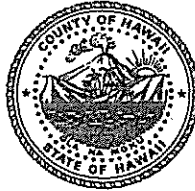


Harry Kim
Mayor



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

April 13, 2004

Randall Urasaki, P.E.
Parsons Brinckerhoff Quade & Douglas, Inc.
1001 Bishop Street, Suite 3000
Honolulu, Hawaii 96813

Dear Mr. Urasaki:

Special Management Area Assessment Application No. 04-018 (SMAA 04-18)

Special Management Area Minor Permit No. 152 (SMM 152)

Project: Submarine Fiber-Optic Cable Landing at Kawaihae

Applicant: Sandwich Isles Communications, Inc.

Land Owner: Department of Hawaiian Home Lands

**Location: Kawaihae Residence Lots-Makai,
Kawaihae 1st, South Kohala, Hawaii**

TMK: (3) 6-1-004:020

By this letter we are transmitting the referenced SMA Minor Permit No. 152, which is approved, subject to conditions, for the proposed fiber-optic cable landing site and related improvements on the subject property. That portion of the project being within the Akoni Pule Highway right-of-way is exempt from the definition of "development" pursuant to Rule 9-4(10)B.(xiv), Planning Commission Rules of Practice & Procedure.

We understand that the proposed project is part of a state-wide telecommunications project funded by the State of Hawaii Department of Hawaiian Home Lands (DHHL) to provide DHHL homesteaders with affordable telephone and advanced telecommunications services.

As the exact location of the shoreline is not necessary to render a determination, your request for a waiver from the requirement to provide a certified shoreline survey as part of the SMAA application is hereby granted.

Upon due consideration of the information provided in your SMAA application and the accompanying submittals, your request for a determination of "minor structure or minor activity" in the shoreline setback area, pursuant to Rule 11-8, Planning Department Rules

Randall Urasaki, P.E.
Parsons Brinckerhoff Quade & Douglas, Inc.
Page 2
April 13, 2004

of Practice and Procedure, is hereby granted. This determination is subject to the conditions contained within SMM 152 and is based on the following findings:

1. The proposed project will not affect natural beach processes or artificially fix the shoreline;
2. The proposed project will not interfere with public access to the shoreline in the vicinity of the project site except as necessary to ensure the public welfare and safety during the actual construction period;
3. Construction of the proposed project shall be completed within approximately three (3) months from commencement;
4. The proposed project will not adversely impact public views to and along the shoreline except during the construction period; and
5. The proposed use and activity will not result in any permanent alteration to the existing topography of the project area.

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

Sincerely,



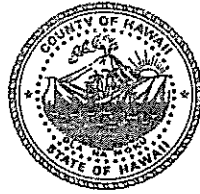
CHRISTOPHER J. YUEN
Planning Director

LMB:pak
P:\WPWIN60\CZM\SMM\2004\SMM152L SIC-SubcableKawaihae.doc

Enclosures: SMM No. 152
Department of Public Works April 2, 2004 Memo

xc: Long Range Planning - Ms. Susan Gagorik

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

Special Management Area Minor Permit No. 152

Project: Submarine Fiber-Optic Cable Landing at Kawaihae
Applicants: Sandwich Isles Communications, Inc.
Owners: State of Hawaii, Department of Hawaiian Home Lands
Location: Kawaihae Residence Lots-Makai, Kawaihae 1st,
South Kohala, Hawaii, Island of Hawaii
TMK: (3) 6-1-004:020 **Land Area:** 6.633 acres

Applicant's Request

1. Project Description:

The construction of a submarine fiber-optic cable landing site using horizontal directional drilling (HDD) technology to bore a below surface grade and ocean floor steel encased conduit from the drilling site in the shoreline setback area of the subject parcel to an exit point approximately 3,200 feet off shore. From the HDD drill site open trenching will be employed to facilitate the installation of below-grade conduit to a beach manhole to be located within the Akoni Pule Highway right-of-way where the submarine cable will be spliced to the terrestrial cable.

2. Purpose of Project:

To provide DHHL homesteaders with affordable telephone and advanced telecommunications services.

3. Project Valuation: \$111,900.00. (The total project valuation includes the estimated costs of the project in the SMA consisting of \$77,400.00 for the project between the shoreline and the Akoni Pule Highway right-of-way and \$34,500.00 for the project within the Akoni Pule Highway.)

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(ii) and (v) relating to the Special Management Area, the grading, removing, dredging, mining or extraction of any materials and the construction, reconstruction, or alteration of any size structure is defined as "development." Therefore, the proposed project 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 as Low Density Urban and Open. A Low Density Urban provided for single-family residential, ancillary community and public uses, and convenience type commercial uses. An Open designation provides for parks and historic sites.
3. **County Zoning:** The subject property is zoned Open (O) by the County.
4. **Special Management Area:** The subject property is located in the SMA.
5. **Flood Zone:** The subject parcel is in Flood Zone "VE" as designated by the Flood Insurance Rate Map (FIRM) Panel 137C, dated September 18, 1988.

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

The project site is a shoreline property. However, the proposed improvements will not affect the recreational resources available to the public except for the construction period.

There may be some adverse visual and noise impacts from the actual drilling, trenching, pit excavation, and manhole installation. However, no lasting impacts are anticipated since all of the improvements will be located underground and a manhole cover located within the Akoni Pule Highway right-of-way will be the only above grade feature upon completion of the proposed improvement.

Identified historic sites within the project area have been adequately documented and are not recommended for preservation.

Good housekeeping and implementation of Best Management Practices, as required by Department of Health regulations, by the contractor will serve to reduce pollutant discharges of the drilling slurry into the near shore waters and shoreline area in the vicinity of the project site.

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, 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.

The estimated project cost of approximately \$111,900 is not in excess of \$125,000.

The Department of Public Works – Engineering Division (DPW-ED) has reviewed the proposed project for compliance with Chapter 27, Flood Control, of the Hawaii County Code and has no objections. A copy of the DPW-ED comments memo is enclosed.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 152** is hereby approved to allow the construction a submarine fiber-optic cable landing site and related improvements 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. 152** 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 all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. All construction activities in connection with this project shall be completed within one (1) year from the date of approval of this permit or the Conservation District Use Permit, whichever is issued the latest. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.

4. A construction barricade, meeting with the approval of the Planning Department, shall be erected so as to provide traversable public access along the shoreline, to discourage public access to the construction site, and to discourage construction activities within the shoreline setback area. The barricade shall be erected makai of the HDD excavation pit not less than 40 feet from the certified shoreline, as shown on the subdivision map (SUB 6682) for Kawaihae Residence Lots – Makai, which was approved on January 23, 1996.
5. Cutting materials resulting from the HDD operations in excess of that used in backfilling of excavated areas shall be removed from the subject property and disposed of in accordance with applicable laws and regulations.
6. 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.
7. 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.
8. 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).
9. 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



4/15/04
Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: April 2, 2004

Memorandum

TO : Christopher J. Yuen, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief 
 Engineering Division

SUBJECT : SMA Use Permit Assessment Application No. 04-18
Applicant: Sandwich Isles Communications, Inc.
Location: Kawaihae 1st, S. Kohala, HI
TMK: 3 / 6-1-004:020

We reviewed the subject application and our comments are as follows:

1. Flood Zone "VE", affects the subject parcel as designated by the Flood Insurance Rate Map (FIRM) Panel 137C, dated September 18, 1988. According to the application, the proposed development will not permanently alter the existing topography and we have no objections.
2. All earthwork and grading should conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.
3. The applicant is reminded of Chapter 11-55, Water Pollution Control, Hawaii Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE

copy: ENG-HILO
PLNG-KONA

0506189