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## County of Hawai'i

### PLANNING DEPARTMENT

Zendo Kern  
Director

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Deputy Director

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November 08, 2024

Kevin Sakai  
County of Hawai'i Department of Parks and Recreation  
101 Pauahi Street, Suite 6  
Hilo, HI 96720  
VIA EMAIL

Dear Kevin Sakai:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(PL-SAA-2024-000250)  
Special Management Area (SMA) Minor Use Permit  
(PL-SMM-2024-000068)**

**Applicant: County of Hawai'i, Department of Parks and Recreation**  
**Landowner: State of Hawai'i**  
**Project: Tree Clearing, Removal, and Maintenance**  
**TMK(s): (3) 2-2-001:027 & 2-2-002:035; South Hilo District, Hawai'i**

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We have reviewed the subject SMA Use Permit Assessment Application, received by this office on October 10, 2024, to conduct tree clearing and removal at the existing Hilo Bayfront Beach Park. The two (2) subject parcels total 2.1438-acres and are zoned Open (ope) by the County, and designated Urban by the State Land Use Commission (LUC). The subject parcels are also designated as Open (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map.

The entire project area is located within the SMA with both of the subject parcels considered within the "shoreline area" as defined by section 205A-41, Hawai'i Revised Statutes (HRS). Due to the proposed project activities being an exempt action, (land and resource management) the Director has determined that a shoreline certification is not required for this proposed activity.

#### **Proposed Project:**

The applicant is requesting approval to conduct removal, trimming, and maintenance of twenty-two (22) separate ironwood trees located on the existing Hilo Bayfront Beach Park. The project

is being pursued to address safety and maintenance concerns of large trees, relative to their potential to cause injury to park users and County employees. Certain trees will be placed on a maintenance schedule to monitor tree growth and for management purposes. All green waste generated will be removed by the contractor and disposed of in an approved green waste facility or other acceptable means.

The applicant estimates the total value of the project to be \$300,000 and has stated that no other work is proposed on the property at this time.

**Shoreline Setback Area Determination:**

Planning Department Rule 11-8 states that “*Minor activity*” means an “*activity that does not alter the existing grade of the shoreline setback area and may include activities such as landscaping and minor clearing (grubbing) of vegetation.*” Further, according to PD Rule 11-8, “*a minor structure or activity proposed in the shoreline setback area shall not need a shoreline setback variance if the Planning Department determines that it would not affect beach processes or artificially fix the shoreline and would not interfere with public access or public views to and along the shoreline.*”

The entire project area is located within the Special Management Area (SMA) with the two (2) parcels located within the “shoreline area” as defined by section 205A-41, Hawai'i Revised Statutes (HRS). Due to the location of the proposed activities, along with a shoreline determination by County staff, the Director has waived the requirement for a shoreline certification for this proposed project.

The proposed land and resource management project will include some work within the County located shoreline setback area, however, the proposed project will not alter grade or change or impact coastal processes in this area. The objective of the proposed project is to remove non-native vegetation that presents a hazard to visitors and park staff. Staff notes this is a heavily used park with access to and along the shoreline that this project aims to protect. The applicant will be informed that no heavy machinery will be permitted in the shoreline setback area and will be required to utilize small tools (chipper, chainsaw) for the removal of any vegetation in the setback area.

Based on the preceding information, the Planning Director has determined that the proposed activity will not alter the existing grade of the shoreline setback area, will not block shoreline access, shoreline views, nor affect coastal processes, and work in the shoreline setback area will be conducted by hand with no use of heavy machinery. Therefore, the proposed project, as described above, may be permitted in the shoreline setback area without the need for a shoreline setback variance pursuant to Planning Department Rule 11-4(a)(4).

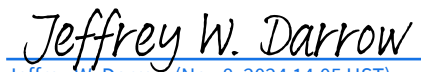
**Special Management Area Determination:**

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1) relating to Special Management Area (SMA), "*grading, removing, dredging, mining, or extraction of any materials*" is defined as "development." Therefore, the proposed clearing of vegetation is considered "development" and requires a review against the Special Management Area rules and regulations. Our review has resulted in the issuance of an SMA Minor Permit because the total valuation of the proposed project is under \$500,000 and will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA.

Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. PL-SMM-2024-000068 is hereby issued for the project as described above. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have any questions, please contact Alex J. Roy of this office at 808-961-8140 or via email at [alex.roy@hawaiicounty.gov](mailto:alex.roy@hawaiicounty.gov).

Sincerely,

  
Jeffrey W. Darrow

Jeffrey W. Darrow (Nov 8, 2024 14:05 HST)

for  
ZENDO KERN  
Planning Director

AJR:rms

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Enclosure: SMM Permit No. PL-SMM-2024-000068  
Exhibit 1 – Site Plan

cc via email: Shichao Li, State-OPSD  
Lisa E. Webster, State-OPSD  
Rachel Beasley, State-OPSD  
GIS Section

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## Special Management Area Minor Permit No. PL-SMM-2024-000068

**Project:** Tree Clearing, Removal, and Maintenance  
**Applicant:** County of Hawai'i, Department of Parks and Recreation  
**Landowner:** State of Hawai'i  
**Location:** Hilo Bayfront Beach Park, South Hilo District, Island of Hawai'i  
**TMK:** (3) 2-2-001:027 & 2-2-002:035  
**Land Area:** 2.1438-acres

### Applicant's Request

#### 1. Project Description:

The applicant is requesting approval to conduct removal, trimming, and maintenance of twenty-two (22) separate ironwood trees located on the existing Hilo Bayfront Beach Park. The project is being pursued to address safety and maintenance concerns of large trees, relative to their potential to cause injury to park users and County employees. Certain trees will be placed on a maintenance schedule to monitor tree growth and for management purposes. All green waste generated will be removed by the contractor and disposed of in an approved green waste facility or other acceptable means.

The applicant has stated that no other work is proposed on the property at this time.

- 2. Purpose of Project:** The objectives of the project are to remove hazardous trees and to maintain and manage trees.
- 3. Project Valuation:** \$300,000.
- 4. Determination:** According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(B) and (E) relating to Special Management Area (SMA): "*Grading, removing, dredging, mining, or extraction of any materials*" is defined as "development." Therefore, the proposed tree trimming, removal, and maintenance on the subject parcels is considered "development" and requires a review against the Special Management Area rules and regulations. Our review has resulted in the issuance of an SMA Minor Permit.

<b>State and County Plans</b>
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1. **State Land Use District:** The parcels are all designated Urban by the State Land Use Commission.
2. **General Plan:** The subject parcels are designated as Open (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The subject parcels are all zoned Open (O)
4. **Special Management Area:** The subject parcel is located in the SMA and the subject parcels are considered a "shoreline" parcel according to Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** VE; this represents high-risk coastal areas with an additional hazard from storm waves. These areas have a 26% chance of flooding over a 30-year period.

<b>Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</b>
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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 objective(s) 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, including reefs, beaches, and coastal dunes, 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 coastal hazards.
  - 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 and coastal dunes for: 1) public use and recreation; 2) the benefit of coastal ecosystems; 3) use as a natural buffer against coastal hazards; and 4) coordinate and fund beach management and protection.
  - 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 and Coastal Dune Protection

- Marine and Coastal Resources
- The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

### Findings

1. As discussed above, the proposed project will not have any significant adverse environmental or ecological effects, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.
2. The project will aim to improve the area by removing hazardous trees, and providing on-going management of the remaining trees in the park.
3. The proposed project is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
4. The estimated project cost of \$300,000 does not exceed \$500,000.

### Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. PL-SMM-2024-000068** is hereby approved for tree removal, trimming, and ongoing land and resource management/maintenance activities.

### Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. PL-SMM-2024-000068**, **subject to the following conditions:**

1. The applicant(s), its successor(s) or assign(s) (Applicant) 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. Other than the proposed project as described in this permit, no further work is permitted under this approval. This permit allows for on-going maintenance without further approvals.
4. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
5. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
6. The Applicant shall ensure that excessive runoff, sedimentation, siltation and turbidity of stream and ocean waters are contained or otherwise minimized through the use of silt containment devices or barriers, or other approved Best Management Practices as approved by the Planning Director.
7. The Applicant shall not, at any time, impede or otherwise restrict lateral public access along the shoreline fronting the subject parcel.
8. Any further development, including but not limited to, the construction of structures or improvements not included in this permit shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
9. That in issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit. If, after issuance of this permit, such information and data prove to be false, incomplete, or inaccurate (i.e., valuation of development), this permit may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
10. In the event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. The Applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.
11. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke this permit.



Kevin Sakai  
County of Hawai'i Department of Parks and Recreation  
November 08, 2024  
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If you have questions regarding this document, please feel free to contact Alex J. Roy of this office at (808) 961-8140 or via email at [Alex.Roy@hawaiicounty.gov](mailto:Alex.Roy@hawaiicounty.gov).

APPROVED:

*Jeffrey W. Darrow*  
for Jeffrey W. Darrow (Nov 8, 2024 14:05 HST)  
ZENDO KERN  
Planning Director

November 08, 2024  
Date



PL-SMM-2024-000068 – Dept. of Park and Rec (COH)

Planning Dept.  
Exhibit 1