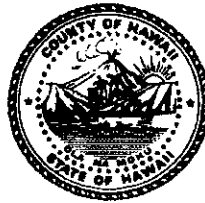


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Special Management Area Minor Permit No. 12-000240

Project: After-the-Fact Establishment of a Storage and Staging Base Facility
For Harvested Timber
Applicant: Tradewinds Forest Products, LLC
Land Owner: Queen Emma Land Company
Location: Waimea, South Kohala, Hawai'i
TMK: 6-2-1:Por. of 60 **Land Area:** 321.327 acres

Applicant's Request

1. Project Description:

This is for the after-the-fact establishment of a storage and staging base facility for harvested timber on an approximately 10 acre portion of the subject property. Structural elements include a temporary portable aluminum 128 square feet single-story field office, a portable toilet, two 4,000 gallon capacity free-standing water tanks for fire protection purposes, two on-site parking areas for employee vehicles, new hog wire cattle perimeter fencing, buffer landscaping and a dust abatement sprinkler system.

Prior tenant improvements included grading, installation of aggregates, an unpaved internal mauka-makai road, two 20-foot wide double ranch gates with locks and perimeter hog wire fencing with barbed-wired strands.

Equipment to be used includes a Komatsu WA 380 loader and a CAT 315 excavator, with a Komatsu WA 380 loader and a Kobelco 210 excavator for off-loading onto berthed ship carriers. For evening operations, portable generator operated light towers will be utilized facing down in the mauka and in the north/south directions.

The 6-week operational cycle involves:

- a. Daily unloading of approximately 18 truckloads of logs between 6 am – 4 pm, Monday through Saturday.
- b. Operating in two 10-hour shifts, approximately 518 truckloads are loaded onto berthed ship carriers.

The applicant will be making logistical and operational adjustments as the project progresses.

Additional documents submitted included a Fire Department approved Kawaihae Temporary Log Storage Yard Fire Plan and Department of Transportation approval for use of State highway right-of-way.

2. Purpose of Project:

Unmilled Eucalyptus timber logs from Hāmākua will only be stored on the parcel for subsequent shipment out from Kawaihae Harbor. There will be no on-site processing or sale of these logs.

3. Project Valuation: \$41,300

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(B) and (A) relating to the Special Management Area, "*Grading, removing, dredging, mining, or extraction of any materials*" and "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*", respectively, 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 subject property is designated Urban and Agricultural, with the approximately 10-acre project area in the Agricultural District.
- 2. Department of Land and Natural Resources – State Historic Preservation Division:** According to the accepted Archaeological Assessment, no historic properties were identified. Therefore, no further analysis or archaeological work is necessary.
- 3. General Plan:** According to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, this parcel is designated Industrial, Medium Density Urban and Urban Expansion. The project site in the Industrial area.
- 4. County Zoning:** It is zoned Agricultural (A-40a). Hawai'i County Code Section 25-5-72(a)(2) permits agricultural products processing, major and minor. "*Agricultural products processing, minor*" means activities used for crop production, which are not regulated as major agricultural products processing and which involve a variety of operations on crops after harvest to prepare them for market, or further processing and packaging at a distance from the agricultural area. Included activities are cleaning, milling, pulping, drying, roasting, hulling, storing, packing, honey processing, poi-making, sell and other similar activities. Also included are the facilities or buildings related to such activities."
- 5. Special Management Area (SMA):** Although the subject property is in the SMA, it is mauka of Kawaihae Road and a substantial distance from the coastline. Therefore, it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
- 6. Notice of Violation:** On July 3, 2012, SMA 12-53W was issued for the after-the-fact and new grading, grubbing and unpermitted structures on the subject parcel. As all corrective actions have been complied with, this violation file was closed on October 8, 2012.
- 7. Flood Zone:** Flood Zone "X"

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

The subject parcel is a substantial distance from the coastline. Therefore, the proposed project will not affect public access to the shoreline or negatively affect shoreline recreational resources available to the public.

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 tsunamis, 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 project cost of \$41,300 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated July 20, 2012 states the following:

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

- 1. Buildings shall conform to all requirements of code and statutes pertaining to building construction, (see attached memorandum from our Building Division).*
- 2. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.*
- 3. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawai'i County Code. The project, as described by the applicant, does not require a grading or grubbing permit.*
- 4. 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."

The July 18, 2012 Building Division – DPW memorandum stated the following:

"Approval of the application shall be conditioned on the comments as noted below.

All new building construction shall conform to current code requirements.

Others: Need to clarify what type of lights is being used on light towers. Lights will need to be low pressure sodium."

By memorandum dated August 31, 2012, the Department of Public Works amended their earlier comments as follows:

"The purpose of this memorandum is to revise the Department of Public Works ('DPW') Building Division comments previously submitted to the DPW - Engineering Division on or about July 18, 2012, and subsequently forwarded to the Planning Department on or about July 20, 2012. The revision of comments is based upon the receipt and review of additional information.

I. Only DPW – Building Comments Revised

Applicant has submitted a letter dated August 27, 2012, (attached) that describes the lighting at the facility is fully shielded, typical, standard industry issued outdoor lighting fixtures utilized throughout the County and the State for evening construction work, recreational activities, and outdoor events. The Applicant further explains the lighting of the facility is subject to regulations by County, state and federal laws that all must be applied in a consistent manner that is reasonable, rational, sensible, and practicable. The Applicant will not be able to comply with applicable state and federal laws if they are required to utilize low pressure sodium lighting for its facility.

Based upon the foregoing, DPW – Building Division is revising comments previously submitted. The DPW – Building Division comments listed below are made a part of the application file and shall govern this request, taking precedence over the previously issued DPW – Building Division comments of July 18, 2012.

- 1. Buildings shall conform to all requirements of code and statutes pertaining to building construction. All new building construction shall conform to current code requirements. Need to clarify what type of lights is being used on light towers. Use of lights at the facility shall be in compliance with all applicable county, state and federal laws.*

II. All other DPW Comments Remain in Effect

The DPW – Engineering Division comments dated July 20, 2012, remain in effect."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 12-000240** is hereby approved for the after-the-fact establishment of a storage and staging base facility for harvested timber on the subject parcel. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

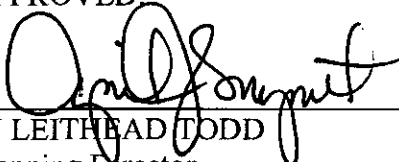
Conditions of Approval

The Planning Director has approved SMA Minor Permit No. 12-000240 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 required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. All improvements shall be completed within one (1) year from the date of approval of this permit.
4. Construction dust screening and landscaping buffers along the perimeter of Kawaihae Road, meeting with the approval of the Planning Director, must be installed and maintained in good condition at all times.
5. Mitigative watering measures must be taken to control dust and air-borne particles.
6. The applicant(s) shall ensure that run-offs from the sprinkler systems and water spraying vehicles are contained through the use of silt containment devices or barrier at all times. There should be no runoffs onto other properties or the Kawaihae Road.
7. Comply with the requirements of the August 31, 2012 Department of Public Works memorandum regarding lighting at the facility.
8. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or wall be encountered, work in the immediate area shall cease and 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.
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.

If you have questions, please contact Esther Imamura of this office at (808) 961-8139.

APPROVED:


BJ LEITHEAD TODD
Planning Director

OCT 11 2012

Date