

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS  
HONOLULU, HAWAII

*January 13, 2017*

BOARD OF LAND AND  
NATURAL RESOURCES  
STATE OF HAWAII  
HONOLULU, HAWAII

**REGARDING:** Conservation District Use Application (CDUA) HA-3774 for the *Kealakehe Metal Salvage Facility Remediation Project*

**APPLICANT:** County of Hawaii – Department of Environmental Management

**AGENT:** Integral Consulting, Inc.

**LOCATION:** North Kona District, Island of Hawaii

**TMKs:** (3) 7-4-020:016

**AREA OF PARCELS:** ~30.2 acres

**AREA OF USE:** ~8 acres

**SUBZONE:** General

**DESCRIPTION OF AREA:**

The project site, which is the location of the former Kealakehe Metal Salvage Facility, is located in the North Kona District industrial area (**Exhibit 1, 1A**), mauka (landward) of Queen Ka'ahumanu Highway in North Kona, adjacent to the current Kealakehe Transfer Station (**Exhibit 2**). For reference, the entire parcel and adjacent parcels to the west, are located within the State Land Use Conservation District, General Subzone (**Exhibit 3**). The facility also includes a small area of fill material extending onto adjacent Queen Lili'uokalani Trust (QLT) land, although that portion is not part of this application as it is located within the State Land Use (SLU) Urban District. Residual solid waste debris is present on the facility and extends to the south onto the adjacent QLT property. The scrap metal facility is co-located on the same parcel as the closed Kailua Landfill and the current solid waste transfer station. The natural grade in the vicinity of the site slopes from east to west, toward the ocean, and grade elevations range from about 100 to 120 ft. above mean sea level (asl).

The project area is located on the western flank of Hualālai Volcano within the Kekaha region of North Kona. The principle environmental features of the Kekaha region are a hot, dry climate, and extensive lava fields with sparse vegetation and very little soil accumulation. Previous studies have

described the lands in the general vicinity of the project site as consisting primarily of pāhoehoe lava flows. The lava flows on which the former metal salvage facility is situated originated from Hualālai Volcano roughly 1,500 to 3,000 years before present.

Past salvage operations have caused site soils to become contaminated with lead. Although the metal salvaging area is currently unused, stockpiles of soils and rock containing assorted small debris (i.e., metal, plastic, wood) have accumulated on the subject property (**Exhibit 4, 4a**). The presence of lead in stockpile soils, at concentrations above Hawai'i environmental action levels (EALs), was identified during preliminary environmental sampling performed in 2010 and 2011. Lead-contaminated soil is also present within working surfaces throughout the subject property.

The entrance to the facility is on *Hale Makai Place* at the northeast corner of the facility. Solid waste disposal chutes and collection bins are located in the far northeast corner of the site, at an elevated and paved public access center (**Exhibit 5**). To drop off general refuse, the public drive their vehicles past the solid waste transfer station entrance up a curved ramp drive to the waste transfer chutes. Prior to the metal salvage facility closing, any public dropping off metal waste entered the main gate of the solid waste transfer station and proceeded across the asphalt pavement to the metal salvage operations area. County office and storage buildings are also located along the northern perimeter of the site, just west of the refuse transfer facility. The majority of the site is earthen surfaces. Broken asphalt concrete pavement and concrete pads are present around the loading dock and compactor area. The natural landscape of the site is pāhoehoe lava flows with a soil profile of highly decomposed plant material down to 6-inches in depth, with bedrock below 6-inches. Overall the site consists of a relatively flat grade, created primarily by the placement of fill material over the lava surface.

There are no freshwater streams, rivers, ponds, or open surface water bodies located on or immediately adjacent to the site. The site is located approximately 2 miles east and mauka of the Pacific Ocean.

---

### ***Floral and Faunal Resources***

The subject parcel is located within a commercial/industrial area of Kona and is characterized by lands altered by a high degree of development; the limited floral communities found on the site are dominated by introduced species with very little ecological diversity. Based on the review of the *Hawaii Biodiversity and Mapping Project*, it was stated that there is no designated critical habitat within the within the proposed project area; however, as with most sites in Hawaii, the endangered Hawaii Petrel and the threatened Newell's shearwater may fly over the project area. A site inspection by the Office of Conservation and Coastal Lands (OCCL) staff confirmed that the site was extensively degraded, and only included sporadic vegetative ground cover; the majority of the project site had been graded or impacted by mechanical methods.

### ***Water Resources***

Water runoff from the site that does not infiltrate into site soils generally travels as sheet flow from the center of the site to either the northern or southern property boundaries. The northern boundary storm water runoff appears to flow into a modified dry well on the road right-of-way that is assumed discharges into the Pacific Ocean. Storm runoff discharging from the south perimeter appears to

infiltrate into the open undeveloped ground. The site is situated on the slopes above the Pacific Ocean, and storm runoff generally flows from east to west down the slope to the Ocean. Storm water presumably may collect site sediments with lead and could potentially migrate offsite.

With regard to risks to groundwater in and around the project site, a leaching study was performed in 2011, in accordance with *Hawaii Department of Health* (HDOH) guidance, to evaluate the potential for lead in site soils that could impact underlying groundwater. The leaching study determined that the lead found on site is not considered leachable in the site soils, and therefore, there is a potential for groundwater contamination by undissolved lead particulates carried in storm water.

### ***Existing Cultural, Architectural, and Archeological Resources***

In order to assess the presence of potential archeological and cultural resources, historical maps and previous publicly available archeological studies conducted in the area were reviewed. Additionally, an archeological field inspection was conducted on March 23, 2016 by an agent for the applicant. The results of the historical records review and archeological field inspection were compiled into an *Archeological Inspection Report*.

The applicant has stated that based on the archeological site evaluation there are no known archaeological or cultural sites present on the surface of the subject property. The subject property has been under light industrial uses for several decades. Due to the extent of land disturbance that has occurred in the past, it was stated by the applicant that no historical properties are likely to be encountered during the proposed site remediation project.

The only historical site that has been recorded in close proximity to the subject property is a wall, identified as Site 5011. Several studies have documented this feature as a core-filled wall on the adjacent parcel to the south, near the southern edge of the subject property. Based on its core-filled construction, Site 5011 has been interpreted as having been built during the Historic Period for boundary marking purposes. The remnant section of this wall located near the edge of the subject property is in poor condition, covered in debris and collapsed along much of its length (**Exhibit 6, 6a**). Even though the archeological site 5011 was determined significant under state Criterion "D" for information it yielded regarding Historic land tenure practices within the Kekaha region; the site has been previously approved for "no further work" by the SHPD. Past studies have also recommended no further work for Site 5011, a treatment that in previous cases has been approved by SHPD. Given that Site 5011 has been previously documented and approved for no further work, the applicant is requesting that SHPD issue a written determination of "no historic properties affected" in accordance with Hawaii Administrative Rules (HAR) §13-284-5(b)1, with regards to the proposed remediation of the former Kealakehe Metal Salvage Facility.

The applicant argues that the additional documentation of Site 5011 presented here serves to mitigate any potential impacts to this remnant section of wall that lacks "integrity of design", which may occur during the remediation process. In the unlikely event that additional archaeological resources are encountered within the study area during the removal of the lead contaminated soils, work in the immediate area of the discovery will be halted and SHPD contacted as outlined in Hawai'i Administrative Rules §13-275-12.

**PROPOSED LAND USES:**

The proposed use consists of the remediation and closure of the former Kealakehe Metal Salvage Facility in order to eliminate residual solid waste debris and lead-impacted soils, and to promote the closure of the facility's solid waste permit for salvage purposes. The Metal Salvage facility was established approximately 1967 and ceased operations in 2013.

The proposed action consists of excavating all non-recyclable waste materials and all lead impacted soil/rock/debris piles (**Exhibit 7**) and transporting the material to the West Hawai'i Sanitary Landfill, conducting post-excavation confirmation sampling, grading, backfilling portions of the site with clean aggregate, and vegetating the exposed soils, and grubbed and graded areas. The excavated waste material and the lead-contaminated soils exceeding the commercial/industrial land use levels will be disposed of at the West Hawai'i Sanitary Landfill. This is the only solid waste landfill on the Island of Hawai'i that is permitted to accept non-hazardous lead-contaminated soil. This facility is located near Waikoloa, approximately 22 miles from the subject property, and it is owned by the County of Hawai'i and operated by Waste Management, Inc.

It should be noted that this alternative assumes that the excavated soil is not considered a hazardous waste, as indicated by toxicity analytical results. Additional waste characterization sampling and analysis will be performed to ensure the material is not a hazardous waste and is suitable for on-island landfill disposal. If waste characterization identifies any hazardous waste, that material will be either treated (e.g., stabilized) to remove hazardous waste characteristics and landfill disposed on-island, or transported to a mainland U.S. hazardous waste treatment and disposal facility.

The facility also contains two concrete structures, a loading dock and a former fluid-recovery concrete containment pad, which require cleaning, removal, crushing, and reuse as coarse inert (non-reactive material) fill or disposal. Some asphalt paving around the former scale house and loading dock area will require removal, crushing, and reuse as inert fill onsite.

**ALTERNATIVES ANALYSIS:**

The applicant provided an "alternatives analysis" for the proposed project, however, after review by OCCL staff it was determined that only one alternative to the proposed project may be considered viable and is therefore presented here. This alternative consists of removing and disposing of the solid waste debris accumulating onsite, and consolidating the existing lead-impacted soil over the Southern portion of the subject parcel; grading to optimize future use; and capping with an engineered cover system to prevent direct contact to the lead-impacted soil. The cover system would consist of a geotextile barrier placed over lead-contaminated soil, with placement of a grid of warning tape over the geotextile, and covered by 6 in. of aggregate base and 4 in. of asphalt pavement. Alternatively, a 2-ft-thick vegetated clean soil cover could be used in lieu of aggregate/asphalt in areas with no intended future operational use. The cost differential between soil and aggregate/asphalt cover systems is not expected to be significant, in order to determine feasibility of this preliminary alternative the applicant assumed all cover would be aggregate/asphalt. Since the lead in site soils has been shown not to leach at appreciable levels, no impermeable barrier is required in the cover design.

While this alternative to the proposed project would achieve the goal of preventing human direct contact with lead, and would be consistent with HDOH guidance for managing contaminated soil; the impacted soil would still be present onsite and could continue to pose a hazard to the environment. Established controls would be required for this remedy, and would require an *Environmental Hazard Management Plan* requiring long-term cap maintenance. Additionally, the impacted soil would need to be disposed of at a permitted landfill facility at some point in the future, should the property owner decide to redevelop the subject property for other beneficial reuse. Short-term effectiveness, during and immediately after the proposed activity, may be considered moderate since there is potential exposure to site workers and the community during implementation of the soil excavation, transport, and disposal.

#### **SUMMARY OF COMMENTS:**

The Office of Conservation and Coastal Lands (OCCL) referred the application to the following state agencies for review and comment: DLNR – Hawaii District Land Office (HDLO), State Historic Preservation Division (SHPD), Division of Forestry and Wildlife (DOFAW), and the Division of Conservation and Resource Enforcement (DOCARE). Additional State Agencies include the Office of Environmental Quality Control (OEQC), the State Department of Health (DOH), and the Office of Hawaiian Affairs (OHA). The application was also provided to the County of Hawaii – Planning Department, as well as the Kailua-Kona Public Library for review and comment.

***Comments received from the following agencies have been summarized by staff as follows:***

#### **DLNR – Forestry and Wildlife (DOFAW)**

*No comments received from agency*

#### **DLNR – Hawaii District Land Office (HDLO)**

*The property identified (in this application) is encumbered under General Lease No. S-4029 to the County of Hawaii for rubbish dump site purposes. The Hawaii District Land Division staff has reviewed the Conservation District Use Application (CDUA HA-3774) and has no objection to the proposed project.*

***Applicant Response:*** *We acknowledge that your office has no objection to the proposed project*

#### **DLNR – State Historic Preservation Division (SHPD)**

*No comments received from agency.*

#### **State Department of Health (DOH)**

*No comments received from agency.*

#### **Office of Hawaiian Affairs (OHA)**

*No comments received from agency.*

#### **County of Hawaii – Planning Department**

- *This 30.139-acre parcel is designated Conservation by the State Land Use Commission;*

- *For the subject parcel, the General Plan Land Use Pattern Allocation Guide Map designates the following category;*
  - *Urban Expansion: Allows for a mix of high density, medium density, low density, industrial, industrial-commercial and/or open designations in areas where new settlements may be desirable, but where specific settlement pattern and mix of uses have not been determined.*
- *The County Zoning is Open (O);*
- *The Kona Community Development Plan was adopted by the County of Hawaii as Ordinance No. 08-151, effective November 5, 2008. A discussion of the proposed remediation as it relates to this plan should be included in the EA;*
- *This parcel is not located within the County's Special Management Area (SMA) – and as such no SMA review will be required for the project.*

***Applicant Response:** We acknowledge that your office has no objection to the proposed project, and that the project site is not located within the SMA and therefore does not require a SMA review.*

**ANALYSIS:**

Following review and acceptance for processing, the Applicant's Agent was notified, by letter dated August 3, 2016 that:

- A. Your proposal to conduct site remediation on the subject parcel is an identified land use within the Conservation District General Subzone pursuant to Hawaii Administrative Rules (HAR), §13-5-22, P-6, **PUBLIC PURPOSE USES (D-1)**, *Not for profit land uses undertaken in support of a public service by an agency of the county, state, or federal government, or by an independent non-governmental entity, except that an independent non-governmental regulated public utility may be considered to be engaged in a public purpose use. Examples of public purpose uses may include but are not limited to public roads, marinas, harbors, airports, trails, water systems and other utilities, energy generation from renewable resources, communication systems, flood or erosion control projects, recreational facilities, community centers, and other public purpose uses, intended to benefit the public in accordance with public policy and the purpose of the conservation district.* Please note that the final decision to approve or deny this proposal rests with the Board of Land and Natural Resources (BLNR);
- B. Pursuant to HAR §13-5-40, Hearings, a public hearing *is not* required;
- C. A Draft Environmental Assessment (DEA) was published in the Office of Environmental Quality Control (OEQC) publication, *The Environmental Notice (EN)* on April 8, 2016. The Final EA (FEA) and public notice of determination was published on June 8, 2016; and

The OCCL published notification of this Conservation District Use Application (CDUA) in the August 23, 2016 issue of the Office of Environmental Quality Control (OEQC) publication the Environmental Notice.

**§13-5-30 CRITERIA:**

The following discussion evaluates the merits of the proposed land use by applying the criteria established in HAR §13-5-30.

- 1) *The proposed use is consistent with the purpose of the Conservation District.*  
The objective of the Conservation District is to *conserve, protect, and preserve the important natural resources of the state through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare.*

Landfill operations were established at the site in the Conservation District with the issuing of General Lease No. S-4029 between DLNR and the County of Hawaii (lessee), dated April 25, 1967. The GL called for the "Specific use of the lands to be used by the Lessee for a rubbish dump site". Metal salvaging operations began after a landfill was established at this site, and as stated previously, was discontinued in 2013.

The applicant states that since this proposed project consists of the removal of residual solid waste debris and lead-impacted soil, as well as the eventual closure of the facility's salvage yard operations, this project does meet the purpose of the Conservation District, specifically to "promote the long-term sustainability and the public health, safety, and welfare" at the site. Staff believes this proposed site remediation and closure of a metal salvage facility will significantly improve the condition of the property by minimizing potential lead contamination.

- 2) *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

The objective of the "General" Subzone is to designate open space where specific conservation uses may not be defined, but where urban use would be premature.

The applicant has stated that the proposed project, which includes site/soil remediation and the closure of a salvage facility, aims to return the site to its original "Open" character which is consistent with the objectives of the Conservation District – General Subzone. Staff, after visiting the site and reviewing historical use of the area, believes that this proposed project is consistent with the objectives of the Conservation District and that this proposed use is an improvement to the existing site characteristics.

- 3) *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

**Recreational Resources:** There are no existing parks or recreational resource located adjacent to or near the proposed project site. As the site is in use as a transfer station, and previously as a metal salvage yard, activities not related to trash disposal were not permitted or safe on this parcel. A site visit by OCCL staff concluded that the area is not conducive for recreation, and may pose a hazard due to the materials and rubbish located throughout the area.



**Historical Resources:** In order to assess the presence of potential archeological and cultural resources, historical maps and previously published studies were reviewed. Additionally, an archeological field inspection was conducted in March, 2016 which were reported in the FEA.

The applicant has stated that based on the field study and literature review, there are no known archeological or cultural sites present on the surface of the project parcel. The property has been under light industrial use for decades; given the extent of land disturbance that has occurred in the past, the applicant believes that no historical properties are likely to be encountered during the proposed remedial action.

One historical site, mentioned previously as Site No. 5011, in close proximity to the project area has been interpreted as having been built during the "Boundary Marking" Historic Period, and represents only a remnant of a core-filled wall. Given that adequate documentation of Site 5011 was provided in past studies, and the site was previously approved for "no further work" by the SHPD, the applicant believes that the proposed action will not have any adverse impacts on archeological and cultural resources of the area.

**Scenic and Open Space Resources:** The applicant stated in the CDUA that from the project site, the only available open and scenic viewplane is to the south, overlooking the QLT parcel that is currently undeveloped. Mauka of the project area is the solid waste transfer station and closed Kailua landfill further mauka. Makai of the project site is the Humane Society facility along with other commercial/industrial buildings located along the highway. Based on the limited scenic viewplanes from the project site staff believes that the proposed action will not have any adverse impact on current viewplanes, and will in fact improve the overall character of the site after remediation has concluded.

**Coastal Ecosystems/Marine Resources:** The project site is located approximately 1.7 miles from the nearest shoreline. Due to the distance from the project site to the shoreline, and the significant engineering controls for stormwater management that will be implemented during the project activity, staff believes the project will minimize run-off and soil erosion that could impact coastal resources.

**Economic Uses/Managing Development:** The applicant stated that the proposed action would reclaim land for future beneficial uses of the parcel. The project site could be used for future development, such as public facilities, on a parcel that has already been developed and impacted for decades without the need to disturb lands not previously developed.

**Coastal Hazards:** The project is not expected to exacerbate flooding or affect and flood zone area due to the engineered stormwater management practices to be implemented during site activities. Erosion control measure will be employed during construction. Following project completion, permanent soil stabilization will be achieved through the use of the planting of stabilizing ground cover vegetation.

**Public Participation:** The applicant has consulted with federal, state, and county agencies prior to, and during the application process. During the project activity these agencies will continue to be involved in the ongoing environmental assessment process as needed (i.e.,



HDOH and US-EPA). Local representatives, community associations, and cultural and historical groups have also been part of the consultation process, and will continue to be involved as the project progresses to completion.

- 4) *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

The applicant states that the National Pollutant Discharge Elimination System (NPDES) "Form C" (i.e., *Discharges of Storm Water Associated with Construction Activities* permit) will be obtained from the Hawaii Department of Health – Clean Water Branch to address potential impacts associated with construction. Plans that were submitted as part of the NPDES application and County Grading Permit application, will specify the practices that will be used to minimize the potential for sedimentation, erosion and storm-water discharges into coastal resources.

- 5) *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

The proposed land use will not change from the current land use, which is a solid waste transfer station, public facility. This project is being pursued to mitigate the now closed metal salvage facility that was cited on the parcel. The project site and surrounding parcels have been developed for industrial and commercial use, therefore this project will only aim to improve the character of the site which is primarily urban development. Additionally, the site has been, and continues to be, designated by the County for solid waste management (i.e., Rubbish Dump Site) under the previously approved GL No. S-4029. Staff believes this project will not only be compatible with the surrounding uses, but will improve the natural resources of the site by the removal of lead contaminated soils.

- 6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

The applicant has stated that the physical and environmental aspects of the land will be greatly improved upon by the proposed project – staff agrees with this assessment due to the project objective of site remediation and lead contaminated soil removal. The removal of residual solid waste debris and lead-impacted soil should eliminate potential environmental hazards and improve the current quality and character of the land.

- 7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

The proposed project does not involve the subdivision of Conservation District lands.

- 8) *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

The proposed project of site remediation at a closed metal salvage facility will only aim to improve the environmental resources of the site by the removal of solid waste debris and

lead-impacted soils. This project has been designed to minimize impacts from storm-water, run-off and soil erosion by the implementation of BMPs and the creation of a comprehensive grading plan for the soil removal. Staff believes that this project will have little to no impact to public health, safety and welfare, and will in fact improve the site conditions for the public.

### **CULTURAL AND HISTORICAL IMPACT REVIEW:**

In order to assess the presence of potential archeological and cultural resources at the project site and surrounding area, historical maps and previous archeological studies (conducted at or near the project site) were reviewed for possible impacts to cultural resources. Additionally, an archeological field inspection was conducted by an agent for the applicant to survey the site for cultural sites on the surface of the property.

The only historical site that has been recorded in close proximity to the project area is a rock wall, identified previously in this report as Site No. 5011. Several studies have documented this feature as a "core-filled wall" located on the adjacent QLT property located immediately south of the project area. Based on its core-filled construction, Site No. 5011 has been interpreted as having been built during the post-contact historic period and does not represent a current or viable use of the parcel. The remnant section is in poor condition, covered in debris and is collapsed along much of its length.

In accordance with Hawai'i State historic preservation review legislation, the applicant's agent project specific effect recommendation is "*no historic property affected*". No evidence of traditional Hawaiian cultural materials was observed and no significant historical properties were present throughout the project area. It was stated by the applicant that, based on the archeological reports and surveys, the proposed project should not have any adverse effects on traditional Hawaiian cultural materials or deposits and historic properties found adjacent to the project area (Site No. 5011).

---

OCCL staff affirms the statements made by the applicant regarding the proposed projects minimal to no impact to cultural and historical resources. OCCL staff agrees that due to the objectives of the proposed project, the existing use of the site, the lack of observed or documented cultural practices, and the decades long development history - customary and traditional rights conducted in the vicinity of the project site would not be adversely affected by the proposed project.

### **DISCUSSION:**

The proposed land use being applied for under this Conservation District Use Application (CDUA) is site remediation which includes the removal of solid waste and lead contaminated soils located on the subject parcel. The site, an existing public solid waste transfer station, also included a metal salvage collection facility which was "closed" in 2013. The long term use of the site as a metal salvage and solid waste facility has impacted the soil of the site which has become contaminated with lead and other deleterious materials. The lead contamination poses a risk to neighboring properties, local ground water resources, and the public if it is not removed and the site remediated.

During implementation of the project, controls will be established to prevent short-term impacts to public health and the environment from fugitive dust and/or storm-water run-off. Care will be taken to mitigate dust during excavation and removal activities that may disrupt surface soils; this will include the spraying of water and the erection of a perimeter fence to mitigate fugitive dust. Additionally, a *Storm Water Pollution Prevention Plan* (SWPPP) was created to address potential impacts that may arise from storm-water originating on the project site. While the plan outlines all of the potential sources of storm-water pollution and impacts, the agent for the applicant provided a short list of general erosion and sediment controls to be implemented, such as: minimizing the total area of ground disturbance, installation of storm-water controls prior to construction, the installation of perimeter controls, minimizing dust and minimizing the grading of steep slopes (i.e., >15%) which will reduce soil erosion and soil loss.

As outlined in the CDUA, the project site has a decades long history of industrial development and impacts associated with those uses, which have severely impacted the land and its natural character. At this point the goal should be to return the land to a condition that may provide a benefit to the public, and by doing so, reduce the hazards associated with lead contamination.

Staff notes that the project site and parcel do not necessarily follow the objectives and preservation strategies of the State Land Use Conservation District. While this parcel is located in the General Subzone, which is our lowest protection level, it may be more viable if zoned within a different State Land Use Zoning District. Therefore, the OCCL would like to recommend that this parcel be re-designated into the State Land Use **Urban** District. This determination was based on a site visit by OCCL staff and the review that was done via the Conservation District Use Application (CDUA) process. The site is heavily degraded by decades of industrial uses and activities, and OCCL staff did not observe an environment that exemplifies the objectives of the Conservation District.

The OCCL staff has the onerous duty of evaluating the appropriateness of a project based on a complete and comprehensive assessment that has been assembled from acceptance of the application, to the writing of this staff report. This report outlines the effects the proposed land uses represent to natural resources, recreation, and the environment within the project area; based on the information provided staff believes project impacts will not be significant or cumulative. Additionally, this projects public benefit appears to be necessary for fulfilling County and State plans with regards to "Objectives and policies for: facility systems, the physical environment, and the economy".

*In conclusion, staff believes that this project, as proposed, is consistent with Conservation District objectives, and based on the above discussion and information received, Staff recommends as follows:*

#### **RECOMMENDATION:**

Based on the preceding analysis, Staff recommends that the Board of Land and Natural Resources **APPROVE** this application for the *Kealakehe Metal Salvage Yard Remediation* project located in the North Kona District, Island of Hawai'i, on Tax Map Key: (3) 7-4-020:016, subject to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall obtain appropriate authorization from the department for the occupancy of state lands, if applicable;
4. The permittee shall comply with all applicable department of health administrative rules, and the applicable parts of HAR §13-5-42;
5. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications for the various farm facility buildings to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
6. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one (1) year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three (3) years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
7. All representations relative to mitigation set forth in the accepted environmental assessment and management plan for the proposed use are incorporated as conditions of the permit;
8. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
9. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
10. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply;
11. Provisions for access, parking, drainage, fire protection, safety, signs, lighting, and changes on the landscape shall be provided;

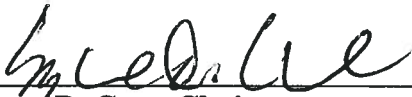
12. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
13. Obstruction of public roads, trails, lateral shoreline access, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;
14. Except in case of public highways, access roads shall be limited to a maximum of two lanes;
15. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
16. Cleared areas shall be revegetated, in accordance with landscaping guidelines provided in this chapter, within thirty days unless otherwise provided for in a plan on file with and approved by the department;
17. Use of the area shall conform to the program of an appropriate soil and water conservation district or plan approved by and on file with the department, where applicable;
18. Specific Best Management Practices (BMP) outlined in the Final Environmental Assessment (FEA) and throughout this staff report shall be utilized during all phases of the proposed project;
19. The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
20. For all landscaped areas, landscaping and irrigation shall be contained and maintained within the property, and shall under no circumstances extend seaward of the shoreline as defined in section 205A-1, HRS;
21. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;
22. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
23. Other terms and conditions as prescribed by the chairperson; and
24. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Respectfully submitted,



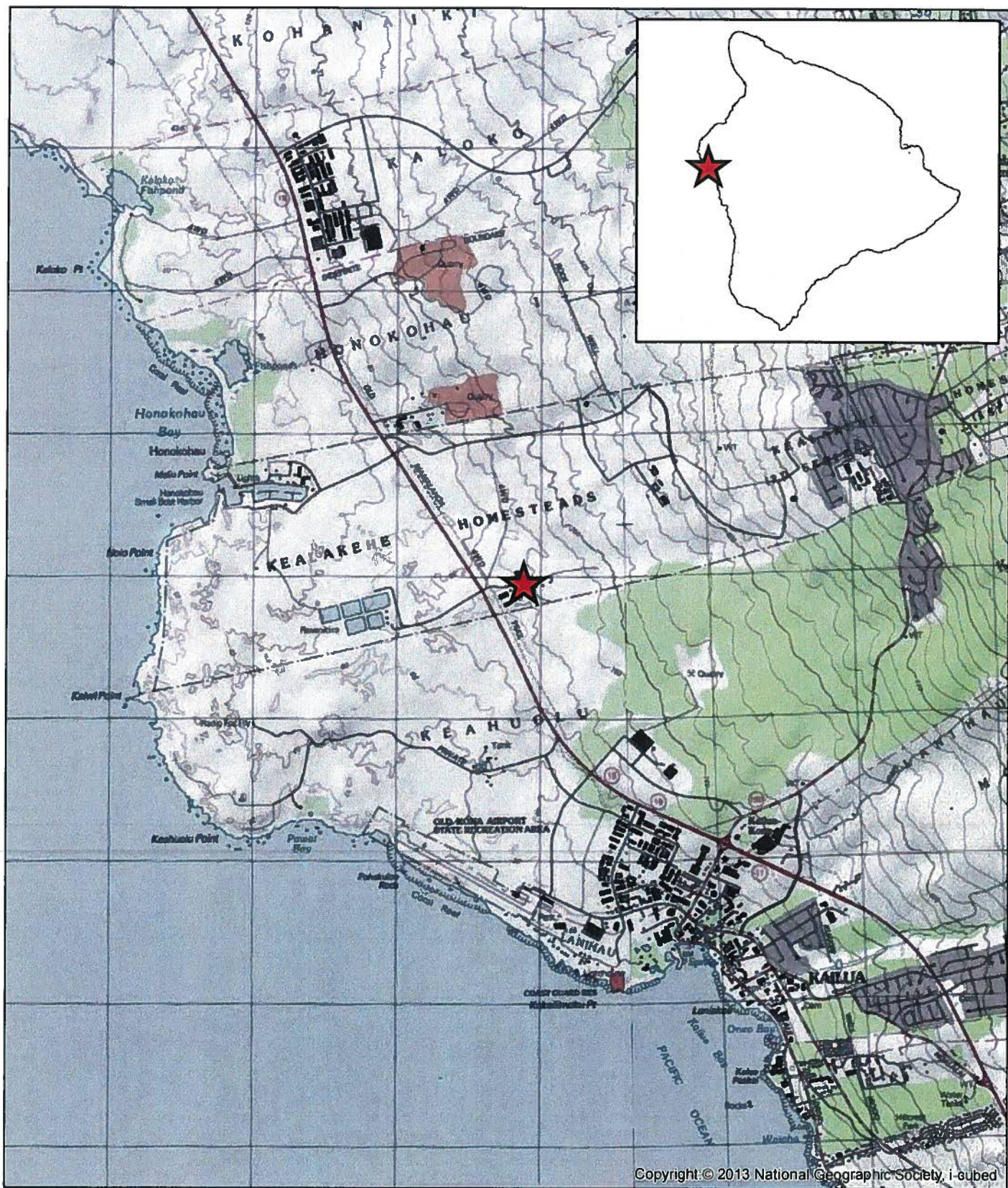
**Alex J. Roy, M.Sc., Staff Planner**  
*Office of Conservation and Coastal Lands*

Approved for submittal:



**Suzanne D. Case, Chairperson**  
*Board of Land and Natural Resources*





Copyright © 2013 National Geographic Society, i-subed

integral  
cartography inc.

0 0.5 1  
Miles



EXHIBIT I  
CDUA: HA-3774

Data Source: ESRI Prime USGS Topographic Map

Site Location  
Kealahou Former Metal Salvage Facility  
Kailua-Kona, Hawaii



EXHIBIT 1A  
CDUA: HA-3774

CDMA: HA-3774

"THE VILLAGES OF LA'I'OPUA - PHASE I", F.P. 2128, KEALAKEHE, NORTH KONA, HAWAII, HAWAII (Formerly por. 7-4-08)

**FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE**

PRINTED:

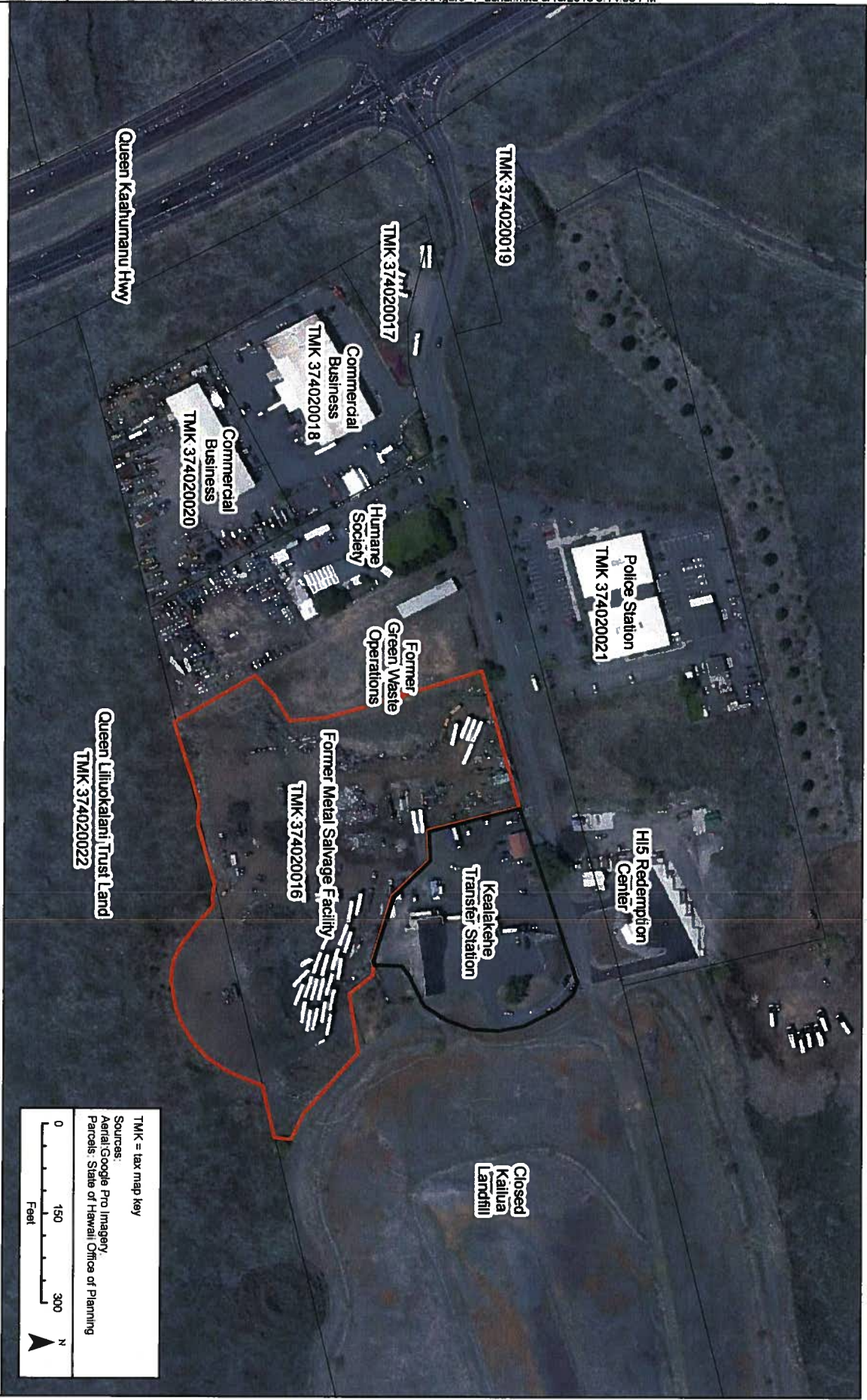
LANDOWN OF TRUST  
 PROPERTY ASSOCIATES  
 HAWAII, INC.  
 STATE OF HAWAII  
 TAX MAP

COUNTY OF HAWAII		
ZONE	SECTION	PLAT
7	4	20

SCALE: 1 IN. = 400 FT.  
 1/2"

# EXHIBIT 2

CDMA: HA-3774



- ☐ Limit of Kealahou Transfer Station
- ☐ Limits of Former Metal Salvage Operations
- ☐ Parcel Boundaries

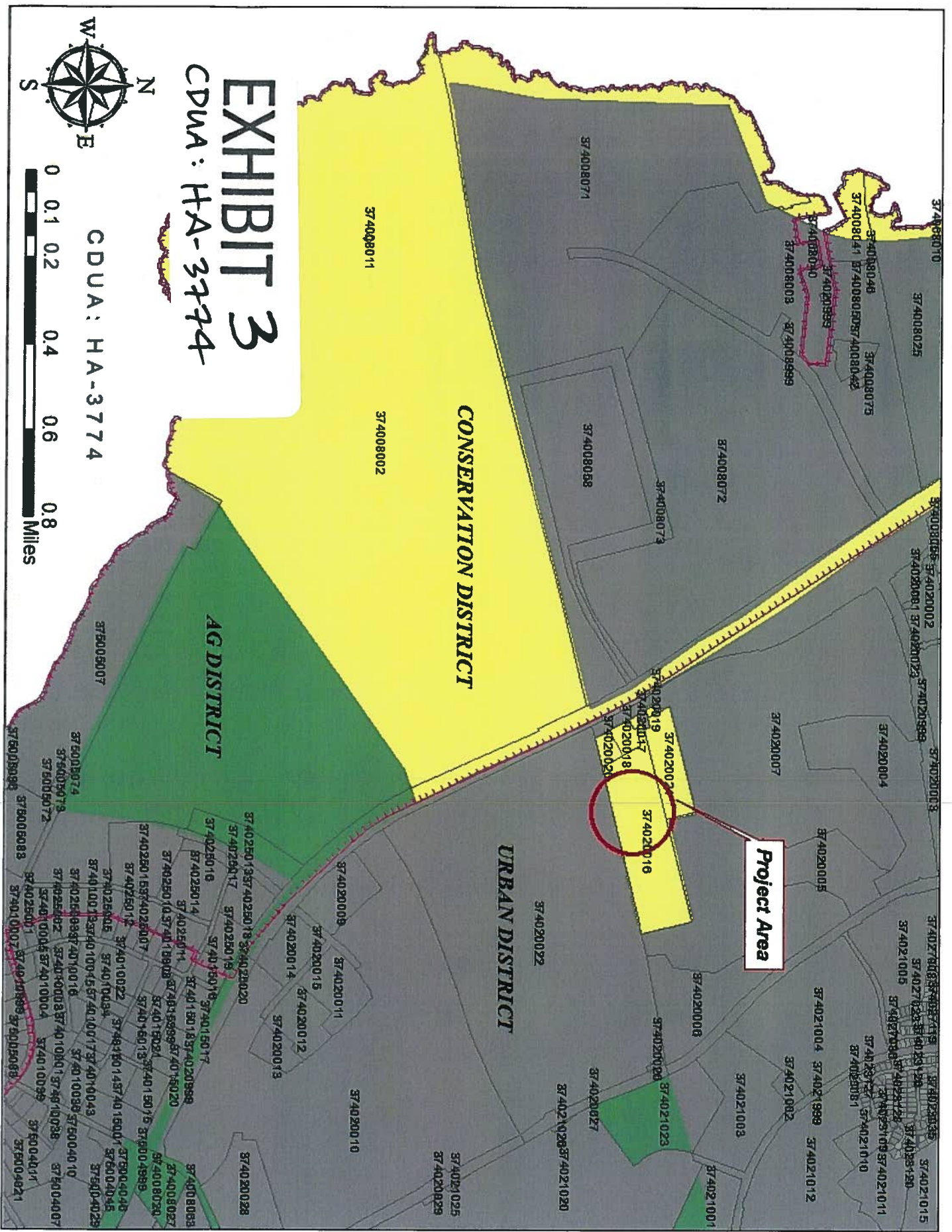
Aerial Photograph and TMK Parcels  
Kealahou Former Metal Salvage Facility  
Kailua-Kona, Hawaii

TMK = tax map key  
Sources:  
Aerial: Google Pro Imagery  
Parcels: State of Hawaii Office of Planning

0 150 300  
Feet

N





Project Area

# EXHIBIT 3

CDUA: HA-3774



CDUA: HA-3774

0 0.1 0.2 0.4 0.6 0.8 Miles



# EXHIBIT 4

CDNA: HA-3774





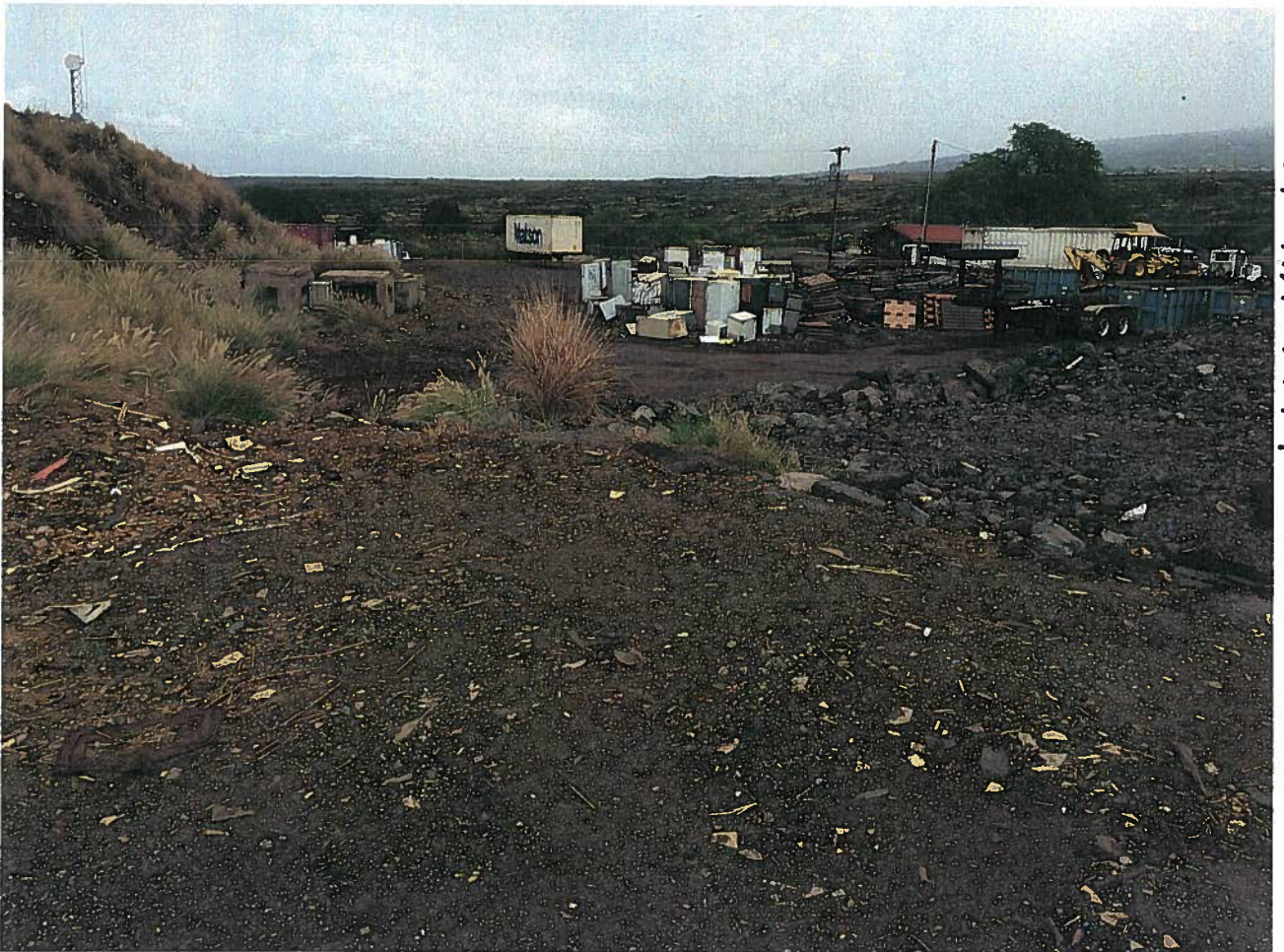


EXHIBIT 4A  
CDWA: HA-3444





**EXHIBIT 5**  
CDUA: HA-3774





Archaeological Field Inspection portions of TMKs: (3) 7-4-020:016 and 022



Aerial view of the current study area showing the location of the remnant section of Site 5011.



Site 5011, remnant boundary wall, view to the west.

EXHIBIT 6  
CDMA: HA-3774





Site 5011, typical condition of wall, view to the south.

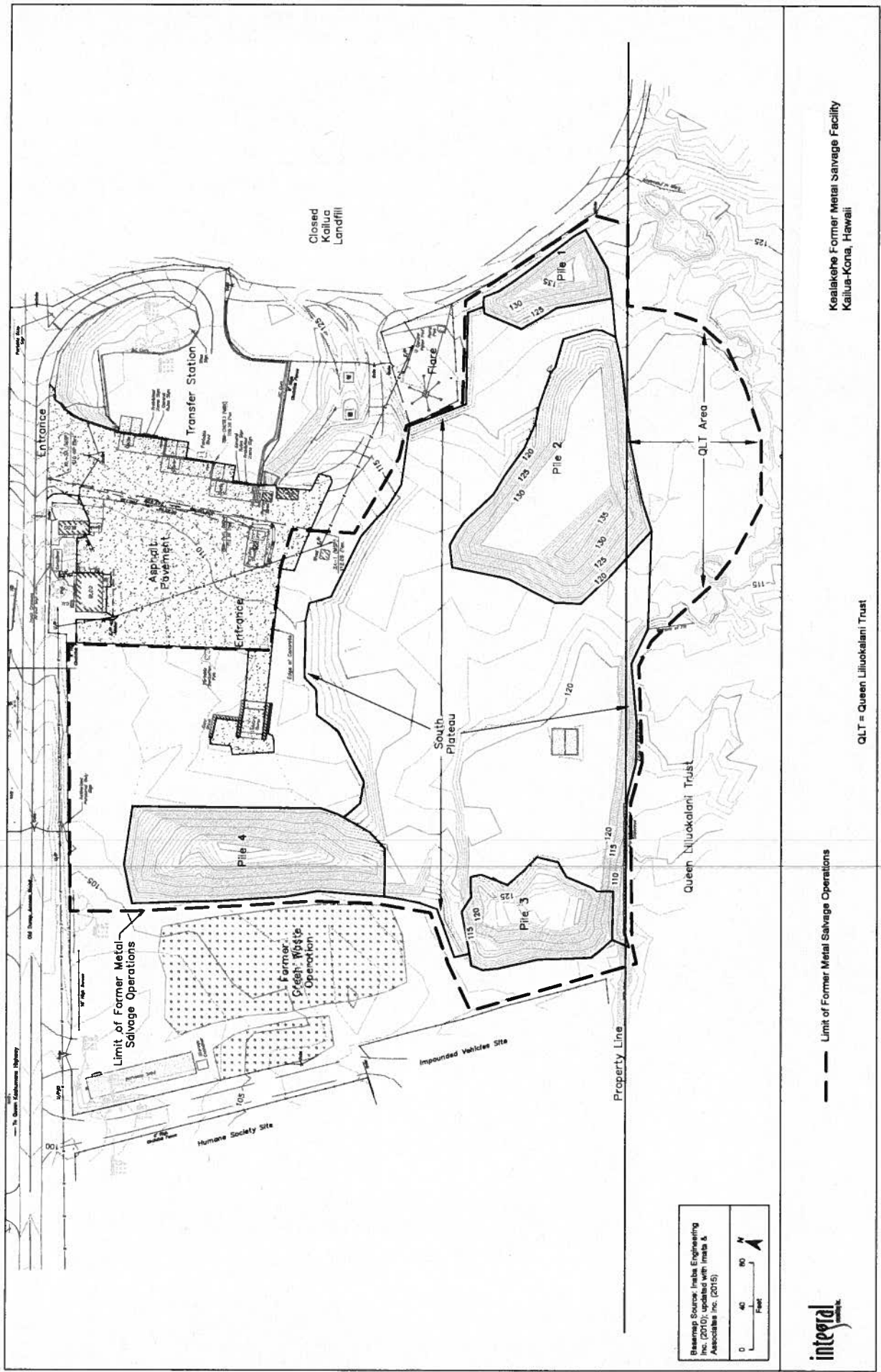


Site 5011, intact section of wall, view to the south.

EXHIBIT 6A  
CDMA: 44-3774

# EXHIBIT 7

CDUA: KA-3774



Kealahou Former Metal Salvage Facility  
Kailua-Kona, Hawaii

QLT - Queen Liliuokalani Trust

Limit of Former Metal Salvage Operations

intertek