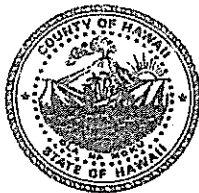


Harry Kim  
Mayor



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

August 26, 2004

Mr. David Nakata  
Customer Planner  
Hawaii Electric Light Company, Inc.  
P.O. Box 1027  
Hilo, Hawaii 96721-1027

Dear Mr. Nakata:

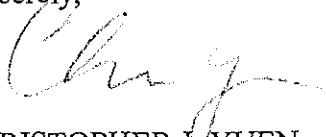
**Special Management Area Use Permit Assessment Application (SMAA 04-70)**  
**Special Management Area (SMA) Minor Permit No. 162 (SMM 162)**  
**Applicant: Hawaii Electric Light Company**  
**Landowners: Various**  
**Project: Installation of Electrical Utility Poles and Overhead Power Lines**  
**within Existing 15-Foot Easement of Subject Properties**  
**Tax Map Key: (3) 1-5-010:033, 011, 032, 016, 015, 014, 009, 025, 026, 027, 028, & 029**

By this letter we are transmitting the referenced SMA Minor Permit No. 162, which is approved, subject to conditions, for the installation of approximately 18 utility poles, approximately 4,500 feet of overhead electric lines and related improvements, as shown on Drawing No. 02-E-1329, along Beach Road from Makuu Aqua Farm to the existing Susan Vaughan residence on TMK 1-5-010:029.

Mr. David Nakata  
Customer Planner, Hawaii Electric Light Co., Inc.  
Page 2  
August 26, 2004

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

Sincerely,

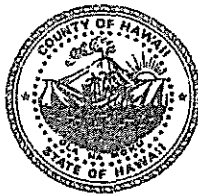


CHRISTOPHER J. YUEN  
Planning Director

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xc: Ms. Susan Gagorik – Long Range Planning

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. 162

**Project:** Installation of Utility Poles and Overhead Power Lines within Existing 15-Foot Easement of Subject Properties  
**Applicant:** Hawaii Electric Light Company, Inc.  
**Land Owner:** Various  
**Location:** Makuu, Puna, Island & County of Hawaii, Hawaii  
**TMK:** (3) 1-5-010:033, 032, 016, 015, 014, 009, 025, 026, 027, 028, & 029

#### Applicant's Request

##### 1. Project Description:

The applicant proposes to install approximately 18 utility poles, 4,500 feet of overhead electric power lines and related improvements within the existing 15-foot wide easements of the subject properties abutting Beach Road from Makuu Aqua Farms (TMK 1-5-010:033) to the existing Susan Vaughan residence situated on TMK 1-5-010:029.

##### 2. Purpose of Project:

The project is intended to make electrical service available to the Susan Vaughan residence as well as the other existing parcels along the lines' route.

##### 3. Project Valuation: \$70,000.00

##### 4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(i) relating to the Special Management Area, the placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste is defined as "development." Therefore, the proposed installation of utility poles, overhead power lines and related improvements requires a SMA Minor Permit.

### State and County Plans

1. **State Land Use District:** The subject property is designated Conservation by the State Land Use (SLU) Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates various portions of the subject property for Orchard and Open uses.
3. **County Zoning:** The Agricultural (A-1a) zoning designation by Hawaii County for the subject properties is not relevant given that the easement (project area) is situated within the SLU Conservation district.
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

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 tsunamis, 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.

<b>Findings</b>
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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 \$70,000 is not in excess of \$125,000.

The Department of Public Works – Engineering Division submitted the following comments regarding the subject application.

*"We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated August 11, 2004 and have no objections to the request."*

*The subject area is not mapped by the Federal Emergency Management Agency (FEMA) and is designated as Zone X – an area determined to be outside the 500-year floodplain."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 162** is hereby approved to allow the installation of utility poles, overhead power lines, and related improvements, substantially as shown on Drawing No. 02-E-1329, subject to the applicant's compliance with the conditions of approval as specified below.


<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 162** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. 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.
3. The applicant shall secure a Conservation District Use Permit, or other approval as deemed appropriate, from the State of Hawaii-Department of Land and Natural Resources.
4. 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.
5. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery, with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
6. 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).

7. 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

**AUG 26 2004**

\_\_\_\_\_  
Date