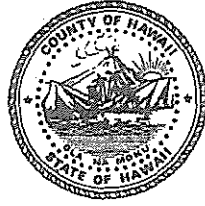


William P. Kenoi
Mayor



Daryn S. Arai
Acting Planning Director

County of Hawaii

PLANNING DEPARTMENT

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

January 22, 2009

Mr. Eric T. Hirano, Chief Engineer
Department of Land and Natural Resources
Engineering Division
P.O. Box 373
Honolulu, HI 96809

Dear Mr. Hirano:

Subject: Special Management Area (SMA) Assessment Application (SAA 08-000393)
Special Management Minor (SMM) Permit No. 09-000096
Applicant(s): Department of Land and Natural Resources Engineering Division
Owner(s): State of Hawaii
Request: Water System Improvements, Wailoa River State Park
Job Number H53C631B
TMK: 2-2-031:001, Waiakea, Hilo, South Hilo, Hawaii

This is to acknowledge receipt on December 5, 2008 of the Special Management Area Use Permit Assessment Application (SMAA) for water system improvements at Wailoa River State Park, Job Number H53C631B. Also acknowledged is follow up communication with your staff, Mr. Alvin Satogata, and Planning Department staff, Ms. Dana Okano on December 17, December 29, and December 30, 2008. This communication clarified that the proposed new water line at the existing boat ramp would be installed for placement of a water fountain and spigot, and that boat cleaning would not be allowed at this ramp. Also discussed was the depth of the trench needed to install the replacement water lines, and size of the lines to be installed. Your office estimated the trench depth would need to be 12-18 inches. The replacement water lines to be installed are 3-inches for the main line and 2-2.5-inches for the lateral lines. You also provided us a 60-calendar day time extension to review and make a determination on your application.

The subject 64.49-acre parcel is zoned Open by the County, and designated Open by the County of Hawaii General Plan Land Use Pattern Allocation Guide. The State Land Use Commission designated Wailoa Pond as Conservation and the land around the Pond, which makes up Wailoa River State Park, is designated Urban. It does not have frontage

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along the coastline, though it surrounds Wailoa Pond and is located entirely within the SMA.

According to Chapter 205A-22, Hawaii Revised Statutes and Planning Commission Rule 9-4(10)B(iv) relating to Special Management Area, "development" does not include *"Repair and maintenance of utility lines, including but not limited to water, sewer, power, and telephone and minor appurtenant structures such as pad mounted transformers and sewer pump stations."* Therefore, we have determined that the proposed replacement of existing waterlines is exempt from the definition of "development".

Planning Commission Rule 9-4(10)A(i) and (iv) define "development" as the *"Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste,"* and *"Change in the intensity of use of water, ecology related thereto, or of access thereto."* Therefore, we have determined that the proposed 685-foot extension of the waterline to the existing boat ramp is not exempt from the definition of development and will require a Special Management Area Minor Permit.

For this reason and pursuant to Planning Commission Rule No. 9-10(E), Special Management Area Minor Permit No. 09-000096 is hereby issued to allow for the proposed 685-foot extension of the waterline to the existing boat ramp on the subject parcel. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

In addition, Planning Commission Rule 9-10(G) states in part, *"The Director may impose certain conditions with the exemption determination to assure that the proposed use, activity, or operation does not have a substantial adverse effect on the Special Management Area."*

Therefore, this determination of exemption from the SMA definition of development for the proposed replacement of existing waterlines is subject to compliance with 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 all Federal, State and County of Hawaii departments and agencies.
3. Engineer designed and approved erosion control measures must be installed around the trenches and any disturbed soil within 40 feet of the Wailoa Pond, as measured during a +3.2-foot high tide, to prevent erosion into Wailoa Pond. In addition, construction barriers must also be erected around the trenches for public safety. No construction activity, material or debris is allowed within Wailoa Pond. These erosion and construction barriers must remain in place until all


Mr. Eric T. Hirano
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January 22, 2009

construction-related activity is complete, final inspection approval of the activity is granted by the pertinent agency, and all construction material and debris is removed.

4. All proposed construction activity shall be completed within two (2) years from the date of this letter.
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, 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 determination; 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).
6. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

While further review of the construction of the proposed improvements against the Special Management Area rules and regulations will not be required, all other applicable Zoning and Building Code requirements must be satisfied. Should you have questions, please feel free to contact Dana Okano of this office at 961-8288, extension 255.

Sincerely,



DARYN S. ARAI
Acting Planning Director

DO:cs

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Enclosures: SMM No. 09-96, Dept. of Public Works Memorandum

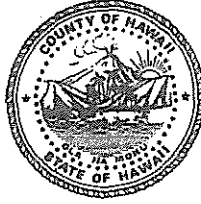
Mr. Eric T. Hirano
Page 4
January 22, 2009

cc w/encls: Long Range Planning Division

Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

cc ltr only: Mr. Abbey S. Mayer, Director
State of Hawaii, Office of Planning
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, HI 96804

William P. Kenoi
Mayor



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Special Management Area Minor Permit No. 09-000096

Project: Water System Improvements, Wailoa River State Park
Job Number H53C631B
Applicant: Department of Land and Natural Resources Engineering Division
Landowner(s): State of Hawaii Department of Land and Natural Resources
Location: Waiākea, Hilo, South Hilo, Hawaii
TMK: 2-2-031:001 **Total Land Area:** 64.49 acres

Applicant's Request

1. Project Description:

The applicant proposes water system improvements for Wailoa River State Park including extending the waterline approximately 685 linear feet to an existing boat ramp.

2. Purpose of Project:

The purpose of the project is to extend a new 1-¾ inch diameter waterline approximately 685 linear feet to service an existing boat ramp with a new water fountain and spigot. The extended line would follow along the edge of the existing paved roadway and parking area, or along an existing 10-foot wastewater right-of-way within the Park.

3. Project Valuation: \$60,000.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(i) and (iv) "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste," and "Change in the intensity of use of water, ecology related thereto, or of access thereto," are not exempt from the definition of "development." Therefore, the proposed project requires an SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The land portion of Wailoa River State Park on parcel 2-2-031:01 is designated Urban by the State Land Use Commission, while the water of Wailoa Pond is designated Conservation.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open.
3. **County Zoning:** The parcel is zoned Open by the County of Hawaii.
4. **Special Management Area (SMA):** The parcel is located entirely within the SMA.
5. **Flood Zone:** The subject parcel is located in Flood Zone AE.

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 tsunامي, 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 project area has frontage along the Wailoa Pond estuary, though the proposed work will be conducted in an area with existing park improvements such as parking lot, driveway, and boat ramp. The proposed activity will not affect public access to the shoreline or public use of the shoreline area.

The estimated project cost of approximately \$60,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated January 16, 2009, stated the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated January 5, 2009 and offer the following comments for your consideration.

The subject parcel is located within Flood Zone AE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year coastal flood where base flood elevations have been determined.

Construction within the designated FEMA flood zone shall comply with the requirements of Chapter 27, Floodplain Management, of the Hawaii County Code.

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

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 09-000096** is hereby approved for extension of a waterline in Wailoa River Park to the existing boat ramp. This approval is 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. 09-000096** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. A 20-foot setback from Wailoa Pond will be implemented. The proposed construction activity, and its related machinery or material, must not be conducted, operated or stored within 20 feet of Wailoa Pond, as measured during a +3.2-foot high tide.
3. Engineer designed and approved erosion control measures must be installed around any disturbed soil within 40 feet of the Wailoa Pond, as measured during a +3.2-foot high tide, to prevent erosion into Wailoa Pond. In addition, construction barriers must also be erected around the trenches for public safety. No construction activity, material or debris is allowed within Wailoa Pond. These erosion and construction barriers must remain in place until all construction-related activity is complete, final inspection approval of the activity is granted by the pertinent agency, and all construction material and debris is removed.
4. The proposed new water fountain and spigot at the boat ramp must not have attachment capabilities, such as thread on the spigot, for water hoses or other apparatuses which may be used to wash boats utilizing the existing boat ramp. A sign must be placed at the water spigot notifying users that boat washing is not permitted in the area, and that the Wailoa Small Boat Harbor should be

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

PLP 2167 1007
21 JAN 16 11 3:10

DATE: January 16, 2009

Memorandum

TO: Daryn S. Arai, Acting Planning Director

FROM: *DA*
for Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 08-000393)

Applicant: State of Hawaii, Department of Land & Natural Resources

Land Owner: State of Hawaii

Request: Waterline Extension

Location: Wailoa State Park

Tax Map Key: 2-2-31: 001

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated January 5, 2009 and offer the following comments for your consideration.

The subject parcel is located within Flood Zone AE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year coastal flood where base flood elevations have been determined.

Construction within the designated FEMA flood zone shall comply with the requirements of Chapter 27, Floodplain Management, of the Hawaii County Code.

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

