



Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

January 23, 1991

Mr. Manabu Tagomori
State of Hawaii
Department of Land & Natural Resources
Division of Water Resources Management
P. O. Box 373
Honolulu, HI 96809

Dear Mr. Tagomori:

Special Management Area Use Permit Application
Tax Map Key 2-2-01:01, 02

The Planning Commission at its duly held public hearing on January 10, 1991, voted to approve your application, Special Management Area Use Permit No. 307, to allow for the construction of a baitfish holding and transfer facility and related improvements at Piopio, Hilo, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes (HRS), and Rule No. 9, Special Management Area (SMA) Rules and Regulations of the County of Hawaii, is to preserve, protect, and, where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

One of the criteria for approving a development within the SMA is that it is consistent with the General Plan and zoning designation. The proposed development conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map and its designation of Open (O) by the Zoning Code. Aquaculture is a permitted use within the County's Open zoned district. The Public Facilities Element of the General Plan states as a goal to "Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community." The proposed baitfish holding and transfer facility would provide a reliable source of baitfish for fishermen at a convenient location,

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which is in the immediate vicinity of the Suisan Fish Market and the Wailoa Boat launching and moorage facility.

Similarly, the proposed project is consistent with Chapter 205A, HRS, which has as an objective to "Provide public or private facilities and improvements important to the State's economy in suitable locations."

Another criteria in reviewing an SMA Use Permit application is that "The development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options." The proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The project site is not known to contain any unique ecological systems nor provide habitat for any endangered plant or animal species. No adverse impacts on air and water quality are expected to be generated by the proposed development. Wastewater from the facility will be disposed into the County's sewer system. Water used in the baitfish holding tanks will be pumped from Wailoa River to the facility and discharged back into the Wailoa River. Cleaning of the tanks will require only hand-scrubbing without the use of any chemicals. These activities are not anticipated to adversely affect water quality. It should be noted that the Department of Health-Environmental Management Division has determined that a National Pollutant Discharge Elimination System (NPDES) permit is not required. The Department of Health did not raise any objections to the proposal. Air emissions generated during the construction phase can be mitigated by existing regulations. Any potential runoff or discharge as a result of the project can be handled by on-site improvements as may be required by the Department of Public Works. Negative impacts resulting from soil erosion and runoff during site preparation and construction phases are unlikely, but should they occur, they can be adequately mitigated through compliance with existing regulations.

The proposed development is not anticipated to have any significant adverse impacts on public access or recreational areas along the shoreline due to the project's considerable distance from the coastal waters.

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No surface archaeological resources exist on the properties. Since there is a possibility that subsurface archaeological features are present, this approval recommendation is conditioned upon the monitoring of all excavation activities by a qualified archaeologist and the notification of the Planning Department should any unidentified sites or remains be found before or during construction activities.

The proposed facility will not adversely impact traffic in the area. As mentioned earlier, traffic at the facility will be concentrated at the rear of the facility through the loading of the baitfish onto boats anchored within the Wailoa River. A maximum of four people will be employed at the facility. The baitfish will be transported to the facility utilizing standard pickup trucks. It is recommended, however, that Emma Street and the driveway and parking area be paved.

Open space will be affected by the construction of this facility. It is felt that the public benefits of the baitfish and transfer station outweigh the open space considerations of this particular area especially with the Hilo Iron Works building nearby. To ensure that visual considerations are addressed, a condition of approval will require that landscaping be provided around the facility, including the perimeter chainlink fencing and the parking area.

Based on the above, it is determined that the proposed development will not have substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to Special Management Area.

Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify

structures, landscaping, and paved driveway and parking associated with the proposed development. Landscaping shall provide visual relief of the project's structures and activities, including the chainlink fence and parking area.

3. Construction of the baitfish holding and transfer facility and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
4. The existing ironwood (*Casuarine equisetifolia*) trees within the subject properties shall not be disturbed.
5. A qualified archaeologist shall be on-site to monitor excavation activities.
6. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
7. Access to the subject property from Kamehameha Avenue, including the paving of Emma Street, shall meet with the approval of the Department of Transportation-Highways Division. These improvements shall be installed prior issuance of a certificate of occupancy for the facility.
8. Comply with all other applicable laws, rules, regulations, and requirements including those of the Departments of Public Works and Health.
9. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

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10. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Mike Luce, Chairman Pro Tem
Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
OSP, CZM Program w/background
DLNR
Department of Health
State Dept. of Transportation, Highways Division