

William P. Kenoi  
*Mayor*



BJ Leithead Todd  
*Director*

Margaret K. Masunaga  
*Deputy*

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**County of Hawai'i**  
**PLANNING DEPARTMENT**

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

December 20, 2011

Mr. Marvin Min, General Manager  
The Gas Company (Hilo)  
945 Kalaniana'ole Ave.  
Hilo, HI 96720

Dear Mr. Min:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(SAA 11-000732)  
Special Management Area Minor Use Permit (SMM-11-000199)  
Applicant: The Gas Company  
Land Owner: The Gas Company  
Request: Construct New Steel Stairs and Catwalk  
TMK: (3) 2-1-009:008; Portion of Waiakea, South Hilo, Hawai'i**

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This is in response to your Special Management Area Use Permit Assessment Application received on November 3, 2011 for the construction of new steel stairs and catwalk for accessing the existing fuel storage tanks.

The subject property consists of 3.434 acres. The parcel is zoned MG-1a (General Industrial) by the County and is designated Urban by the State Land Use Commission. In addition, the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Industrial. Although the entire parcel is in 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 Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(E) relating to the Special Management Area, "Construction, reconstruction, demolition, or alteration of the size of any structure" is not exempt from the definition of "development." Therefore, the proposed project requires a Special Management Area (SMA) Minor Permit.

For this reason and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. 11-000199 is hereby issued for the SMA approval of the construction of new

Mr. Marvin Min, General Manager  
The Gas Company (Hilo)  
December 20, 2011  
Page 2

steel stairs and catwalk for accessing the existing fuel storage tanks. 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:bjm  
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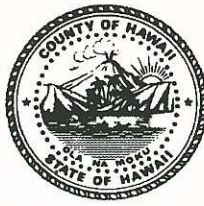
Enclosure - SMM No. 11-000199  
Department of Public Works Memorandum dated December 19, 2011

xc w/encls: Long Range Planning Division  
Planning Division

xc ltr only: Mr. Jesse K. Souki, Director  
Office of Planning  
State of Hawaii Department of Business, Economic  
Development & Tourism  
P.O. Box 2359  
Honolulu, HI 96804-2359



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## Special Management Area Minor Permit No. 11-000199

**Project:** Construct New Steel Stairs and Catwalk  
**Applicant:** The Gas Company  
**Owner:** The Gas Company  
**Location:** Portion of Waiakea, South Hilo, Hawai'i  
**TMK:** (3) 2-1-009:008 **Land Area:** 3.434 acres

### Applicant's Request

#### 1. Project Description:

The applicant proposes the construction of new steel stairs and catwalk for accessing the existing fuel storage tanks. The new stairs and catwalk will provide access to the existing catwalks on top of the fuel storage tanks but will be structurally independent from the existing catwalks and tanks. The site where the new catwalk and stairs will be built is a fuel storage yard that is currently used to store empty propane tanks. The site is flat with a gravel base, and as such, no grading work will be required to construct the catwalk and stairs. Six new foundation piers will be built to support the stairs, with the maximum depth of excavation not exceeding 30" below existing grade. No new buildings or concrete walks will be constructed as part of this project, and the construction area will be limited to the existing graded areas at the site. The existing buildings, parking and site footprints will not be altered in any way as a result of this project.

#### 2. Purpose of Project:

The purpose of the project is to provide better access to the top of the existing fuel storage tanks. Currently, one must climb a 15' ladder to access either side of the catwalk, and there is no direct elevated link between the two sides of the catwalk. The new catwalk and stairs improves fuel unloading time and provide a safer and more direct pathway for personnel working on the elevated surfaces.

#### 3. Project Valuation: \$100,000

#### 4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(E) relating to the Special Management Area, "Construction, reconstruction, demolition, or alteration of the size of any structure" is not exempt from the



definition of “development.” Therefore, the proposed project requires a Special Management Area (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 Area.
3. **County Zoning:** The subject property is zoned General Industrial (MG-1a).
4. **Special Management Area:** The subject property is located in the SMA, but it is not located in a “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
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 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, regarding Environmental Impact Statements.

<b>Findings</b>
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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 \$100,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated December 19, 2011, states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, and have no objections to the request."*



*The subject parcel is an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain."*


Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 11-000199** is hereby approved for the construction of new steel stairs and catwalk, subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 11-000199**, 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. 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.
4. 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).
5. 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:

  
\_\_\_\_\_  
for BJ LEITHEAD TODD  
Planning Director

12.20.11  
\_\_\_\_\_  
Date



DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: December 19, 2011

**Memorandum**

TO: BJ Leithead Todd, Planning Director

FROM: *for*  Department of Public Works

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 11-000732)**  
Applicant: The Gas Company  
Request: Construct Steel Stairs and Catwalk for Accessing Fuel Tanks  
Tax Map Key: 2-1-09: 008

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, and have no objections to the request.

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

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