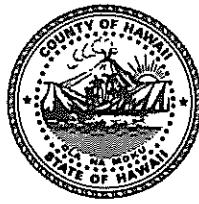


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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MAY 20 1997

Donna Fay K. Kiyosaki, P.E.
Chief Engineer
County of Hawaii
Department of Public Works
25 Aupuni Street, Room 202
Hilo, HI 96720

Dear Ms. Kiyosaki:

Special Management Area Use Permit Application (SMA 97-5)
Applicant: County of Hawaii, Department of Public Works
Request: Alii Drive Shore Protection Project
Tax Map Key: 7-5-6

The Planning Commission at its duly held public hearing on May 1, 1997, voted to approve the above-referenced application. Special Management Area Use (SMA) Permit No. 377 is hereby issued to allow the Alii Drive Shore Protection Project relating to the repair of the seawall. The project area is located along Alii Drive fronting the Ocean View Restaurant at Kailua Bay, North Kona, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205A, Hawaii Revised Statutes (HRS) and 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.

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 repair of the 750 foot long seawall improvements consists of filling the voids between the large foundational boulders with a cement-sand grout. Due to the large diameter of the

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boulder which form the foundation of the seawall, the voids between the boulders comprise an assumed volume of 40 percent of the total foundational volume. The method of placement of the grout will consist of drilling holes 1-1/2" to 3" in diameter at intervals of 5 to 10 feet and injecting the grout mix to fill the voids within the wall's foundation. The exact hole diameter and interval will depend upon the stiffness of the grout mix and an on-site determination of the degree to which the grout fills the voids. The method will vary somewhat for the 32-foot section of seawall which has begun to shift. Prior to placing the grout beneath this section, water jetting will remove any sand under the foundational stones to ensure that the section has an adequate and stable foundation.

The proposed development is located along the shoreline. It is a permitted activity within the shoreline setback area pursuant to Planning Department Rule 11-7(a)(6) and (b). The seawall, its large boulder foundation and the adjacent sidewalk and road comprise the shoreline for the project area. Accordingly, there are no trees, shrubs or other substantial terrestrial vegetation along this portion of the shore. Therefore, the proposed project would have no effect on terrestrial resources.

The aquatic community in depths of less than 10 feet is dominated by the hard corals *Porties lobata*, *Pocillopora meandrina*, and *Montipora verrucosa* and the soft coral *Anthelia edmondsoni*. Total living and dead coral cover is about 20 percent in Kailua Bay. Living corals are usually about 50 percent of the total coral cover except in Kailua Bay where they represent less than 1 percent of the total. The sea urchins *Tripneustes grantilla*, *Heterocentrotus mammillatus* and *Echinometra mathaei* are abundant in the bay. Common Hawaiian reef fishes occur throughout the bay and adjacent reef areas. The proposed project is not expected to have any significant effect on the marine environment.

Endangered humpback whales (*Megaptera novaengliae*) are residents in the waters of West Hawaii during the winter breeding and calving season. The endangered hawksbill turtle (*Eretmochelys imbricata*) and threatened green sea turtle (*Chelonia mydas*) are present in the nearshore waters off West Hawaii. No nesting beaches for these species occur in or near the project area. Coordination with the National Marine Fisheries Service (NMFS) and Fish and Wildlife Service (FWS) pursuant to the 1978 amendments of the Endangered Species Act has been completed. Both agencies concur that the proposed project would have no effect on listed or candidate threatened and endangered species.

Water visibility and quality appear to be good to excellent, however, visibility in Kailua Bay is degraded by suspended particulate matter and fresh water intrusion. These coastal waters, including Kailua Harbor, are classified by the Department of Health as AA waters. The bottom and shoreline ecosystems are Class II, except the reef communities north of Kailua Harbor which are Class I. Water quality in the immediate vicinity of the seawall foundation may be temporarily affected by the small amounts of grout extruded under pressure through the voids between foundational boulders. The major constituents of the cement, CaO (lime) and SiO₂ (silica) would readily precipitate in seawater as carbonates and would have little or no effect on marine organisms.

Pressure jetting the silt and sand from the turbidity in the immediate vicinity. However, no long-term effects on water quality are anticipated under any of the project alternatives.

Exhaust gases from construction equipment may cause a temporary reduction of air quality at the project site during construction. There may be some generation of dust near the construction area resulting from transport and handling of construction materials. There would be temporary, localized increases in ambient noise due to operation of heavy equipment during project construction. Precautionary measures will be implemented during construction phase, thus the proposed development is not anticipated to have any substantial adverse effects on the coastal resources or environment.

A significant archaeological site may be extant within the project area. This site, designated as *pa o Umi*, has been described as the habitation site of the traditionally important ancient ali'i (Chief), 'Umi-a-Liloa (Kamakau 1961). This site, which has been depicted on a number of early 19th century maps, was situated on a basalt promontory located near the middle portion of Kailua Bay. If the site is extant, it most likely lies beneath the seawall, sidewalk and roadway within the area of potential effect. The drilling portion of the proposed project will disturb the top two feet of the soil material immediately behind the seawall. This material, however, is most likely to have been previously disturbed during the construction of the seawall and the sidewalk. Thus, no effect on historic properties is expected when precautionary measures are followed. In addition, an archaeological monitor will be present on site if there will be any subsurface disturbance associated with repair of the seawall. Data recovery will be undertaken at the time, if appropriate. All associated archaeological requirements shall be complied with in conjunction with the issuance of permits and construction phase for the project. Therefore, a condition of approval will be included stating that the applicant fully implement the recommendations of the State Department of Land and Natural Resources Historic Preservation Division prior to securing any land alteration permits for the proposed development. The implementation of a mitigation plan will satisfy the SMA objective to "Protect, preserve and where desirable restore significant historic and cultural resources."

The proposed development is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. Any impacts during repair of the seawall can be adequately mitigated through compliance with existing regulations. With these precautionary measures in place, the proposed development is not anticipated to have any substantial adverse effects on the coastal resources or environment.

The proposed development is consistent with the County General Plan and Zoning Code. The proposed project does conform to the General Plan's Environmental Quality and Natural Resources and Shoreline Elements' goals, policies and courses of action.

- a. Environmental Quality: "The County of Hawaii shall take positive action to further maintain the quality of the environment for residents both in the present and in the future."

- b. Natural Resources and Shoreline: "The County shall encourage public and private agencies to manage the natural resources in a manner that avoids or minimizes adverse effects on the environment and depletion of energy and natural resources to the fullest extent."
- c. North Kona Land Use: "Improve and provide adequate roadways, sewer and water systems, and other basic amenities in all areas where higher density uses are allowed."

Mindful of the type of service the applicant will provide to the residents of West Hawaii, the proposed use will be consistent with the following goals and policies of the General Plan:

Historic Sites:

- o Protect and enhance the sites, buildings and objects of significant historical and cultural importance to Hawaii.
- o The County of Hawaii shall encourage the restoration of significant sites on private lands.
- o The County shall also aid in the development of a program of public education concerning historic sites.

Environmental Quality and Natural Resources and Shoreline:

- o Protect and promote the prudent use of Hawaii's unique, fragile, and significant environmental and natural resources.

The proposed seawall repair will help to ensure the protection of the coastal ecosystem and protection of public health, welfare and safety.

This project is consistent with the State and County policies governing the Special Management Area and the County's General Plan. The project is located within the Kailua Village Special District. On April 22, 1997, the Kailua Village Design Commission recommended approval of the project. The proposed seawall repair will ensure adequate protection for the urbanizing activities and growth in the area.

Based on the above findings, it is determined that the proposed development will not have any 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 the Special Management Area.

Approval of this request is subject to the following conditions. Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the Special Management Area Major Use Permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Construction shall be completed within five (5) years from the effective date of this permit.
3. A Mitigation Plan approved by the State Department of Land and Natural Resources-Historic Preservation Division which consists of proposed buffers, maintenance commitments and interim protection measures shall be implemented and completed prior to the issuance of any land alteration permits.
4. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
5. Comply with all applicable laws, rules, regulations and requirements of the affected agencies, including the Department of Land and Natural Resources and the Corps of Engineers.
6. Upon compliance with applicable conditions of approval and upon completion of all work, the applicant shall submit a final status report, in writing, to the Planning Director.
7. An initial 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.
 - 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)

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.

Donna Fay K. Kiyosaki, P.E.
Chief Engineer
County of Hawaii
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Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

AK:syw

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Office of State Planning, CZM Program (w/Background)
Department of Land and Natural Resources
Kazu Hayashida, Director/DOT-Highways, Honolulu
Tom Pack/DPW-Engineering Division, Kona