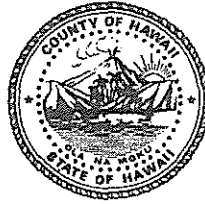


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawaii

PLANNING DEPARTMENT

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

May 18, 2009

Ms. Danette Mettler
General Dynamics
76-6357 Kololia Street
Kailua-Kona HI 96740

Dear Ms. Mettler:

Subject: Special Management Area Use Permit Assessment Application
(SAA 09-000426)
Special Management Area Minor Permit No. 09-000110
Applicant: Cellco Partnership dba Verizon Wireless
Land Owner: State of Hawai'i, Department of Transportation, Harbor's Division
Request: Installation of a Telecommunication Facility
Tax Map Key: 6-1-003:034, Por. of Kawaihae 1st, South Kohala, Hawai'i

This letter is in response to the Special Management Area (SMA) Assessment Application we received from you on March 27, 2009 to install a telecommunication facility on the subject parcel.

This property is designated Urban by the State Land Use Commission. It is designated Industrial by the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map and is zoned General Industrial District (MG-1a) by the County. The entire parcel is located within the SMA. While the parcel is within the SMA, the project site is approximately 550 feet from the shoreline, therefore the requirement for a certified shoreline is hereby waived.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)A(i and v) relating to Special Management Area, "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste," and "Construction, reconstruction, demolition, or alteration of the size of any structure" do not qualify as exempt from the definition of "development". Therefore, a Special Management Area Minor Permit is required for the proposed project.

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 09-000110 is hereby issued to install a telecommunication facility on the parcel, subject to compliance with the conditions of approval as specified in the permit.

MAY 19 2009

Ms. Danette Mettler
General Dynamics
Page 2
May 18, 2009

In addition, all other applicable Zoning and Building Code requirements must also be satisfied. Specifically, Section 25-4-12 of the County Zoning Code requires that plan approval be obtained from the Planning Director for any telecommunication antennas.

Should you have questions, please feel free to contact Dana Okano of this department at 961-8288, extension 255.

Sincerely,



BJ LEITHEAD TODD
Planning Director

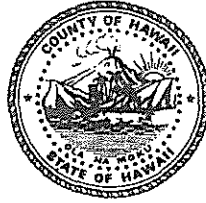
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Enclosure - SMM No. 09-000110
Department of Public Works May 13, 2009 Memo

xc w/encls: Long Range Planning
Planning Department, Kona
Mr. Norman Hayashi, Planning Division

xc 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

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Special Management Area Minor Permit No. 09-000110

Project: Installation of Telecommunication Facility
Applicant: Cellco Partnership dba Verizon Wireless
Land Owner: State of Hawai'i, Department of Transportation, Harbor's Division
Location: Portion of Kawaihae 1st, North Kohala, Hawaii
TMK: (3) 6-1-003:034 **Land Area:** 1.925 acres

Applicant's Request

1. Project Description:

The applicant proposes to install a telecommunication facility on 2,000 square feet of the subject parcel. This non-manned facility will be on an undeveloped area of Kawaihae Harbor. The equipment will include a 60-foot monopole with 12 8-foot panel antennas and lighting, equipment cabinets, a 12- by 26-foot equipment shelter containing a 60kW diesel emergency generator. The facility will be surrounded by a 6-foot chain link fence with colored slats to conceal the equipment.

2. Purpose of Project:

The proposed project would provide wireless voice and broadband coverage to Kawaihae and surrounding area, including nearby off-shore coverage, and improve the island's overall wireless network. It also enhances E911 service and public safety.

3. Project Valuation: Approximately \$120,000.00

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(i and v) relating to the Special Management Area (SMA), the "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste," and "Construction, reconstruction, demolition, or alteration of the size of any structure" are defined as "development." Therefore, the proposed non-manned telecommunication facility requires an 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 subject property for Industrial use.
3. **County Zoning:** The subject property is zoned General Industrial District (MG-1a).
4. **Land Use Permit:** Hawaii County Zoning Code Section 25-4-12(a) states that "...A telecommunication antenna or tower may be permitted in all districts; provided that the antenna, tower, and its use are not hazardous or dangerous to the surrounding area and the director has issued plan approval for such use."
5. **Special Management Area:** The subject property is located in the SMA, approximately 550 feet from the shoreline thus a shoreline certification is not required.
6. **Flood Zone:** Portion of parcel is "A" though location of proposed tower is in "X".

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

The project site is located in an undeveloped portion of Kawaihae Harbor. The proposed improvements will not affect the recreational resources available to the public.

There will be minimal visual impacts as the antennas will be located in an industrial district and the monopole height will be comparable to existing nearby telephone poles. The equipment facility will be enclosed by a chain link fence with colored slats to conceal the equipment within.

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 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 \$120,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated May 13, 2009, states the following:

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

We have determined that a portion of the subject property is located within Flood Zone "A" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Base flood elevations have not been determined for Zone A. The location of the proposed tower and accessory equipment is Zone X.

The above information is based on the most recent FIRM for the County of Hawai'i. Zone "X" is not a designated Special Flood Area. However, it should be noted that the property is near Zone VE, which is subject to coastal high velocity wave activity and the Makahuna Gulch discharges near the subject property. For the purposes of the Flood Insurance Rate Maps, Makahuna Gulch has not been studied in detail and we have no study on file to identify flood hazards from it for the subject property. We recommend that if the proposed equipment should not be exposed to flood hazards, the applicant determine the potential hazard by obtaining a flood study and provide recommended mitigation. A flood study may be required under Chapter 27 of Hawai'i County Code for any 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."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 09-000110** is hereby approved for the installation of a telecommunication facility, 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. 09-000110** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Given the recommendation from Department of Public Works for a more detailed flood study looking specifically at high velocity wave activity and potential discharges from Makahuna Gulch that may affect the subject property, a flood study analyzing hazards from these two sources must be conducted. Any recommendations for mitigation of these potential hazards resulting from this

study must be addressed in the building and site plans prior to their submission for Final Plan Approval.

3. The applicant shall submit a written estimate(s) provided by a contractor(s) licensed to do business in the State of Hawai'i for all construction activities proposed and/or required prior to the granting of Plan Approval to confirm that the total project valuation (exclusive of land costs) is not in excess of \$125,000. In the event the total valuation of the proposed project does exceed \$125,000, this Special Management Area Minor Permit shall be deemed null and void and the applicant shall be required to secure approval of a Special Management Area Use (Major) Permit from the Planning Commission.
4. The applicant shall secure Plan Approval from the Planning Director for the proposed development within two (2) years from the date of approval of this permit.
5. All construction activities in connection with this project shall be completed within one (1) year from the date of Final Plan Approval. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
6. 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.
7. Construction barriers meeting with Planning Director approval must be erected around the construction site prior to commencement of activity, and remain in place until final inspection by Department of Public Works. In addition, silt barriers must be properly installed around the work site prior to any ground disturbing activities, including excavation work to construct the new foundation. All excess soil or construction debris must be removed from the SMA.
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:

BJ Leithead Todd

BJ LEITHEAD TODD

Planning Director

May 18, 2009

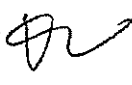

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: May 13, 2009

Memorandum

TO : B. J. Leithead-Todd, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief 
 Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 09-0000426)
Applicant: Cellco Partnership dba Verizon Wireless
Owner: State of Hawaii
Location: Kawaihae 1st, South Kohala, HI
TMK: 3 / 6-1-003:034

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

We have determined that a portion of the subject property is located within Flood Zone "A" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Base flood elevations have not been determined for Zone A. The location of the proposed tower and accessory equipment is Zone X

The above information is based on the most recent FIRM for the County of Hawaii. Zone "X" is not a designated Special Flood Area. However, it should be noted that the property is near Zone VE, which is subject to coastal high velocity wave activity and the Makahuna Gulch discharges near the subject property. For the purposes of the Flood Insurance Rate Maps, Makahuna Gulch has not been studied in detail and we have no study on file to identify flood hazards from it for the subject property. We recommend that if the proposed equipment should not be exposed to flood hazards, the applicant determine the potential hazard by obtaining a flood study and provide recommended mitigation. A flood study may be required under Chapter 27 of Hawaii County Code for any 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
copy: ENG-HILO/KONA
PLNG-HILO