

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for)
SPECIAL MANAGEMENT AREA)
USE PERMIT)
by)
NATURAL ENERGY LABORATORY)
OF HAWAII)
for) SMA USE PERMIT NO. 26
OCEAN RESEARCH AND RELATED)
ACTIVITIES)
in)
Kalaoa, North Kona, Hawaii)
_____)

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on March 23, 1977, considered the application of NATURAL ENERGY LABORATORY OF HAWAII for a Special Management Area Use Permit in accordance with Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, to allow ocean research and baseline data collection and temporary support facilities at Ke-ahole Point, Kalaoa, North Kona, Hawaii, Tax Map Key: 7-3-43:3(por), 4 & 5.

The Commission has found:

That the proposed development will not have any substantial adverse environmental or ecological effects and that the undeveloped portion of the Special Management Area will be maintained for recreation, scenic, education and scientific uses in a manner that protects resources and is of maximum benefit to the general public.

The initial research and temporary support facilities are not expected to incur short- or long-term adverse effects. The purpose of the subject request is to allow the collection of data which will be instrumental in determining the future use of the area under consideration. All of the facilities will be of a temporary nature and will be removed upon completion of the various tests which are proposed to be conducted.

The Natural Energy Laboratory of Hawaii site at Ke-ahole Point was selected in 1974 as the most suitable of nine possible sites in the State of Hawaii for alternative energy research and development. The Ke-ahole area is particularly well suited for the proposed projects due to environmental conditions such as the presence of deep, cold water close to the land. In addition, the majority of the work proposed for the project is site specific to Ke-ahole in terms of environmental conditions.

The approval of the baseline testing area will also not foreclose future planning options. Until the baseline research and data collection is completed, no future facilities can be initiated in that the feasibility of specific energy projects depends on the outcome of the use now being requested. When the feasibility of such projects has been determined, there will be clearer and more definitive description and analysis of future development. At that time, a more precise evaluation of the environmental impact, both positive and adverse, can be made.

The proposed development is also not expected to interfere with public use of the shoreline area nor with access to it. There will be no significant change in the area precipitated by this phase of the NELH's plans.

The primary long-term effect of the proposed development will be its tendency to attract future energy research projects of State and National significance to the island. There is the definite possibility of the NELH becoming a major, internationally known center for alternate energy research which holds the promise of decreasing Hawaii's, and possibly the rest of the world's, dependence on imported fossil fuels. The projects proposed for Ke-ahole are in the category of "clean" scientific industries, and the development of a scientific center of this stature is in keeping with State and County long-term development policies.

It is therefore determined that approval of the requested use will not be in conflict with the purpose, policies and guidelines of the Environmental Shoreline Protection Act and Rule 9 of the Planning Commission, and the County General Plan.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow ocean research and baseline data collection and temporary support facilities at Ke-ahole Point, Kalaoa, North Kona, Hawaii pursuant to the authority vested in it by Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, subject to the following conditions:

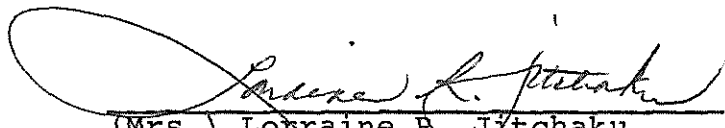
1. That the proposed development shall comply substantially with the plans submitted with the application and the representations made by the petitioner.
2. That construction of the temporary control structure shall commence within one (1) year and be completed within six (6) months thereafter.
3. That the existing access jeep road shall be graded so as to be passable to vehicular traffic.
4. That all proposed work shall not interfere with any known historic sites. In the event that unanticipated historical sites or archaeological remains are found, the petitioner shall contact the State Historic Preservation Officer and the Planning Director.
5. That the rules and regulations of the Department of Health shall be complied with.

6. That all equipment and structures shall be removed upon completion of individual tests and/or upon completion of data collection.
7. That the petitioner shall notify the Planning Director in writing upon commencement and termination of the project. The project shall terminate within two years of its commencement.
8. That all other applicable rules and regulations, including the plan approval process, shall be complied with.

Should these conditions not be met, the Special Management Area Use Permit may be deemed null and void.


The effective date of this permit shall be March 14, 1977.

Dated at Hilo, Hawaii, this 14th day of April, 1977.


(Mrs.) Lorraine R. Jitchaku
Chairman

Acting

APPROVED as to
FORM and LEGALITY



CORPORATE COUNSEL
STATE OF HAWAII

Date 4/14/77