

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 88-2

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on January 14, 1988, an assessment on the application of State Department of Land and Natural Resources for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: The selective removal of trees from the Kamo Point State Historical Park & the removal of the Tilapia from the brackish water pond located in the northwest corner of the park, Holualoa 3rd, Kaumalumu Beach Section, North Kona, Hawaii, TTK: 7-7-4:12, 51 & 52.

As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

(See attached conditions)



Chief Engineer, DPW



Planning Director

Attachment

6257A-5/84

Val = \$60,000
PT = 2 days

STATE DEPARTMENT OF LAND AND NATURAL RESOURCES

Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. A qualified archaeologist shall monitor the entire tree removal project, including removal of the debris.
3. The project shall commence within six (6) months from the effective date of the Special Management Area (SMA) Use Permit and be completed within one (1) year thereafter.
4. A copy of the final archaeological report shall be submitted to the Planning Department for record purposes.
5. Comply with all other applicable rules, regulations, and requirements.
6. An extension of time for the performance of conditions within the permit 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 general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

BACKGROUND

2122Q 1/6/88

The State Department of Land and Natural Resources (DLNR) is requesting a Special Management Area (SMA) Use Permit to allow the selective removal of trees from the Kamoa Point State Historical Park and the removal of the Tilapia from the brackish water pond located in the northwest corner of the park. The project site is located on the makai (seaward) side of Ali'i Drive, Holualoa 3rd, Kaumalumalu Beach Section, North Kona, Hawaii, Tax Map Key 7-7-04:12, 51 and 52.

Specifically, the applicant proposes the selective removal of approximately six (6) large Moreton Bay Fig trees and the removal of the Tilapia from the brackish water pond at the 12-acre Kamoa Point State Historical Park. The selective tree removal will arrest the growth of the large trees which are currently impacting the archaeological sites. These sites comprise the Kamoa Point Archaeological Complex which is listed on both the Hawaii and National Registers of Historic Places. The trees will be injected with herbicide about 2 weeks before cutting so that the herbicide will permeate the root system. The herbicide to be used will be Roundup Garden or Tordon. The trees will then be removed to the base of the truck with chain saws. The root system which is impacting the archaeological sites will be left intact to decay gradually in an effort to avoid uprooting the site or the surrounding ground surface. An archaeologist will record sites prior to removal and will oversee construction of ramps and platforms to protect the archaeological sites during the removal project. The cut debris from the trees will be removed from the

site and taken to the Kailua-Kona landfill site. A second aspect of the project for resource management is the removal of the Tilapia from the brackish water pond in the northwest corner of the park. This pond has value both as a historical/cultural resource and a natural resource. The Tilapia is an introduced species that may upset the ecology of the pond by excluding the native species. The removal of the Tilapia will be selectively done by hook and line and/or scoop net.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Resort uses. The State Land Use District classification is Urban and the County zoning is Hotel-Resort with a density of 1,250 square feet per unit (V-1.25).

Since the proposed project requires the use of State lands and State funds, compliance with Chapter 343, HRS, relating to Environmental Impact Statement is necessary. As such, an Environmental Assessment/Negative Declaration was submitted and published in the Office of Environmental Quality Control Bulletin on December 8, 1987.

The subject property is vacant of any structures or uses.

Surrounding lands along Ali'i Drive are zoned resort and residential. Four single family dwellings are located to the northeast of the park, between the park and Ali'i Drive. Areas to the south and across (mauka) Ali'i Drive are currently vacant and overgrown.

According to the Flood Insurance Rate Map (FIRM) prepared by the U.S. Army Corps of Engineers, the project site is situated within the coastal high hazard area; however, proposals of this nature are not subject to FIRM review.

The overall intent of the project is to protect and preserve the existing archaeological sites contained within the Kamoa Point Archaeological Complex as part of the development of an interpretive program.

The subject area is shoreline property, however, due to the nature of the proposal a shoreline survey was not required.

The total cost of the proposal will be approximately \$60,000.

RECOMMENDATION

An SMA Minor Use Permit is issued based on the following findings:

1. The total valuation of the proposal will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area.

The proposed project is consistent with the Special Management Area objectives, policies, and guidelines. These were established to provide guidance for the preservation, protection and development of the coastal resources of the State and County. The guidelines identify several areas of management concerns including recreational, historic, and scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards.

The overall intent of the project is to protect and preserve the archaeological sites within the Kamoa Point Archaeological Complex which is listed on the Hawaii and National Registers of Historic Places together with the development of an interpretive program for the area. Therefore, no management concerns will be adversely impacted by this proposal.

The proposed tree and Tilapia removal is consistent is Resort designation of the General Plan and the County zoning.

Based on the foregoing, it is determined that the granting of the request will not create a significant adverse effect on the environment and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

A Special Management Area Minor Use Permit is approved subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. A qualified archaeologist shall monitor the entire tree removal project, including removal of the debris.
3. The project shall commence within six (6) months from the effective date of the Special Management Area (SMA) Use Permit and be completed within one (1) year thereafter.
4. A copy of the final archaeological report shall be submitted to the Planning Department for record purposes.
5. Comply with all other applicable rules, regulations, and requirements.
6. An extension of time for the performance of conditions within the permit 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 general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.