

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for )  
SPECIAL MANAGEMENT AREA USE PERMIT )  
by )  
NATURAL ENERGY LABORATORY OF HAWAII )  
& RESEARCH CORPORATION OF THE UNI- )  
VERSITY OF HAWAII FOR OCEAN ENERGY )  
& ALLIED RESEARCH & DEVELOPMENT )  
FACILITIES )  
in *Kalaea* )  
'O'oma 1st and Kaloka 1st-4th, )  
North Kona, Hawaii )

SMA USE PERMIT NO. 77

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on November 16, 1978, considered the application of the Natural Energy Laboratory of Hawaii and the Research Corporation of the University 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 energy and allied research and development facilities and related improvements at Ke-ahole Point in 'O'oma 1st and Kaloka 1st-4th, North Kona, Hawaii, Tax Map Key 7-3-43:portion of 3, 4 and 5.

*Kalaea*

The Commission has found:

That the establishment of the proposed use will not have substantial adverse environmental or ecological effects and that any adverse impacts which are anticipated will be outweighed by the benefits which will accrue to the public welfare and interest.

The area under consideration does not contain any significant or particularly unique resources of the coastal zone. Resources which are present in the area are found elsewhere along the western coasts of the island of Hawaii as well as on other islands. The subject area is not known to be the habitat for any rare or endangered species of plants or animals.

The purpose of the subject request is to allow the establishment of research and development facilities which are essential to the study of one form of a potential alternate energy source, namely ocean thermal energy conversion (OTEC). This alternate energy source basically utilizes the difference between temperature of ocean water to generate electricity. It is still in early

research stages and the proposed facilities are intended to provide primary information about the feasibility of this alternate energy source. The Ke-ahole Point area is uniquely suited for the proposed research due to environmental conditions of the offshore waters, such as the presence of deep, cold water close to the land. Baseline research and data collection in the subject area to date have indicated that the further study of OTEC at the site under consideration is warranted.

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. NELH is becoming a major, internationally known center for alternate energy research which holds the promise of decreasing Hawaii's dependence on imported fossil fuels and also contributing knowledge to the rest of the world regarding alternate energy sources and their feasibility. The proposed development is in the category of "clean" scientific industry and the development of a scientific center of this stature is in keeping with State and County long-term development policies.

In addition, until further research and development is undertaken the actual environmental impacts which may arise due to the use of ocean thermal energy conversion as a power source will not be established.

The proposed development is not expected to interfere with public use of the shoreline area nor with access to it. Cultural resources in the area which are of significance and which will be directly affected will be protected or salvaged. In the long run,, the proposed development will make available shoreline recreational resources which are not presently easily accessible.

Further, any additional development other than that for which is authorized by this permit will be reviewed as proposed. At that time, impacts which are not now anticipated but which may be made known from the proposed research and testing can be mitigated and/or analyzed.

Based on the above, it is determined that approval of the subject request will not be in conflict with the purpose and intent of Rule No. 9 of the Planning Commission or the Hawaii Coastal Zone Management program as contained in Chapter 205-A, Hawaii Revised Statutes.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow ocean energy and allied research and development facilities and related improvements at Ke-ahole Point 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 conform substantially to the plans submitted and the representations made by the petitioner.
2. That construction of the proposed phase one improvements shall commence within one year from the effective date of the Special Management Area Use Permit and be completed within two years thereafter. Prior to commencing construction of any of the proposed structures, the petitioner or its authorized representative shall submit plans for plan approval and shall be responsible for receiving final plan approval.
3. That the petitioner or its authorized representative shall obtain a grading permit prior to construction of the access road from the Queen Ka'ahumanu Highway to the OTEC test site and the grading of the OTEC test site.
4. That intensive archaeological surveys consisting of detailed mapping and documentation shall be conducted on all areas scheduled for construction or grading. Reports of these surveys shall be submitted to the Planning Department and the State Historic Preservation Office. Said reports shall be submitted prior to the issuance of a grading permit.
5. That salvage archaeological excavations shall be conducted in Area 4 and Area 6 of the Bishop Museum Report dated May 1978 and in Locality 4 of the Bishop Museum November 1975 report if these areas are to be disturbed by the proposed access road corridor. Reports shall be submitted to the Planning Department and the State Historic Preservation Office prior to the issuance of a grading permit. If, however, these areas are not to be disturbed by the access road corridor, protective measures, as approved by the Planning Department, shall be undertaken to prevent disturbance to these areas.
6. That should any unanticipated archaeological sites or remains be found during construction and/or land preparation activities, they shall not be disturbed until a review and clearance has been obtained from the Planning Department.
7. That construction of the proposed phase two facilities, identified as the Sea Coast Test Facility, shall commence within three years of the effective date of approval of the Special Management Area Use Permit and be completed within two years thereafter. The petitioner or its authorized representative shall submit plans for plan approval prior to construction and shall be responsible for obtaining final plan approval.

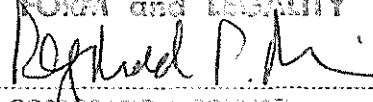
8. That the access road connection at the Queen Ka'ahumanu Highway shall meet the requirements and standards of the Land Transportation Facilities Division of the State Department of Transportation.
9. That all other applicable rules, regulations and requirements, including those of the Department of Health and the Department of Water Supply, shall be complied with.

Should any of these conditions not be met, the Special Management Area Use Permit may be deemed null and void by the Planning Commission.

The effective date of the permit shall be November 16, 1978.

Dated at Hilo, Hawaii, this 13th day of December, 1978.

  
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CHAIRMAN

DEPUTY APPROVED as to  
FORM and LEGALITY  
  
CORPORATE COUNSEL  
COUNTY OF HAWAII  
Date DEC 7 1978