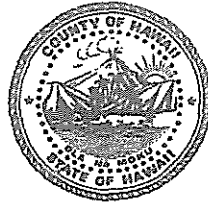


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA, LEED™ AP  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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

April 29, 2008

Mr. Brian Crawford  
350 Lehua Street  
Hilo HI 96720

Dear Mr. Crawford:

**Special Management Area Use Permit Assessment Application (SAA 08-000321)**

**Special Management Area Minor Permit No. 08-000079 (SMM 08-000079)**

**Applicant: Brian Crawford**

**Landowners: Brian Crawford and Lisha Crawford**

**Project: Construction of a Retaining Wall for Bank Stabilization**

**Tax Map Key: 2-7-16:5, Paukaa, South Hilo, Hawaii**

This is to follow up on our March 19, 2008 letter relating to the above-referenced Special Management Area Use Permit Assessment Application for the proposed construction of a retaining wall for bank stabilization. Work to stabilize the face of the approximately 100-foot high sea cliff will not occur at the base of the cliff.

We had previously determined that the proposed project was exempt from the preparation of an environmental assessment. As such we have determined that the project requires a Special Management Area Minor Permit.

We have also determined that the proposed project qualifies as a "minor structure or minor activity" in the shoreline setback area.

Therefore, pursuant to Planning Commission Rule 9-10(E), Special Management Area Minor Permit No. 08-000079 is hereby issued to allow for the construction of a retaining wall for bank stabilization.

Mr. Brian Crawford

Page 2

April 29, 2008

Should you have questions, please contact Esther Imamura of my staff at 961-8288, extension 257.

Sincerely,



CHRISTOPHER J. YUEN

Planning Director

ETI:pk

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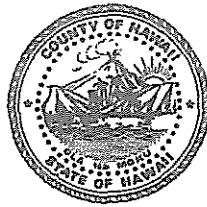
Encl: SMM 08-000079

DOH Memorandum dated April 2, 2008

xc w/encl: Mr. Samuel J. Lemmo, Administrator, DLNR, OCCL  
✓Long Range Planning Division  
Mr. Norman Hayashi, Planning Commission

xc ltr only: Mr. Abbey S. Mayer  
Interim Director  
State of Hawaii, Office of Planning  
Department of Business, Economic Development & Tourism  
P O Box 2359  
Honolulu, Hawaii 96804  
(SMM 08-000079 will be emailed with the semi-monthly report)

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA, LEED™ AP  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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

### Special Management Area Minor Permit No. 08-000079

**Project:** Construction of a Retaining Wall for Bank Stabilization  
**Applicant:** Brian Crawford  
**Land Owner:** Brian Crawford and Lisha Crawford  
**Location:** Paukaa, South Hilo, Hawaii  
**TMK:** 2-7-16:5 **Land Area:** .572 acres

#### Applicant's Request

##### 1. Project Description:

The applicant proposes to construct a retaining wall for stabilization of the bank next to the dwelling. The process includes drilling and grouting micropiles into the bedrock under the property, capping the piles with reinforced concrete beams, and in one section, by adding a CRM retaining wall. The piles will be post tensioned to ensure rigidity of the system.

The project area is the makai face of an approximately 100-foot high sea cliff.

##### 2. Purpose of Project:

The purpose is to stabilize the bank next to the dwelling, preventing further erosion of the cliff face and possible damage to the residence.

##### 3. Project Valuation: \$80,000.00

##### 4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A), "Development" includes the following:

- (i) *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste;*
- (v) *Construction, reconstruction, demolition or alteration of the size of any structure.*

Therefore, the proposed project requires a Special Management Area Minor Permit.

#### State and County Plans

1. **State Land Use District:** The subject property is designated Urban by the State Land Use (SLU) Commission.
2. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is Open.
3. **County Zoning:** The subject property is zoned Single-Family Residential (RS-20).
4. **Special Management Area (SMA):** Although the subject property is located in the SMA and has frontage along the coastline, the property is located at the top of an approximately 100-foot high sea cliff.

#### Compliance with Objectives and Policies of Chapter 205A, Hawai'i 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 Hawai'i 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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of \$80,000 is not in excess of \$125,000.

By enclosed memorandum dated March 31, 2008, the Department of Public Works, Engineering Division had the following comments:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated March 19, 2008 and have no objections to the request."*

*The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is labeled as an area of 'minimal tsunami inundation'. We have designated the subject developmental area as Zone X – areas determined to be outside the 500-year floodplain."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 08-000079** is hereby approved to allow for the proposed construction of a retaining wall for bank stabilization, subject to the applicant's compliance with the conditions of approval as specified below.

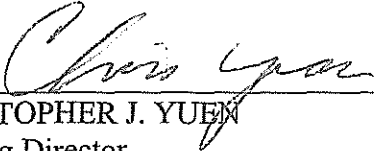
### **Conditions of Approval**

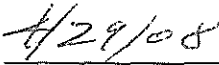
The Planning Director has approved SMA Minor Permit No. 08-000079 subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with all applicable requirements of other affected Federal, State and County agencies.
3. Proposed improvements shall be limited to the Bank Protection plan dated "20 May 07".
4. Prior to receiving Plan Approval from the Planning Department, the applicant shall contact the Army Corps of Engineers and secure any federal license or permit that may be required for the proposed project or written confirmation that no Federal license or permit is required.
5. Prior to receiving Plan Approval from the Planning Department, the applicant shall secure a National Pollutant Discharge Elimination System (NPDES) permit as may be required in connection with any federal license or permit or the Clean Water Branch of the State Department of Health. See the attached DOH memorandum dated April 2, 2008.
6. Plan Approval for the proposed project shall be secured from the Planning Director pursuant to Chapter 25 of the Zoning Code.
7. Construction of the proposed retaining wall for bank stabilization shall be completed within one (1) year from the date of this permit.
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

  
\_\_\_\_\_  
Date

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PLANNING DEPARTMENT  
COUNTY OF HAWAII

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: March 31, 2008

## Memorandum

TO: Christopher J. Yuen, Planning Director

FROM: *for*  Department of Public Works

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 08-000321)**

Applicant: Brian Crawford

Land Owner: Brian Crawford and Lisha Crawford

Request: Construction of a Retaining Wall for Bank Stabilization

Tax Map Key: 2-7-16:005

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated March 19, 2008 and have no objections to the request.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is labeled as an area of "minimal tsunami inundation." We have designated the subject developmental area as Zone X - areas determined to be outside the 500-year floodplain.

Questions may be referred to Kelly Gomes at ext. 8327.

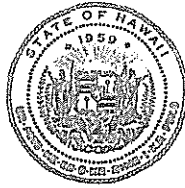
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LINDA LINGLE  
GOVERNOR

2008 APR 7 AM 9 55

PLANNING DEPARTMENT  
COUNTY OF HAWAII



CHIYOME L. FUKINO, M.D.  
Director of Health

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P.O. BOX 916  
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: April 2, 2008

TO: Christopher J. Yuen  
Planning Director, County of Hawaii

FROM: Newton Inouye ~~nd~~  
Acting District Environmental Health Program Chief

SUBJECT: Special Management Area Assessment Application (SAA 08-000321)  
Applicant: Brian Crawford  
Owners: Brian Crawford and Lisha Crawford  
Project: Construction of a Retaining Wall for Bank Stabilization  
Tax Map Key: 2-7-16:5

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of the subject document on March 28, 2008. The CWB has reviewed the limited information contained in the subject document and offers the following comments:

1. The Army Corps of Engineers should be contacted at (808) 438-9258 for this project. Pursuant to Federal Water Pollution Control Act (commonly known as the "Clean Water Act" (CWA)), Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters...". The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40, Code of Federal Regulations, Section 122.2, and Hawaii Administrative Rules (HAR), Chapter 11-54.
2. In accordance with HAR, Sections 11-55-04 and 11-55-34.05, the Director of Health may require the submittal of an individual permit application or a Notice

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of Intent (NOI) for general permit coverage authorized under the National Pollutant Discharge Elimination System (NPDES).

- a. An application for an NPDES individual permit is to be submitted at least 180 days before the commencement of the respective activities. The NPDES application forms may also be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/individual-index.html>.
- b. An NOI to be covered by an NPDES general permit is to be submitted at least 30 days before the commencement of the respective activity. A separate NOI is needed for coverage under each NPDES general permit. The NOI forms may be picked up at our office or downloaded from our website at: <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/general-index.html>.
  - i. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi). [HAR, Chapter 11-55, Appendix B]
  - ii. Construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the commencement of the construction activities. [HAR, Chapter 11-55, Appendix C]
  - iii. Discharges of treated effluent from leaking underground storage tank remedial activities. [HAR, Chapter 11-55, Appendix D]
  - iv. Discharges of once through cooling water less than one (1) million gallons per day. [HAR, Chapter 11-55, Appendix E]
  - v. Discharges of hydrotesting water. [HAR, Chapter 11-55, Appendix F]
  - vi. Discharges of construction dewatering effluent. [HAR, Chapter 11-55, Appendix G]

- vii. Discharges of treated effluent from petroleum bulk stations and terminals. [HAR, Chapter 11-55, Appendix H]
  - viii. Discharges of treated effluent from well drilling activities. [HAR, Chapter 11-55, Appendix I]
  - ix. Discharges of treated effluent from recycled water distribution systems. [HAR, Chapter 11-55, Appendix J]
  - x. Discharges of storm water from a small municipal separate storm sewer system. [HAR, Chapter 11-55, Appendix K]
  - xi. Discharges of circulation water from decorative ponds or tanks. [HAR, Chapter 11-55, Appendix L]
2. In accordance with HAR, Section 11-55-38, the applicant for an NPDES permit is required to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. If applicable, please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.
3. Any discharges related to project construction or operation activities, with or without a Section 401 WQC or NPDES permit coverage, shall comply with the applicable State Water Quality Standards as specified in HAR, Chapter 11-54.

Hawaii Revised Statutes, Subsection 342D-50(a) requires that "[n]o person, including any public body, shall discharge any water pollutants into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director."

If you have any questions, please contact Mr. Alec Wong, Supervisor of the Engineering Section, CWB, at (808) 586-4309.