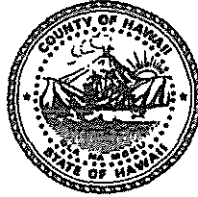


Harry Kim
Mayor



Christopher J. Yuen
Director
Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224
(808) 961-8288 • FAX (808) 961-8742

August 1, 2008

Mr. Kao Duarte
Kamehameha Schools
567 S. King Street
Honolulu HI 96813

Dear Mr. Duarte:

Subject: Special Management Area Use Permit Assessment Application (SAA 08-000350)
Special Management Area Minor Permit No. 08-000087
Applicant: Kamehameha Schools
Land Owner: B.P. Bishop Estate
Request: Construction of an Educational Sampling Well
Tax Map Key: 5-8-1:8, North Kohala, Hawaii

This is to follow up on our July 18, 2008 letter relating to the above-referenced Special Management Area Assessment Application for the construction of an educational sampling well on the subject parcel.

This 21.1 acre property is zoned Agricultural (A-5a) by the County. It is designated Agricultural and Conservation by the State Land Use Commission with the project site in the Agricultural area. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open and Extensive Agriculture, with the project site in the Extensive Agriculture area.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(v) relating to Special Management Area, the construction of an educational sampling well is considered "*Construction, reconstruction, demolition or alteration of the size of any structure*" and defined as "development".

Therefore, a Special Management Area Minor Permit is required. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 08-000087 is hereby issued to allow for the construction of an educational sampling well, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Mr. Kao Duarte
Kamehameha Schools
Page 2
August 1, 2008

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

Should you have questions, please feel free to contact Esther Imamura of this department at 961-8288, extension 257.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

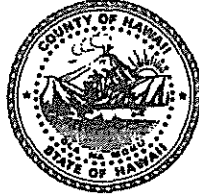
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Enclosures - SMM No. 08-000087
Department of Public Works August 1, 2008 Memo

xc w/encls: Long Range Planning
Mr. Norman Hayashi, Planning Commission
Mr. Abbey S. Mayer, Director – Office of Planning, DBED&T

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Special Management Area Minor Permit No. 08-000087

Project: Construction of an Educational Sampling Well
Applicant: Kamehameha Schools
Land Owner: B.P. Bishop Estate
Location: North Kohala, Hawaii
TMK: 5-8-1:8 **Land Area:** 21.1 acres

Applicant's Request

1. Project Description:

The applicant proposes to construct an educational sampling well consisting of a 2'x2' concrete slab with a 2" well head above ground. The six-inch diameter hole will be drilled to a depth of 116 feet.

2. Purpose of Project: The well will be used as an educational tool for water sampling by Kamehameha Schools Bishop Estate (KSBE) and other native Hawaiian students.

3. Project Valuation: \$20,000

4. Determination:

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

State and County Plans

- 1. State Land Use District:** Although the subject property is designated Agricultural and Conservation by the State Land Use Commission, the project site is in the Agricultural area.
- 2. General Plan:** The subject property is designated Open and Extensive Agriculture by the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The project site is located in the Extensive Agriculture area.

3. **County Zoning:** The subject property is zoned Agricultural (A-5a) by the County.
4. **Special Management Area:** Although the subject property is located in the SMA, the project site is approximately 800 feet from the coastline.
5. **Flood Zone:** "X", not a designated Special Flood Hazard Area.

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</p>

Although this parcel has frontage along the coastline, the well will be constructed approximately 800 feet from the coastline. Therefore, the proposed improvements will not affect public access to the shoreline or public use of the shoreline 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 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 \$20,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated August 1, 2008 states the following:

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

We have determined that the subject property is located within Flood Zone "X" according to the current Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone "X" is not a designated Special Flood Hazard Area.

The above information is based on the most recent FIRM for the County of Hawaii. This memo does not imply that the referenced property will be free from flooding or

flood damage. Zone "X" is not a designated Special Flood Area. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map. Should a watercourse affect the property, it shall not be altered without first obtaining approval from DPW and a grading permit. A flood study may be required under Chapter 27 of Hawaii County Code for watercourse alterations."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 08-000087** is hereby approved to allow the construction of an educational sampling well, 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. 08-000087**, 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 complete construction of the educational sampling well within one (1) years 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 all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations
4. 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 form the State Historic Preservation Division of the Department of Land and Natural Resources.
5. 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/owner, 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

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: August 1, 2008

Memorandum

TO : Christopher J. Yuen, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief *GK*
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 08-000350)
Applicant: Kamehameha Schools
Land Owner: B.P. Bishop Estate
Request: Construction of an Educational Sampling Well
Location: North Kohala, Hawaii
TMK: 3 / 5-8-001:008

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

We have determined that the subject property is located within Flood Zone "X" according to the current Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone "X" is not a designated Special Flood Hazard Area.

The above information is based on the most recent FIRM for the County of Hawaii. This memo does not imply that the referenced property will be free from flooding or flood damage. Zone "X" is not a designated Special Flood Area. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map. Should a watercourse affect the property, it shall not be altered without first obtaining approval from DPW and a grading permit. A flood study may be required under Chapter 27 of Hawaii County Code for watercourse alterations.

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

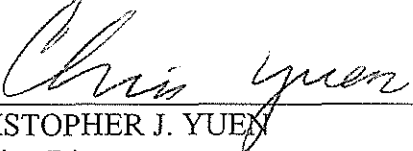
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- c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
6. Should any of the conditions not 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

8/1/08 **AUG 01 2008**
Date