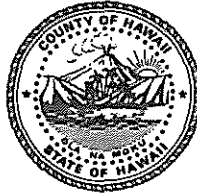


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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

CERTIFIED MAIL

September 29, 1994

Mr. Harold Sugiyama, Chief
Wastewater Division, Department of Public Works
25 Aupuni Street, Room 202
Hilo, HI 96720

Dear Mr. Sugiyama:

Special Management Area (SMA) Minor Permit No. 23
Applicant: County of Hawaii, Department of Public Works
Wastewater Division
Proposed Construction of Sewer Force Mains and After-the-
Fact Grading and Grubbing Work
TMK: 7-5-18: 8 (Por.); Waiaha 1st, North Kona, Hawaii

Pursuant to our memorandum dated September 26, 1994, we hereby issue SMA Minor Permit No. 23 to allow the construction of the proposed sewer force mains within a 20-foot easement and the after-the-fact grading and grubbing work at the project area.

GENERAL INFORMATION

1. **Land Ownership:** The proposed project will be located on a portion of a 19.93 acre parcel, TMK: 7-5-18:8, which is owned by Manuel Gomes Trust Estate. An approval authorization by Bishop Trust Co., Ltd., Trustee for Manuel Gomes Trust was submitted with the application. The County of Hawaii is in the process of acquiring the 20-foot easement for sewer purposes.

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APPLICANT'S REQUEST

2. **Request:** The County of Hawaii Department of Public Works Wastewater Division is proposing to construct two 14-inch ductile iron sewer force mains within a 20-foot sewer easement. Construction activities include excavation of trenches, installation of sewer force mains and backfill operation. The sewer force mains will connect to the interceptor sewer along Alii Drive and eventually to the interceptor sewer along Kuakini Highway. The project also includes the after-the-fact grading and grubbing work within and in the vicinity of the sewer easement which was conducted by the contractor.
3. **Purpose:** The applicant proposes to construct a regional sewerage facility for Kailua-Kona. The regional system will collect sewage from the southern zone (Waiaha to Kahaluu) and transport it to the northern zone (Kealakehe to Waiaha) for treatment and disposal. The northern zone facilities located at Kealakehe have already been constructed. According to the applicant sewerage facilities are needed because "Land use plans indicate intense urbanization along the coastal area, creating potential public health problems with the proliferation of cesspools, injection wells and private sewage treatment plants." and "The porous nature of the Kona coastline allows cesspool and injection well leachate to seep virtually untreated into the coastal waters, causing water quality standards to be exceeded."
4. **Estimated Cost:** The total estimated cost for the proposed construction of the sewer force mains is \$90,000.

STATE AND COUNTY PLANS

5. **SLU:** The parcel is located within the State Land Use Urban District.
6. **GP LUPAG Map:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation for the project site is Medium Density Urban.

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7. **County Zoning:** The parcel is located in a Single Family Residential- 10,000 square feet zoned district (RS-10).
8. **SMA:** The parcel is located within the Special Management Area; therefore, the project is subject to SMA review.
9. **General Plan:**
 - a. **Environmental Quality Element:** "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 Element:** "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. **Public Utilities Element:** "Improvement of existing utility services shall be encouraged to meet the needs of users."
10. **Chapter 343:** This project is covered under the Final Revised Environmental Impact Statement (EIS) for the Kailua-Kona Sewerage System Southern Zone, which was accepted by the Governor in 1982. The project is in compliance with Chapter 343, HRS, regarding Environmental Impact Statements.

SITE DESCRIPTION

11. The project site is located mauka of Alii Drive and is more than 500 feet from the shoreline. The subject property is presently vacant of any uses. The proposed construction activities will be confined within the 20-foot wide easement which runs parallel to and along the northern boundary of the property. The easement is approximately 223 feet in length and is located between Alii Drive and Walua Road.

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12. An archaeological inventory survey of the 20-foot sewer easement was conducted by Paul H. Rosendahl, Ph.D., Inc. in July 1994. Three archaeological sites were located. These sites comprised of modified outcrops, terrace, wall, alignments and paved area.

However, the vicinity of the easement was bulldozed before detailed recording of the sites could be taken. A field inspection and mapping of the area was conducted by Mr. James Head on September 9, 1994. According to a letter dated September 13, 1994, the archaeologist provided an assessment of the sites and made recommendations to prevent further damage to the archaeological sites at the project area.

13. Vegetation in the project area as well as in the vicinity is of moderate density and consists primarily of introduced exotic such as kiawe, opiuma, koa-haole, lantana, guinea grass and other grasses and weeds.
14. The Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency designates the area as Zone X, or areas determined to be outside the 500-year flood plain.
15. The surrounding area includes single family and multi-family residences and vacant lands.

UTILITIES AND SERVICES

16. **Access:** Access to the property is from Alii Drive or Walua Road.
17. **Other Essential Utilities and Services:** Water, electricity, police and fire protection, and other essential utilities and services are available at the site.

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ASSESSMENT

The purpose of Chapter 205A, HRS, and Planning Commission Rule No. 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 island's coastal zone areas. Special controls on development in these areas have been enacted, to prevent permanent loss of valuable resources. Upon review of the applicant's request for a Special Management Area Permit, the Planning Director finds that the proposed improvements are consistent with State and County SMA policies, as outlined below:

- a. **Recreational Resources:** The project will not cause any disturbance to recreational resources as the project site is located mauka of Alii Drive and is more than 500 feet from the shoreline. Elimination of existing cesspools and installation of the new sewerage system will lessen the risk of contaminating the coastal ecosystem and the nearshore waters.
- b. **Historic and Natural Resources:** The project site was bulldozed prior to detailed recording of the archaeological sites. However, the archaeologist has recommended flagging and fencing of the sites and on-site monitoring during construction activities.

As a condition of permit approval, the applicant shall comply with the recommendations at stated by the archaeologist. The proposed improvements should not have any additional adverse effects on historical and natural resources.

- c. **Scenic and Open Space Resources:** The proposed improvements will not result in any above ground structures at the site. The project site is located mauka of Alii Drive and should therefore not interfere with the coastal view plane.

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- d. **Coastal Ecosystems:** The proposed replacement of any existing cesspools with a new sewerage system should reduce the risk of contamination of coastal waters. This project will help to ensure the protection of the coastal ecosystem and enhance the ground water conditions in the area.
- e. **Economic Uses:** This project is consistent with State and County policies governing the Special Management Area, and with the County's General Plan. The proposed sewerage system will ensure adequate waste disposal for the urbanizing activities and growth of the area.
- f. **Coastal Hazards:** The project will not be constructed in an area which is subject to tsunami inundation. The project will not intensify coastal hazards in the area.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that this proposal will not be contrary to State and County policies governing the Special Management Area. The Planning Director hereby approves Special Management Area Minor Permit No. 23, 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 applicant, successors, or assigns shall secure approval of the **Final Construction Plan**, and the grading permit for the project within one year of the date of this permit.
- 3. Construction of the proposed improvements shall be completed within two years from the date of this permit.

A qualified archaeologist shall be on-site to monitor the construction activities.

- 5. Prior to construction activities, the archaeological sites shall be flagged and/or fenced in accordance with the recommendations as stated in the September 13, 1994 letter from Paul H. Rosendahl, Ph.D., Inc.. (SEE ATTACHMENT)

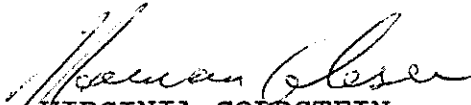
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6. The applicant, successors, or assigns shall comply with all other applicable County, State, and Federal regulations.
7. A progress report shall be submitted to the Planning Director within **six months** from the date of this permit. This report shall include the status of the project and to what extent the conditions of approval are being complied with. Additional progress reports will be required every six months, until all of the conditions of approval have been complied with and the Planning Director acknowledges that further progress reports are not required.
8. An extension of time for the performance of conditions may be granted by the Planning Director only when a) the non-performance of conditions 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; and b) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and c) 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).

Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke this permit.

Please feel free to contact staff members Alice Kawaha or Linda Copman at 961-8288 if you have any questions.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

 9/30/94

Chief Engineer Date

AK:pak:SMM23
Attachment

cc: Ms. Donna Kiyosaki, Chief Engineer
Planning Commission
West Hawaii Office
SMA Section