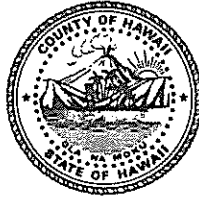


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

March 24, 1997

Mr. William T. Stormont
Division of Forestry and Wildlife
Department of Land and Natural Resources
P.O. Box 4849
Hilo, HI 96720

Dear Mr. Stormont:

Special Management Area Use Permit Assessment Application
No. 97-09

Special Management Area Minor Use Permit No. 57

Applicant: State, DLNR-Division of Forestry and Wildlife

Request: Fence Construction around BOG Unit at Pu'u O Umi
Natural Area Reserve

TMK: 4-9-13: Portion of 1; Laupahoehoe 1st, Hamakua, Hawaii

We are in receipt of the above-described application on January 27, 1997, to allow the proposed installation of a 39-inch high hog wire fence around two types of a Hawaiian montane bog, which is a rare and fragile native plant community consisting of many specialized plants and invertebrate species. The proposed fencing improvements will not exceed \$125,000 in valuation. It has been determined that the proposed activity will not have a significant adverse impact to coastal resources. Therefore, we are hereby issuing Special Management Area Use Permit No. 57 to allow the proposed fencing improvements, for the reasons as detailed below.

BACKGROUND INFORMATION

1. **Land Ownership:** The project site consists of approximately 120 acres within a larger 5,388-acre parcel identified as TMK: 4-9-13: 1. The entire parcel is owned by the State of Hawaii and comprises a portion of the Pu'u O Umi Natural Forest Area Reserve.

Special Management Area Minor Use Permit is being issued in satisfaction of Rule No. 9 of the Planning Commission regarding the Special Management Area.

DESCRIPTION OF THE PROPERTIES AND SURROUNDING AREA

9. **Project Site:** As previously mentioned, the project site is situated within a portion of the Pu'u O Umi Natural Forest Area Reserve and situated at an elevation of approximately 3,750 feet. The project site, lying on a high plateau between the headwalls of Waipi'o and Waimanu Valleys, is located in excess of 10,000 feet from the nearest coastal waters.
10. **Existing Use:** The project site is situated within a public hunting area. However, due to its remote location and relatively small size, enclosure of the project site with fencing should not impact hunting activities.
11. **USDA Soil Survey Report:** Soils within the subject property consist of Punalu'u extremely rocky peat. Permeability is moderately rapid, runoff is slow and the erosion hazard is slight.
12. **FIRM:** The Flood Insurance Rate Maps (FIRM) designates the project site as being situated outside of the 500-year flood plain (Zone X).
13. **Archaeological Resources:** No archaeological inventory survey was conducted for the project site. However, significant adverse impacts to archaeological features are not anticipated due to the limit amount of ground disturbance and the use of hand clearing associated with clearing the 6-foot wide fence corridor.
14. **Floral/Faunal Resources:** The project site consists of three different natural forest communities; two of which are considered rare. No endangered species of plants or animals were observed within the proposed fence corridor alignment, the only area within the project site to be disturbed.
15. **Surrounding Land Use Designation/Uses:** The project site lies within a portion of the Pu'u O Umi Natural Forest Area Reserve. Public hunting occurs within the project site and throughout the forest reserve.

ASSESSMENT

The purpose of Chapter 205A-HRS, and Planning Commission Rule No. 9, Special Management Area Rules and Regulations of the County of Hawaii, is to preserve, protect, and where possible, to restore the natural resources of the island's coastal zone areas. Special controls on development within these areas have been enacted to prevent permanent loss of valuable resources. Upon review of the subject request, the Planning Director finds that the installation of hog wire fencing around a 120-acre project site is consistent with State and County Special Management Area policies, as outlined below:

- a) **Recreational Resources:** The proposed fencing of the project site to prohibit feral pigs from entering the Hawaiian montane bogs will not interfere with existing and/or potential recreational uses of Pu'u O Umi Natural Forest Area Reserve. Public hunting is permitted within the area and the fencing of 120 acres within a 5,388-acre forest reserve will not place a severe adverse impact upon hunting activities.
- b) **Historical and Natural Resources:** While an archaeological inventory survey of the project site was not conducted, it is anticipated that clearing of the fence corridor and the construction of the hog wire fence will not have an adverse impact upon archaeological resources. Most of the project site will not be disturbed, with the exception of a 6-foot wide, 1-1/2 mile long fence corridor which will be hand-cleared. A condition of approval will require the applicant to notify this office should any unanticipated archaeological features be encountered during clearing and construction activities. While the fencing corridor will disrupt a portion of the Hawaiian montane bog environment to be protected, it must be done to protect the larger native plant community. No endangered species of plants or animals were found within the proposed fencing corridor.
- c) **Scenic and Open Space Resources:** The proposed fencing activity will not have any adverse effect upon the County's open space and scenic resources due to the limited nature of the proposed activity. At a maximum height of 39 inches, the hog wire fence will not disrupt the visual quality of the area.
- d) **Coastal Ecosystems:** Since no extensive construction activities are being considered under the applicant's proposal, concerns regarding runoff, erosion and ambient dust

generated by the fencing activity will be minimal and temporary.

- e) **Economic Uses:** No economic benefit will be derived from the proposed fencing improvements.
- f) **Coastal Hazards:** The project site is not located within an area affected by the 100-year frequency floods and coastal flooding hazards. No structure or use is being proposed within the project site. Therefore, potential dangers to life and property within the project site will be negligible.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that the installation of hog wire fencing around the 120-acre project site would not be contrary to the state and county policies governing the Special Management Area. The Planning Director hereby approves Special Management Area Minor Use Permit No. 57, 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 indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the approval of this permit.
3. Prior to commencing installation of the hog wire fencing, the applicant shall comply with all other applicable governmental requirements, including the requirements of Chapter 343, Hawaii Revised Statutes and
4. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
5. The installation of the hog wire fencing shall be completed within three (3) years from the date of this letter permit.

Mr. William T. Stormont
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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 original reasons for the granting of the permit; and
 - c) 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).
7. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

Should you have any questions please feel free to contact Daryn Arai of this office at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

DSA:cmr

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cc: SMA Section
DLNR-OCEA