal Aviation Administration's (FAA) standards for the operation of the existing facility may not be subject to this requirement.
7. The applicant is advised that there may be additional government agency requirements, and it shall be the applicant's responsibility to resolve those requirements with the respective agency(ies).



IAN K. COSTA  
Director of Planning

IKC

c: SHPD  
Public Works  
Inter-island Helicopters

# EXHIBIT "B"

**Bernard P. Carvalho, Jr.**  
Mayor



**Michael A. Dahilig**  
Director of Planning

**Wallace G. Rezendes, Jr.**  
Managing Director

**Ka'aina S. Hull**  
Deputy Director of Planning

**PLANNING DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite A-473, Lihue, Hawai'i 96766  
TEL (808) 241-4050 FAX (808) 241-6699

**APR 05 2017**

Honorable Suzanne Case  
Chair, Board of Land and Natural Resources  
State of Hawai'i  
1151 Punchbowl Street  
Honolulu, Hawai'i 96813

Honorable Ford Fuchigami  
Director of Transportation  
State of Hawai'i  
869 Punchbowl Street  
Honolulu, Hawai'i 96813

RE: Potential Lease Renewal and Assignment of DOT-A-09-0001; Smoky Mountain Helicopters, Inc., Port Allen Airport, Tax Map Key: (4) 1-8-08: Portion of 4.

Dear Chair Case and Director Fuchigami,

The Kaua'i Planning Department has been made aware of negotiations and transfer of the above referenced lease at Port Allen Airport from Smoky Mountain Helicopters, Inc. to another entity, along with a corresponding extension of that lease. In general, our Department maintains ongoing concerns with operations at the Port Allen Airport negatively impacting Hawaiian cultural practitioners conducting pa'akai (salt) making activities.

The people of Kaua'i rely on the traditional gathering of pa'akai at this site for their sustenance. As our Department is charged by county ordinance with the administrative support of the Kaua'i Historic Preservation Review Commission, we are obligated to raise historic preservation concerns related to this lease approval.

Changes to any airport operation at Port Allen, including an operator's intensification of flight schedule and/or additional aircraft, we assert, must be reviewed by the Kaua'i Historic Preservation Review Commission to insure this historic cultural practice and area are not impacted adversely.

As of recent, the pa'akai farmers at Hanapēpē have documented to our Department significant detrimental impacts to their ability to successfully produce pa'akai. As a consequence, our

Department has attempted to aid the situation by commissioning scientific studies inquiring why unfavorable conditions for pa'akai farming are persisting.

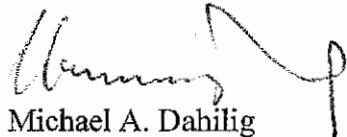
At this time, we still are unclear as to what are the anthropological and/or environmental causes related to this decrease in favorable pa'akai farming conditions. Any increase in adjacent activity at the Port Allen airport as a consequence of a lease transfer and/or extension could exacerbate the degrading conditions, particularly if the new operator brings in more aircraft (helicopters) and intensifies usage on the existing airport footprint.

We believe these community concerns should be adequately studied and addressed as there are perceived negative impacts to this actively used historic area by present-day practitioners. The result of this research must be integrated into a new comprehensive plan for the airport and adjacent area – the current comprehensive airport plan is antiquated and stale, having been conducted in 1988, almost 30 years ago. Within that span of time, much change has occurred around the airport, and that change should be evaluated and addressed in the context of whether Port Allen operations remain necessary for public transport, and to what degree.

We urge your respective Departments delay any further action on this lease until proper consultation and due diligence pursuant to Chapter 6E, Hawai'i Revised Statutes has been conducted. Further, should the lease transfer and extension move forward, we ask you consult with the practitioners concerning particular potential mitigative conditions that would be attached to the permit insuring no further historic site degradation occurs.

Should you have any questions, please do not hesitate to contact me at the information above.

Me Ke Aloha Pumehana,



Michael A. Dahilig  
Director of Planning

cc: Office of Hawaiian Affairs  
State Historic Preservation Division  
Hui Hana Pa'akai

# EXHIBIT "C"

**Bernard P. Carvalho, Jr.**  
Mayor



**Michael A. Dahilig**  
Director of Planning

**Wallace G. Rezentes, Jr.**  
Managing Director

**Ka'aina S. Hull**  
Deputy Director of Planning

**PLANNING DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite A-473, Lihu'e, Hawai'i 96766  
TEL (808) 241-4050 FAX (808) 241-6699

Honorable Suzanne Case  
Chair, Board of Land and Natural Resources  
State of Hawaii  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

September 21, 2017

RE: Item M.10 Consent to Assignment of State Lease No. DOT-A-09-0001  
Objections to Assignment for Failure to Comply with Cultural and Historic Preservation  
Requirements

Dear Chair Case,

On behalf of the County of Kauai Planning Department (Kauai Planning), I respectfully submit this letter in opposition to the above referenced proposed Board action.

It is clear from previous correspondence between Kauai Planning, the Office of Hawaiian Affairs (OHA) and the Department of Transportation (DOT), DOT has minimized its responsibilities under the State Constitution, Chapter 6E, Hawaii Revised Statutes (HRS) and Hawaii Supreme Court case law and failed to further investigate how the proposed action would impact the cultural and historic practice of paakai farming in the adjacent Hanapepe Salt Ponds.

On April 5, 2017, Kauai Planning wrote both you and DOT Director Ford Fuchigami of concerns related to degradation of favorable conditions for paakai farmers to successfully gather salt for use in their traditional and customary practice. This correspondence requested DOT comply with its responsibilities under the State Constitution, Chapter 6E, HRS and Hawaii Supreme Court case law, namely Ka Paakai o Ka Aina. On April 7, 2017, OHA followed up with similar concerns related to the failure of DOT to fully investigate how such an action by this Board would impact paakai gathering.

On April 28, 2017, DOT responded by asserting the cultural claims to be "broad," and DOT directed responsibility of the environmental degradation to other anthropological causes without scientific evidence to support its claims. This letter failed to sufficiently answer both the concerns of Kauai Planning and OHA.

*An Equal Opportunity Employer*

Based upon Kamaaina testimony of the cultural practitioners themselves—the salt farmers—Kauai Planning still maintains that the Port Allen helicopter activities may have a cumulative negative anthropological impact on the traditional and customary practices of Native Hawaiian salt farmers. DOT's April 28, 2017 response fails to reference any actions by that agency to further investigate any potential impacts to these practices, particularly with specific practitioners provided in OHA's April 7<sup>th</sup> letter.

We again ask DOT to conduct proper consultation in accordance with its constitutional duty before proceeding with requesting this action.

We disagree that the record provided by DOT is complete for the Board to take action consistent with its constitutional duty to protect traditional and customary practices, namely as evidenced by their current submittal, their April 28<sup>th</sup> letter, and a September 14, 2017 letter to Ms. Kuuleialoha Santos, a Native Hawaiian and known cultural practitioner of paakai farming at the Hanapepe salt ponds. All letters referenced have been attached for the Board's reference.

Again, our request is to ask the Board to demand DOT withdraw the application and only resubmit it once it has engaged in proper consultation and provided evidence consistent with its constitutional duties.

Further, pursuant to Section 13-1-29(a), Hawaii Administrative Rules, should the Board take action on the above referenced item, Kauai Planning reserves its right to submit a request for a contested case hearing up to ten days later.

Me Ke Aloha Pumehana,

  
FOR MICHAEL A. DAHLIG  
Director of Planning

Attachments

CC: Honorable Ford Fuchigami, Director of Transportation  
Honorable Kamanaopono Crabbe, Office of Hawaiian Affairs  
Hui Hana Paakai  
Alan Downer, SHPD

# EXHIBIT "D"



DAVID Y. IGE  
GOVERNOR



49

FORD N. FUCHIGAMI  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

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

State of Hawaii  
PLANNING DEPT

17 MAR -6 P3:23

IN REPLY REFER TO:  
AIR-EP  
17.0016

February 27, 2017

RECEIVED

Mr. Michael A. Dahilig  
Planning Director  
Kauai County Planning Department  
4444 Rice Street, Suite A473  
Lihue, Hawaii 96766

Dear Mr. Dahilig:

Subject: Kauai General Plan Update – Follow Up Comments on the January 2017 Departmental Draft

The State of Hawaii, Department of Transportation, Airports Division (HDOTA) has reviewed the revised document and offers the following additional comments for your consideration in the Kauai County General Plan update process:

1. As indicated on page 2-65 and 2-66 of the Kauai General Plan Update, the Technical Advisory Memorandum (TAM) on Airport Land Use Compatibility within 5 miles of state airports, is now referenced in the General Plan section on Critical Infrastructure. The Port Allen Airport is also referenced on page 2-65 and 2-66 as well. As an implementation measure, the update identifies the need for Kauai County to “Collaborate with HDOT Airports Division in the implementation of the TAM.” Additionally, the update identifies the need for Kauai County to “Collaborate with HDOT Airports Division and other agencies in *future* planning of land uses at Burns Field in Port Allen as part of the Hanapēpē - ‘Ele‘ele Community Plan.”

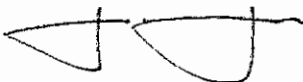
Our continuing concern is that the Port Allen Airport is still not graphically depicted on the following key pages of the Kauai County General Plan Update:

- a. Kauai Island Land Use Map (Figure 5-1 on page 5-2).
- b. Hanapēpē Ele‘ele Land Use Plan (Figure 5-3 on page 5-4).
- c. Kauai Island Public Facilities Map Exhibit (pages 5-34).
- d. Hanapēpē Ele‘ele Public Facilities Map Exhibit (pages 5-36).

2. Of critical concern are the Land Use exhibits Figures 5-1 and 5-3, which are understood to be the plans for future land uses in the specific areas noted. On these exhibits, the area where the existing Port Allen Airport is located, is designated as "Natural". This designation implies that there is no development there and on page 30 of the Planning Commission handout (Slide 59), it is indicated that the "Natural" designation "Applies only to undeveloped areas (replaces Open designation from 2000 GP)." The "Natural" designation is inconsistent given that:
  - a. The Kauai General Plan update indicates collaboration with HDOT Airports in the future.
  - b. The existing Port Allen Airport facility conflicts with the definition of "Natural" land use.
  - c. The application of a "Natural" land use designation to State owned lands that has an "Urban Land Use District" designation, with mapped urban services shown in the area on the Hanapēpē 'Ele'ele Public Facilities Map Exhibit (pages 5-36).
  - d. The continued support of the Port Allen Airport facility could be invaluable as an emergency service resource if the Līhue Airport was damaged in a natural disaster and Port Allen was not or if roads were cut off to the Hanapēpē 'Ele'ele community.
  - e. The Port Allen Airport did have some involvement with World War II activities and as such, should retain some future recognition as a historic resource.

Should you have any questions regarding our input, please contact Mr. Herman Tuiolosega, Head Planner at (808) 838-8810.


Sincerely,



FORD N. FUCHIGAMI  
Director of Transportation

c: FAA

# EXHIBIT "E"

  
PLANNING DEPARTMENT  
4444 RICE STREET, SUITE A473, LIHUE, HI 96766  
(808) 241-4050

County of Kauai  
PLANNING DEPT

FROM: Kaaina S. Hull, Director

( Galinato )

Tuesday, April 16, 2019

SUBJECT: Class IV Zoning Permit Z-IV-2019-13, Use Permit U-2019-10, Construction of a new helicopter tour facility that includes administration building, parking area, and associated improvements, Tax Map Key:(4)1-8-8:4, Smoky Mountain Helicopters, Inc.

TO:

- |  |  |
|--|--|
| <input type="checkbox"/> Department of Transportation - STP              | <input checked="" type="checkbox"/> DPW-Engineering                      |
| <input checked="" type="checkbox"/> DOT-Highway, Kauai(info only)        | <input type="checkbox"/> DPW-Wastewater                                  |
| <input type="checkbox"/> DOT-Airports, Kauai (info only)                 | <input type="checkbox"/> DPW-Building                                    |
| <input type="checkbox"/> DOT-Harbors, Kauai (info only)                  | <input type="checkbox"/> DPW-SolidWaste                                  |
| <input checked="" type="checkbox"/> State Department of Health           | <input type="checkbox"/> Department of Parks & Recreation                |
| <input type="checkbox"/> State Department of Agriculture                 | <input checked="" type="checkbox"/> Fire-Department                      |
| <input type="checkbox"/> State Office of Planning                        | <input checked="" type="checkbox"/> County Housing-Agency                |
| <input type="checkbox"/> State Dept. of Bus. & Econ. Dev. Tourism        | <input type="checkbox"/> County Economic Development                     |
| <input type="checkbox"/> State Land Use Commission                       | <input type="checkbox"/> KHPRC   |
| <input checked="" type="checkbox"/> State Historic Preservation Division | <input checked="" type="checkbox"/> Water Department                     |
| <input type="checkbox"/> DLNR- Land Management                           | <input type="checkbox"/> Kauai Civil Defense                             |
| <input type="checkbox"/> DLNR-Foresty & Wildlife                         | <input type="checkbox"/> U.S. Postal Department                          |
| <input type="checkbox"/> DLNR-Aquatic Resources                          | <input checked="" type="checkbox"/> UH Sea Grant                         |
| <input type="checkbox"/> DLNR- OCCL                                      | <input checked="" type="checkbox"/> Other: <u>Lee S. (Trans Planner)</u> |
|  | <input checked="" type="checkbox"/> County Transportation Agency         |

FOR YOUR COMMENTS(pertaining to your department):

5/6/19

*This project shall comply with  
the Kauai County Fire Code.  
All necessary permits for tank  
installations shall be acquired from  
the Fire Dept*



This matter is scheduled for a public hearing before the County of Kauai Planning Commission on Tuesday, June 25, 2019 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter.

If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!

RECEIVED  
APR 16 2019

COUNTY OF KAUAI  
PLANNING DEPARTMENT  
4444 RICE STREET, SUITE A473, LIHUE, HI 96766  
(808) 241-4050

FROM: Kaaina S. Hull, Director ( Galinato ) Tuesday, April 16, 2019

SUBJECT: Class IV Zoning Permit Z-IV-2019-13, Use Permit U-2019-10, Construction of a new helicopter tour facility that includes administration building, parking area, and associated improvements, Tax Map Key:(4)1-8-8:4, Smoky Mountain Helicopters, Inc.

TO:

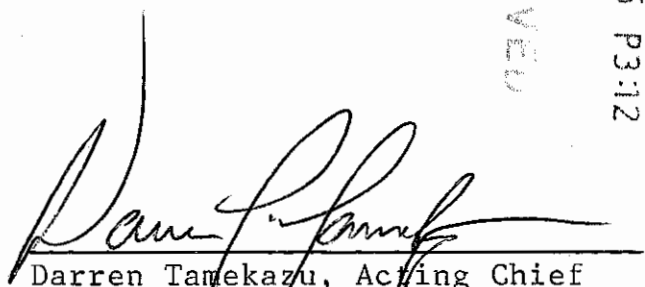
- Department of Transportation - STP
- DOT-Highway, Kauai(info only)
- DOT-Airports, Kauai (info only)
- DOT-Harbors, Kauai (info only)
- State Department of Health
- State Department of Agriculture
- State Office of Planning
- State Dept. of Bus. & Econ. Dev. Tourism
- State Land Use Commission
- State Historic Preservation Division
- DLNR- Land Management
- DLNR-Forestry & Wildlife
- DLNR-Aquatic Resources
- DLNR- OCCL
- DPW-Engineering
- DPW-Wastewater
- DPW-Building
- DPW-SolidWaste
- Department of Parks & Recreation
- Fire-Department
- County Housing-Agency
- County Economic Development
- KHPRC
- Water Department
- Kauai Civil Defense
- U.S. Postal Department
- UH Sea Grant
- Other: Lee S. (Trans Planner)
- County Transportation Agency

FOR YOUR COMMENTS(pertaining to your department):

See comments on attached sheet.

RECEIVED  
19 MAY -6 P3:12  
County of Kauai  
PLANNING DEPT

April 29, 2019

  
Darren Tamekazu, Acting Chief  
District Environmental Health Program Kauai

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on Tuesday, June 25, 2019 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter.

If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!

Class IV Zoning Permit Application: **Z-IV-2019-13**  
Use Permit: **U-2019-10**  
Applicant: **Smoky Mountain Helicopters, Inc.**

Based on our review of the application, we have the following environmental health concerns for your consideration at this time.

1. The State Department of Health (DOH) Wastewater Branch is not able to support the approval of the proposed County Class IV Zoning Permit Z-IV-2019-13, Use Permit U-2019-10 and associated development until all non-approved wastewater system(s) at the subject project site(s) are brought into compliance with Title 11, Hawaii Administrative Rules (HAR), Chapter 11-62, Wastewater Systems and are approved for use by the DOH. Also, any proposed development at the subject project that involves wastewater plans must conform to the applicable provisions of HAR, Chapter 11-62.
2. The proposed project shall comply with the applicable requirements of Title 11, HAR, Chapter 11-39, "Air Conditioning and Ventilating", pertaining to mechanical ventilation
3. Noise will be generated when the construction phase of this project begins. The applicable maximum permissible sound levels as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control" shall not be exceeded unless a noise permit is obtained from the DOH.
4. Temporary fugitive dust emissions could be emitted when the project site is prepared for construction and when construction activities occur. In accordance with Title 11, Hawaii Administrative Rules, Chapter 11-60.1 "Air Pollution Control", effective air pollution control measures shall be provided to prevent or minimize any fugitive dust emissions caused by construction work from affecting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.
3. In accordance with Title 11, HAR, Chapter 11-58.1, entitled "Solid Waste Management Control", the grubbed material and construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility that complies with the DOH. The open burning of any of these wastes on or off site is prohibited.

Due to the general nature of the application submitted, we reserve the right to implement future environmental health restrictions when information that is more detailed is submitted.

## Jody Galinato

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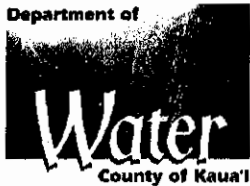
**From:** Jeremy Lee  
**Sent:** Thursday, May 02, 2019 8:23 AM  
**To:** Jody Galinato  
**Cc:** Celia Mahikoa; Lee Steinmetz  
**Subject:** class IV zoning permit Z-IV-2019-13, Use permit U-2019-10, TMK:(4)1-8-8:4, Smoky Mountain Helicopters, Inc.

Jodi,  
Mahalo for giving us the opportunity to comment on the subject zoning permit application.  
The CTA does not have any comments.

Mahalo,

*Jeremy Kalawaia Lee*

The Kauai Bus  
Program Specialist III  
3220 Hoolako Street  
Lihue, HI 96766  
(808)246-8112  
[jlee@kauai.gov](mailto:jlee@kauai.gov)



4398 PUA LOKE STREET  
LIHU'E, KAUAI, HAWAII 96766  
PHONE: (808) 245-5400 FAX: (808) 245-5813

County of Kauai  
PLANNING DEPT

19 MAY 13 P2:48

DATE: May 13, 2019

TO: Planning Department  
Michael Dahilig, Director ( Galinato )

RECEIVED

SUBJECT: Z-IV-2019-13, Use Permit U-2019-10, Construction of a New Helicopter Tour Facility that Includes Administration Building, Parking Area, & Associated Improvements;  
TMK: 1-8-08:005 (Smoky Mountain Helicopters, Inc.)

DOW COMMENTS:

The Department of Water (DOW) has concerns regarding the possible backflow of water into our system and the increase in water demand associated with this Class IV Z-IV-2019-13 and Use Permit U-2019-10 Applications for construction of a new helicopter tour facility.

We recommend to the Planning Department that any approval of the proposed Class IV Z-IV-2019-13 and Use Permit U-2019-10 Applications be conditioned; whereby, the applicant shall be made aware that prior to the DOW recommending water meter service or building permit approval, the applicant will be required to:

1. Submit detailed water demand calculations for the proposed project for DOW's review and approval.
2. Submit a formal request for water service for our review and approval, if applicable.
3. Prepare and receive DOW's approval of construction drawings for the necessary water system facilities and construct said facilities. These facilities shall include but not be limited to:
  - a) A water main extension. The size and the length of the water main extension will be dependent on the additional information provided. Additional information shall include but not limited to the required domestic and fire flow demands of the proposed project, the proposed location of the water meter requested and the elevation of said location.
  - b) The interior plumbing with the appropriate backflow prevention device.
  - c) The domestic service connection, if applicable.
  - d) The fire service connection.
4. Pay the applicable charges in effect at the time of payment to the Department. At the present time, these charges shall include but not be limited to the Facilities Reserve Charge (FRC) which is based on the approved water meter size, if applicable.
5. Receive a "Certification of Completion" for the construction of the necessary water system facilities from the DOW.

Requests for additional water meters or an increase in water meter size will be dependent on the adequacy of the source, storage, and transmission facilities existing at that time.

Edward Doi, P.E.  
Chief of Water Resources and Planning

5/13/19

Date



County of Kauai  
PLANNING DEPARTMENT

COUNTY OF KAUAI  
PLANNING DEPARTMENT  
4444 RICE STREET, SUITE A473, LIHUE, HI 96766  
Phone: (808) 241-4050 **MAY 21 P2:06**

TO: Ka'aina Hull, Director (Galinato) Date: Tuesday, April 16, 2019

**RECEIVED**

SUBJECT: Class IV Zoning Permit Z-IV-2019-13, Use Permit U-2019-10, Construction of a new helicopter tour facility that includes administration building, parking area, and associated improvements. Tax Map Key: (4) 1-8-008:004, Smoky Mountain Helicopters, Inc. **PW 04.19.054**

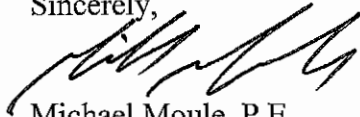
FROM:

- |                                     |  |                                     |                                  |
|-------------------------------------|--|-------------------------------------|----------------------------------|
| <input type="checkbox"/>            | Department of Transportation – STP     | <input checked="" type="checkbox"/> | DPW - Engineering                |
| <input checked="" type="checkbox"/> | DOT- Highways, Kaua'i (info only)      | <input type="checkbox"/>            | DPW - Wastewater                 |
| <input type="checkbox"/>            | DOT-Airports, Kaua'i (info only)       | <input type="checkbox"/>            | DPW - Building                   |
| <input type="checkbox"/>            | DOT-Harbors, Kaua'i (info only)        | <input type="checkbox"/>            | DPW - Solid Waste                |
| <input checked="" type="checkbox"/> | State Department of Health             | <input type="checkbox"/>            | Department of Parks & Recreation |
| <input type="checkbox"/>            | State Department of Agriculture        | <input checked="" type="checkbox"/> | Fire Department                  |
| <input type="checkbox"/>            | State Office of Planning               | <input checked="" type="checkbox"/> | County Housing Agency            |
| <input type="checkbox"/>            | State Dept. of Bus. Econ, Dev. Tourism | <input type="checkbox"/>            | County Economic Development      |
| <input type="checkbox"/>            | State Land Use Commission              | <input checked="" type="checkbox"/> | Water Department                 |
| <input checked="" type="checkbox"/> | State Historic Preservation Division   | <input type="checkbox"/>            | KHPRC                            |
| <input type="checkbox"/>            | DLNR – Land Management                 | <input type="checkbox"/>            | Kaua'i Civil Defense             |
| <input type="checkbox"/>            | DLNR – Forestry & Wildlife             | <input type="checkbox"/>            | U. S. Postal Department          |
| <input type="checkbox"/>            | DLNR – Aquatic Resources               | <input checked="" type="checkbox"/> | UH Sea Grant                     |
| <input type="checkbox"/>            | DLNR – OCCL                            | <input checked="" type="checkbox"/> | County Transportation Agency     |
|                                     |  | <input checked="" type="checkbox"/> | Other: Lee S (Trans. Planner)    |

FOR YOUR COMMENTS (pertaining to your department): May 15, 2019

We reviewed the subject application for construction of a helicopter tour facility at the Port Allen Airport. We have no comments.

Sincerely,



Michael Moule, P.E.  
Chief, Engineering Division



Lyle Tabata  
Deputy County Engineer

MM/SI

copy: Design and Permitting

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on Tuesday June 25, 2019 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter.

If we do not receive your agency comments within one (1) month from the date of this request, we will assume there are no objections to this permit request. Mahalo!

# EXHIBIT "F"

# BELLES GRAHAM LLP

ATTORNEYS AT LAW

MICHAEL J. BELLES  
MAX W.J. GRAHAM, JR.  
DONALD H. WILSON  
JONATHAN J. CHUN  
IAN K. JUNG

WATUMULL PLAZA  
4334 RICE STREET, SUITE 202  
LIHUE, KAUAI, HAWAII 96766-1388

TELEPHONE NO: (808) 245-4705  
FACSIMILE NO: (808) 245-3277  
E-MAIL: mail@kauai-law.com

OF COUNSEL  
DAVID W. PROUDFOOT

COUNSEL  
LORNA A. NISHIMITSU

Federal I.D. No. 99-0317663

April 25, 2019

Mr. Ka'aina Hull  
Director of Planning  
Planning Department  
County of Kauai  
4444 Rice Street, Suite 473  
Lihue, Kauai, Hawaii 96766

VIA EMAIL AND REGULAR MAIL

ATTN: Jody Galinato, Planner

Re: Smoky Mountain Helicopters, Inc. dba Maverick Helicopters  
Special Management Area Minor Permit SMA(M)-2019-12, Use  
Permit U-2019-10 and Class IV Zoning Permit Z-IV-2019-13  
Port Allen Airport, Eleele, Kauai, Hawaii  
Tax Key No.: (4) 1-8-08:004 (portion)

Dear Mr. Hull:

On behalf of Smoky Mountain Helicopters, Inc., we respectfully request that the public hearing currently scheduled before the Commission for June 25, 2019, be deferred until we have been able to secure the Declaration of Exemption from the State of Hawaii Department of Transportation, Airports Division, and the "substantial improvements" letter you described and have been able to deliver the same to you.

Thank you for your consideration in this matter.

Sincerely yours,

BELLES GRAHAM LLP



Lorna A. Nishimitsu

cc: Mr. Brent Armenta, Smoky Mountain Helicopters, Inc.

# BELLES GRAHAM LLP

ATTORNEYS AT LAW

MICHAEL J. BELLES  
MAX W.J. GRAHAM, JR.  
DONALD H. WILSON  
JONATHAN J. CHUN  
IAN K. JUNG

WATUMULL PLAZA  
4334 RICE STREET, SUITE 2019  
LIHUE, KAUAI, HAWAII 96766-1388

TELEPHONE NO: (808) 245-4705  
FACSIMILE NO: (808) 245-3277  
E-MAIL: mail@kauai-law.com

OF COUNSEL  
DAVID W. PROUDFOOT

COUNSEL  
LORNA A. NISHIMITSU

Federal I.D. No. 99-0317663

RECEIVED

April 25, 2019

Mr. Ka'aina Hull  
Director of Planning  
Planning Department  
County of Kauai  
4444 Rice Street, Suite 473  
Lihue, Kauai, Hawaii 96766

**VIA EMAIL AND REGULAR MAIL**

ATTN: Jody Galinato, Planner

Re: Smoky Mountain Helicopters, Inc. dba Maverick Helicopters  
Special Management Area Minor Permit SMA(M)-2019-12, Use  
Permit U-2019-10 and Class IV Zoning Permit Z-IV-2019-13  
Port Allen Airport, Eleele, Kauai, Hawaii  
Tax Key No.: (4) 1-8-08:004 (portion)


Dear Mr. Hull:

This letter supplements and clarifies the earlier letter dated April 25, 2019 to you. In connection with the request set forth in the April 25 letter requesting the deferral of the public hearing scheduled for June 25, 2019, the Applicant also waives time limitations established by Chapter 8, Kauai County Code, for scheduling and action.

Thank you for your consideration in this matter.

Sincerely yours,

BELLES GRAHAM LLP



Lorna A. Nishimitsu

cc: Mr. Brent Armenta, Smoky Mountain Helicopters, Inc.