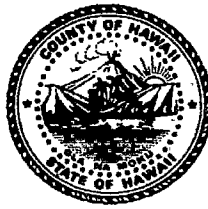


William P Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

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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

June 2, 2015

Ms. Rochelle Shang
URS Corporation
841 Bishop Street, Suite 500
Honolulu, HI 96813

Dear Ms. Shang:

**SUBJECT: Special Management Area Use Permit Assessment Application
(SAA-15-001288)
Special Management Area Minor Permit (SMM-15-000334)
Applicant(s): Chevron Environmental Management Company
Land Owner(s): State of Hawai'i, Department of Transportation
Request: Soil Borings and Monitoring Wells for Environmental
Investigation
Tax Map Key: (3) 6-1-003:032; Kawaihae, South Kohala, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 15-001288) submitted on April 30, 2015. The applicant is proposing to gather environmental data by advancing borings for soil sample collection and possibly installing monitor wells on the subject property which has served as a fuel storage terminal since the 1950s.

The subject parcel consists of 2.529 acres and is zoned General Industrial (MG-1a) by the County of Hawai'i. It is designated Urban by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Industrial. The parcel is located entirely within the Special Management Area (SMA); however, the project area is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.

Special Management Area Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e) (1) (A) and (B), "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste," and "Grading, removing, dredging, mining, or

Ms. Rochelle Shang
URS Corporation
Page 2
June 2, 2015

extraction of any materials.” is not exempt from the definition of “development.” The borings for soil sample collection and the installation of monitor wells is therefore considered to be development and will require a review against the Special Management Area rules and regulations.

For this reason, and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No 15-000334 is hereby issued for the SMA approval of the borings for soil sample collection and the installation of monitor wells. 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 (808) 961-8138

Sincerely,



DUANE KANUHA
Planning Director

BJM:klt
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Enclosures: SMM No 15-000334
DPW Memorandum dated May 26, 2015

cc w/Encls. Long Range Planning
Planning Division
Kona Planning Office

State of Hawai‘i, Department of Transportation
Ali‘i‘aimoku Building
869 Punchbowl Street
Honolulu, HI 96813

cc ltr only Mr Leo Asuncion, Acting Director
Office of Planning, DBEDT
State of Hawaii Department of Business, Economic
Development & Tourism
P O Box 2359
Honolulu, HI 96804-2359

Special Management Area Minor Permit No. 15-000334

Project: Soil Borings and Monitoring Wells for Environmental Investigation
Applicant: Chevron Environmental Management Company
Landowner: State of Hawai'i, Department of Transportation
Location: Kawaihae, South Kohala, Hawai'i
TMK: (3) 6-1-003:032 **Land Area:** 2.529 acres

Applicant's Request

1. Project Description:

The site is the former Chevron Kawaihae Terminal. Currently operated by Big Island Energy LLC, it has been used since the mid-1950s as a diesel fuel and gasoline bulk storage facility with refueling areas. There are five above ground storage tanks that were drained in 2008 and are currently empty. The applicant proposes to gather environmental data at the site by advancing 2-inch diameter borings into the subsurface approximately 15 feet deep for soil sample collection and possibly installing monitoring wells within certain borings for groundwater sample collection.

2. Purpose of Project:

The purpose of the project is to perform a preliminary environmental investigation at the subject site to evaluate if chemical constituents of concern related to the terminal operations are present in the soil and groundwater. In addition, the information collected from this preliminary environmental investigation will be used to determine subsequent activities at the site.

3. Project Valuation: \$450,000.

4. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e) (1) (A) and (B), "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste," and "Grading, removing, dredging, mining, or extraction of any materials." is not exempt from the definition of "development." The borings for soil sample collection and the installation of monitor wells is therefore considered to be development and will require a review against the Special Management Area rules and regulations.

State and County Plans

- 1. State Land Use District:** The parcel is located in the State Land Use Urban district.
- 2. General Plan:** The parcel is designated as Industrial by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.

3. **County Zoning:** The parcel is zoned General Industrial (MG-1a) by the County of Hawai'i.
4. **Special Management Area:** The subject property is located entirely within the SMA, but the project area is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS)
5. **Flood Zone:** X.

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</p>
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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

1. 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.
2. The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS
3. The estimated project cost of \$450,000 is not in excess of \$500,000.
4. The State of Hawai'i, Department of Transportation prepared a declaration of exemption from the preparation of an environmental assessment, dated November 20, 2014, under the authority of Chapter 343, HRS
5. The enclosed Department of Public Works, Engineering Division memorandum dated May 26, 2015, 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" with a small portion at the north end designated "Shaded X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA) The proposed soil borings and monitoring wells do not involve excavation or filling requiring a grading permit and will not be subject to regulation under Chapter 27 of Hawai'i County Code."

6. Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 15-000334** is hereby approved for the borings for soil sample collection and the installation of monitor wells 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. 15-000334**, 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 Any further development or changes of use, including but not limited to, the construction of structures of any type shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
4. The applicant shall comply with the archeological inventory survey plan, approved by the State of Hawai'i Department of Land and Natural Resources, State Historic Preservation Division on March 16, 2015
- 5 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.
6. 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).
- 7 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 feel free to contact Bethany Morrison of this department at (808) 961-8138

APPROVED


DUANE KANUHA
Planning Director

JUN 02 2015

Date


DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

2015 MAY 26 AM 11: 18

DATE: May 26, 2015

Memorandum

TO : Duane Kanuha, Planning Director
Planning Department

FROM : Ben Ishii, Division Chief 
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 15-001288)
Request: Soil Borings and Monitoring Wells- Data Gathering
Applicant: Chevron Environmental Management Company
Location: Kawaihae, South Kohala, Hawaii
TMK. 3 / 6-1-003:032

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

We have determined that the subject property is located within Flood Zone "X" with a small portion at the north end designated "Shaded X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). The proposed soil borings and monitoring wells do not involve excavation or filling requiring a grading permit and will not be subject to regulation under Chapter 27 of Hawaii County Code.

Should there be any questions concerning this matter, please contact Kiran Emler of our Kona Engineering Division office at 323-4851

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