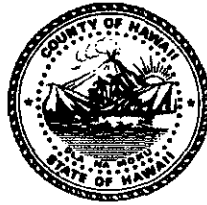


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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

January 11, 2011

Ms. Corlyn Orr
Helber Hasert & Fee Planners, Inc.
733 Bishop Street, Suite 2590
Honolulu, Hawai'i 96813

Dear Ms. Orr:

**SUBJECT: Special Management Area Use Permit Assessment Application
(SAA 10-000618)
Special Management Area Minor Permit No. 11-000169
Applicant(s): University of Hawai'i at Hilo (UHH)
Land Owner: State of Hawai'i
Request: UHH Kalākaua Marine Education Center Temporary Field
Station
Tax Map Key: (3) 6-6-002:045, Lālāmilo, South Kohala, Hawai'i**

This is in response to your Special Management Area Use Permit Assessment Application (SAA 10-618), which you submitted on December 2, 2010. The applicant proposes to construct temporary facilities for the UHH Kalākaua Marine Education Center annual summer field program. These improvements include tents, shelters, five 40-foot metal containers, portable toilets, unpaved parking, installation of water and electrical service, and an access trail.

The subject property consists of 5 acres. The property is zoned Open by the County and is designated as Urban and Conservation by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open. Although the subject parcel is located entirely within the Special Management Area (SMA), it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS)."

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e) (1) (A), "development" includes *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*. Therefore, the proposed temporary field station is considered "development" and requires a Special Management Area Minor Permit.

Ms. Corlyn Orr
Helber Hasert & Fee Planners, Inc.
January 11, 2010
Page 2

For this reason and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.11-000169 is hereby issued to allow for the construction of the temporary facilities for the UHH Kalākaua Marine Education Center to include tents, shelters, five 40- foot metal containers, portable toilets, unpaved parking, installation of water and electrical service, and an access trail. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

Sincerely,



BJ LEITHEAD TODD
Planning Director

BJM:cs

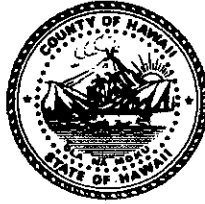
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Enclosure - SMM No. 11-000169
Department of Public Works Memorandum dated January 5, 2011

cc w/encls: Long Range Planning Division
Planning Division
Planning Department – Kona

cc ltr only: Ms. Mary Lou Kobayashi, Acting Director
Office of Planning, DBEDT
State of Hawaii Department of Business, Economic
Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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

Special Management Area Minor Permit No. 11-000169

Project: UHH Kalākaua Marine Education Center Temporary Field Station
Applicant: University of Hawai'i at Hilo (UHH)
Land Owner: State of Hawai'i
Location: Lālāmilo, South Kohala, Hawai'i **TMK:** (3) 6-6-002:045
Land Area: 5 acres

Applicant's Request

1. Project Description:

The applicant proposes to construct temporary facilities for the UHH Kalākaua Marine Education Center (KMEC) annual summer field program. These improvements include tents, shelters, five 40-foot metal containers, portable toilets, unpaved parking, installation of water and electrical service, and an access trail.

2. Purpose of Project:

The purpose of the proposed project is to establish a dedicated site in West Hawai'i for the temporary field station associated with the KMEC annual summer field program. The temporary field station serves as the staging area/ headquarters and field accommodations for the QUEST Program, which is a rigorous two-week summer course that affords undergraduate students a unique opportunity to learn and apply nearshore underwater ecological research techniques involving SCUBA diving.

3. Project Valuation: \$50,000

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e) (1) (A), "development" includes *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*. Therefore, the proposed construction of the proposed temporary field station is considered "development" and requires a Special Management Area Minor Permit.

State and County Plans

1. **State Land Use District:** The subject property is designated Urban and Conservation by the State Land Use Commission.
2. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Open.
3. **County Zoning:** In the Urban District, the property is zoned Open. In the Conservation District, there is no county zoning per se.
4. **Special Management Area:** The subject property is located in the SMA.
5. **Flood Zone:** X

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 Hawai'i 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 \$50,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated January 5, 2011, 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 Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The above information is based on the most recent FIRM for the County of Hawai'i. Zone "X" is not a designated Special Flood Hazard Area. A Zone "X" designation does not imply that the referenced property will be free from flooding or flood damage. 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 Hawai'i 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."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 11-000169** is hereby approved to allow for the proposed construction of the temporary field station on the subject parcel, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

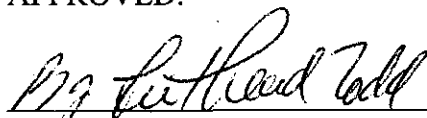
The Planning Director has approved **SMA Minor Permit No. 11-000169** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. 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.
4. No land alteration, grubbing, landscaping or construction activities, including but not limited to, the stockpiling of debris, construction materials or equipment, shall occur within the State Land Use Conservation district without securing a prior approval of a Conservation District Use Application (CDUA) or other written approval as deemed necessary by the Board of Land and Natural Resources.
5. A Conservation District Use Permit from the Board of Land and Natural Resources or other written approval from the Department of Land and Natural

Resources Office of Conservation and Coastal Lands must be obtained for the construction within one (1) year from the date of approval of this permit.

6. 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.
7. 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).
8. 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
Planning Director

JAN 11 2011

Date

For this reason and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.11-000169 is hereby issued to allow for the construction of the temporary facilities for the UHH Kalākaua Marine Education Center to include tents, shelters, five 40- foot metal containers, portable toilets, unpaved parking, installation of water and electrical service, and an access trail. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

Sincerely,

BJ LEITHEAD TODD
Planning Director

BJM:

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Enclosure - SMM No. 11-000169
Department of Public Works Memorandum dated January 5, 2011

xc w/encls: Long Range Planning Division
Planning Division
Planning Department -- Kona

xc ltr only: Ms. Mary Lou Kobayashi, Acting Director
Office of Planning, DBEDT
State of Hawaii Department of Business, Economic
Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: January 5, 2011

Memorandum

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

FROM : Ben Ishii, Division Chief 
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 10-000618)
Applicant: University of Hawai'i at Hilo (UHH)
Location: Lalamilo, South Kohala, Hawaii
TMK: 3 / 6-6-002:045

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 Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The above information is based on the most recent FIRM for the County of Hawaii. Zone "X" is not a designated Special Flood Hazard Area. A Zone "X" designation does not imply that the referenced property will be free from flooding or flood damage. 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
copy: ENG-HILO/KONA