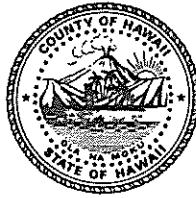


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

September 8, 1993

C. B. Raleigh, Dean
School of Ocean and Earth Science and Technology
University of Hawaii
1000 Pope Road, Marine Science Bldg. 205
Honolulu, HI 96822

Dear Dean Raleigh:

Special Management Area Use Permit Application (SMA 93-4)
Applicant: State, UH Manoa, School of Ocean and Earth Science
and Technology
Request: Research Drilling and Sampling Program
Tax Map Key 2-1-09:Portions of 1 and 41

The Planning Commission at its duly held public hearing on August 26, 1993, voted to approve the above-referenced application. Special Management Area (SMA) Use Permit No. 344 is hereby issued to conduct a research drilling and sampling program. The project site consists of an approximately 20,000 square feet portion of a parcel situated on the makai side of Kalaniana'ole Avenue approximately 2000 feet east (towards Keaukaha) from its intersection with Kuhio Street, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes, and Rule 9, Special Management Area 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 an 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 Special Management Area (SMA) 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

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compelling public interest". The proposed core drilling, will in its initial stage, drill to a depth of 2,000 to 3,000 feet. The proposed drilling will occur on TMK: 2-1-9:41 with access gained to the project work area from TMK: 2-1-9:1 and 41. The Right-of-Entry to the subject properties for the initial stage of drilling, runs until December 31, 1994. It is recommended that the life of this SMA Use Permit run as stated in the Right-of-Entry (conditions dated May 23, 1993), or concurrent with any extensions granted by Department of Land and Natural Resources. However, to ensure additional monitoring of impacts, should the applicant wish to continue into the second phase of drilling to a depth of 14,500 feet, a request should be forwarded to the Planning Commission.

Exotic species of flora occupy the site. Due to the disturbed nature of the project site, and its location within an industrial developed area, no known rare or endangered species of flora or fauna were found to inhabit the site.

Individual wastewater generated by the project will be accommodated by portable toilets. Additional wastes or solids from the mud sump will be dewatered, subjected to a hazards analysis and disposed of at the landfill or used as grade-out material on site. Also, the applicant shall comply with requirements of the Department of Health and Department of Public Works prior to any disposal.

Potential adverse impacts to coastal waters and groundwater from mud loss is expected to be minimal. Groundwater is expected to be brackish and unfit for consumption and therefore not have a significant impact on drinking water resources. Some materials that will be used in the drilling process may be discharged into the shallow aquifers would be bentonite clay and organic polymer additives that are routinely used in water well drilling. Although some drilling mud is expected to be lost into the shallow subsurface, however, to minimize possibilities, a solid casing will be installed at 75 feet. After drilling to a depth of 200 feet, the drill would have passed through sources of fresh groundwater and be deep enough so that migration of mud through the formation into Hilo Bay will not occur. The Department of Health did not state any objections to the method of drilling.

The proposed drilling will be a 24-hour a day project to take place for a period of 4-6 weeks. Hospital-type noise mufflers shall be utilized to minimize the level of engine noise generated. Levels of 55 dBA at the property boundary during

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daylight hours and 45 dBA during night hours have been established by the right-of-entry permit with the Department of Land and Natural Resources. The location of the drill pad on the interior portion of the property and the screen of vegetation should act as additional noise barriers. A condition is proposed to require noise monitoring devices on the worksite at the management trailer and at the property boundary, at a minimal. In addition, lighting will be used on the rigging and within the low areas for identification and safety purposes. Additional monitoring of noise and light effects on the neighborhood, and the requirement for mitigative measures will further be based on any complaints reported on the project. A condition of approval will be included requiring the applicant to submit monthly reports on the status of project and public complaints. This would allow for periodic review and investigation by the Planning Director, and if determined, referral to Planning Commission for review. Also, a condition of approval will be included to require that applicant to erect a temporary "construction fence" to ensure public safety and to define the project work area. Therefore, in light of the above review, the nature of the project and distance from coastal waters, the already disturbed nature of the site, and the on-site proposed control measures would mitigate any adverse impact to the environment or ecology of coastal areas.

A second criteria for review, is that the development is consistent with the objectives and policies as provided by Chapter 205A, HRS, and the Special Management Area guidelines. The proposed development is not expected to have any adverse impact to public access to and along the shoreline. The existing access road through TMK: 2-1-9:01 would remain open and accessible to the shoreline.

Viewplanes within the area will also not be significantly affected by the proposed development. While the drilling rig will have a mast of 38 feet, the actual drill site will be 4 feet below grade, therefore with an above grade level of 34 feet. Due to the topography of the project site, the surrounding ironwood trees, and the industrial nature of the area, the rig should not be visible from nearby residences or significantly impact view planes from Kalaniana'ole Street.

Due to the disturbed nature of the project site, adverse impact to historical or cultural resources are not anticipated. A historic sites survey conducted also indicate that recent activity has obliterated evidence of any historic significance. The project work area, being approximately 20,000 sq. ft. in

size and previously graded, is located over 200 feet from the shoreline. Minimal disturbance would be made to the ground area and avoidance to existing ironwood trees would be considered. The Department of Land and Natural Resources-Historic Preservation Division, has concluded that the development will have "no effect" on significant historic sites.

A third criteria in reviewing an SMA Use Permit application is that it is consistent with the General Plan and Zoning Code. The proposed development conforms to the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map which designates the affected area for Industrial and Open. Such a designation may allow for the proposed uses, provided that the applicable goals, policies and standards of the General Plan are met. The current MG-1a and Open zoning of the subject properties are consistent with the LUPAG Map designation for the immediate area. The site for the proposed core drilling project was selected for its appropriate zoning, close proximity to the coast and considerable distance from the Mauna Kea east rift zone.

Approval of this request is subject to the following conditions:

1. The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The life of the permit shall run until December 31, 1994 as stated in the Right-of-Entry (May 28, 1993) or concurrent with any extensions provided by the Department of Land and Natural Resources.
3. Should the applicant decide to continue into the second phase of drilling, a request shall be submitted to the Planning Commission pursuant to Rule 9.11E.
4. To ensure public safety, a temporary "construction area" fence shall be erected around the immediate work area.
5. Hospital-type mufflers shall be utilized to mitigative noise impacts from the drilling. In addition, noise monitoring devices shall be installed on-site within the project work area and at the property boundaries closest to existing residential areas.
6. A noise monitoring and mitigation plan shall be submitted for the review and approval by the Planning Director, in consultation with the Departments of Land and Natural

Resources and Health, prior to the mobilization of the drilling rig onto the subject property and/or any land alteration activities. The noise monitoring and mitigation plan shall include, but not be limited to: a) measures for regular, periodic or continuous noise measurements at locations prescribed within the Board of Land and Natural Resources's Right of Entry dated May 28, 1993; b) mitigative measures to be taken to ensure compliance with the reference noise levels prescribed within same; and c) remedial measures to be taken should these reference noise levels be exceeded.

7. Lighting for the project shall comply with requirements of the Department of Public Works prior to and during mobilization of the drilling rig.
8. Wastewater disposal shall meet with the requirements of the Department of Health and Department of Public Works.
9. Should any unidentified sites or remains, such as lava tubes, artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
10. Comply with all other applicable laws, rules, regulations and requirements including the Department of Land and Natural Resources, Department of Health, Department of Water Supply and Department of Public Works.
11. A monthly progress report shall be submitted to the Planning Director based from the effective date of the permit. The report shall include the status of the development, the compliance with conditions of approval, and a detailed listing of public complaints or problems and their disposition. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaints(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission, that the applicant has failed to comply with the conditions of approval or has caused an

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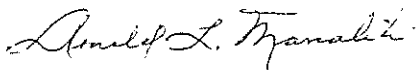
unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.

12. An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the General Plan or the Zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; 4) 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 the revocation of 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.

Should you have any questions, please feel free to contact Rodney Nakano or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:jdk
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xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Office of State Planning, CZM Program w/background
Department of Land and Natural Resources
Department of Health
Plan Approval Section