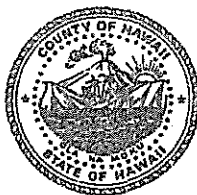


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

November 6, 2003

Barry Hill, Assistant District Chief
United States Department of the Interior
U.S. Geological Survey, Water Resources
677 Ala Moana Blvd., Suite 415
Honolulu, Hawaii 96813

Dear Mr. Hill:

**Special Management Area (SMA) Use Permit Assessment Application (03-065)
Special Management Area Minor Permit No. 146 (SMM 146)**

Applicant: U.S. Geological Survey

**Request: Construction and Operation of a Water-Quality Monitoring Station on
Alenaio Stream at Kilauea Street**

Tax Map Key: (3) 2-2-006:001

By this letter we are transmitting the referenced SMA Minor Permit No. 146, which is approved, subject to conditions, for the construction of a stream flow and water-quality monitoring station on the subject property. The proposed improvements will be used to monitor concentrations of sediment and nutrients at the project site's location adjacent to Alenaio Stream.

Should you have questions, please feel welcome to call Larry Brown or Esther Imamura of my staff at 961-8288.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Yuen", is written over the name Christopher J. Yuen.

CHRISTOPHER J. YUEN
Planning Director

LB:mad

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Enclosures - SMM No. 146

Department of Public Works October 31, 2003 Memo

xc w/encls: ✓ Long Range Planning - Ms. Susan Gagorik
Planning - Mr. Norman Hayashi

Special Management Area Minor Permit No. 146

Project: Construction & Operation of a Water-Quality and Monitoring Station
Applicant: United States Geological Survey
Land Owner: County of Hawaii
Location: City of Hilo, Kukuau 2nd, South Hilo, Island of Hawaii
TMK: (3) 2-2-006:001 **Land Area:** 7.621 acres

Applicant's Request

1. Project Description:

The applicant proposes to construct and operate a streamflow and water-quality monitoring station on the subject property adjacent to Alenaio Stream, which is near the intersection of Kilauea Street and Ponahawai Street in Hilo. The proposed improvements include the construction of a wood frame instrument shelter (approximately 3'x4'x6') to be bolted to a new concrete pad. The project will not involve any dredging or filling of the waterway.

2. Purpose of Project:

The USGS has been funded by the State of Hawaii Department of Health (DOH) to collect data on sediment and nutrient loads in Alenaio Stream, among others that are tributary to Hilo Bay, in order to plan water-pollution control measures.

3. Project Valuation: \$15,000.00

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area, the construction, reconstruction, or alteration of the size of any structure is defined as "development." Therefore, the proposed construction water-quality monitoring station requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject property is designated Urban by the State Land Use Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the project site for High Density uses.
3. **County Zoning:** The subject property is zoned Downtown Hilo Commercial (CDH) by the County. Pursuant to §25-4-11(c) of the Zoning Code, a public use, structure or building shall be permitted in any district, provided that the Director has issued Plan Approval for such use.
4. **Special Management Area:** The subject property is located in the SMA.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area

The project site is not a shoreline property. Therefore, the proposed improvements will not affect the recreational resources available to the public.

The project site is within the currently fenced Alenaio Flood Control Project area, which is used for maintenance of the flood control channel. Construction of the concrete pad and instrument shelter will result in some noise pollution from the use of portable electrical generator and power tools. However, the duration of the construction activities will not be significant due to the relatively small size of the structure being built. The applicant has indicated that hours of work will be planned to avoid disturbing nearby residents during early morning or evening hours.

Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ 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 the elimination of planning options.
- ☒ The proposed development is consistent with the Hawaii County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
 - ☒ Provide coastal recreational opportunities accessible to the public.
 - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

- ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
- ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
- ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
- ☒ Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.
- ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- ☒ Stimulate public awareness, education, and participation in coastal management.
- ☒ Protect beaches for public use and recreation.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
 - ☒ Recreational Resources
 - ☒ Historic Resources
 - ☒ Scenic and Open Space Resources
 - ☒ Coastal Ecosystems
 - ☒ Economic Uses
 - ☒ Coastal Hazards
 - ☒ Managing Development
 - ☒ Public Participation
 - ☒ Beach Protection
 - ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

As discussed above, the proposed 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.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

An Exemption List for the Department of Land and Natural Resources Division of Water and Land Development, as approved by the Environmental Quality Commission on February 5, 1976 includes Exemption Class #5; basic data collection, research, experimental management, and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource.

The estimated project cost of approximately \$15,000 is not in excess of \$125,000.

Upon review of the subject application by the Department of Public Works – Engineering Division, the project is in compliance with Chapter 27, Flood Control, of the Hawaii County Code.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 146** is hereby approved to allow the construction and operation of a streamflow and water-quality monitoring station, subject to the applicant's compliance with the conditions of approval as specified below.

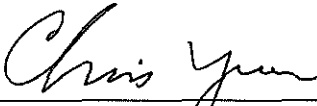
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 146** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Applicant shall secure Plan Approval from the Planning Department for the proposed development.
3. All construction activities in connection with this project shall be completed within one (1) year from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
4. With the exception of the concrete pad, all equipment and improvements shall be removed from the subject property upon completion of the anticipated 18-month data collection period. The Planning Department shall be notified in writing of compliance with this condition.
5. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or wall be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when he finds that sufficient mitigative measures have been taken.
6. The applicant shall comply with all applicable requirements of the State of Hawaii-Department of Health and the Hawaii County-Department of Public Works and applicable requirements of other affected agencies.
7. An extension of time for the performance of the conditions contained herein 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 original reasons for the granting of the permit; and
 - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
8. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director

11 / 6 / 03

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: October 31, 2003

2003 NOV 3 PM 12 53

Memorandum

PLANNING DEPARTMENT
COUNTY OF HAWAII

TO: Christopher J. Yuen, Planning Director

FROM: *for* *OG* Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 03-065)

Applicant: U. S. Geological Survey

Request: Water Quality Monitoring Station along Alenaio Stream

TMK: 2-2-06: 001

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated October 24, 2003 and have no comments or objections to the request.

KG

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