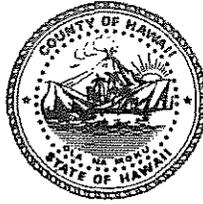


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

October 22, 2009

Mr. Robert A. Fitzgerald
Director, County of Hawai'i
Department of Parks & Recreation
101 Pauahi Street, Suite 6
Hilo HI 96720

Dear Mr. Fitzgerald:

**Subject: Special Management Area Use Permit Assessment Application (SAA 09-000486)
Special Management Area Minor Permit No. 09-000131
Applicant: County of Hawai'i, Department of Parks & Recreation
Land Owner: County of Hawai'i
Request: Routine Maintenance of Kahakai Park
TMK: 1-5-63:1, Waiakahiula, Puna, Hawai'i**

This is to follow up on our September 28, 2009 letter relating to the above-referenced Special Management Area Assessment Application for the routine maintenance of Kahakai Park.

This 3.5194 acre parcel is zoned Agricultural (A-1a) by the County and designated Urban by the State Land Use Commission. Although the subject property has frontage along the coastline, all work will be a minimum 60 feet from the coastline.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(ii) relating to Special Management Area, the "Grading, removing, dredging, mining, or extraction of any materials" is considered to be "development". Therefore, a Special Management Area Minor Permit is required.

For this reason, and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 09-000131 is hereby issued to allow for the routine maintenance of Kahakai Park.

OCT 26 2009

Mr. Robert A. Fitzgerald
Director, County of Hawai'i
Department of Parks & Recreation
Page 2
October 22, 2009

If you have questions, please feel free to contact Esther Imamura of this department at 961-8139.

Sincerely,



BJ LEITHEAD TODD
Planning Director

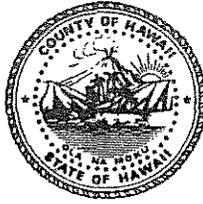
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Enclosures - SMM No. 09-000131
Department of Public Works October 1, 2009 Memo

xc w/encls: Long Range Planning
Mr. Norman Hayashi, Planning Commission
Mr. Abbey S. Mayer, Director – Office of Planning, DBED&T

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
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Special Management Area Minor Permit No. 09-000131

Project: Routine Maintenance of Kahakai Park
Applicant: County of Hawai'i, Department of Parks & Recreation
Land Owner: County of Hawai'i
Tax Map Key: 1-5-63:1 **Land Area:** 3.5194 ac.

Applicant's Request

1. Project Description:

Community volunteers would like to perform routine maintenance on the park. Initial activities consist of trimming approximately 100 coconut trees, removal of 10 trees, removal of weeds and the planting of grass.

2. Purpose of Project:

The project is to create more usable and safe park space for the community. Trees will be trimmed and coconuts removed to prevent potential danger from falling branches and coconuts.

3. Project Valuation: \$5,000.00.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(ii) relating to the Special Management Area, the "Grading, removing, dredging, mining, or extraction of any materials" is defined as "development." Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject property is designated Urban by the State Land Use Commission.
- 2. Department of Land and Natural Resources, State Historic Preservation Division (SHPD):** By letter dated October 19, 2009, SHPD determined that the proposed work will have no effect on historic properties.

3. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open.
4. **Puna Community Development Plan:**

3.5.2a Parks and Recreation, Objectives - Adopt the following classification for expansion and improvement of parks in Puna: *Community Park: A recreational park or facility intended to be used primarily by residents of the area that is owned and maintained by the County or by a private entity with unrestricted public access.*
5. **County Zoning:** The subject property is zoned Agricultural (A-1a).
6. **Special Management Area (SMA):** The subject property is located in the SMA and has frontage along the coastline. However, all work will be a minimum 60 feet from the coastline.
7. **Flood Zone:** According to the Flood Insurance Rate Map (FIRM), the subject property is located in an area designated as Flood Zone X – areas determined to be outside the 500-year floodplain.

Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area

The subject property has frontage along the coastline. However, all work will be a minimum 60 feet from the coastline. Community volunteers proposed to create a more usable and safe park space. The proposed activity will not affect public access to the shoreline or negatively affect shoreline recreational resources available to the public.

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 tsunamis, 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, Environmental Impact Statements.

Findings

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.

The proposed development is consistent with the Hawai'i County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$5,000 is not in excess of \$125,000.

By enclosed memorandum dated October 12, 2009, the Department of Public Works, Engineering Division had the following comments:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated September 28, 2009 and have no objections to the request.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is identified as an area of 'minimal tsunami inundation.' For development purposes, we designate such parcels as Zone X – areas determined to be outside the 500-year floodplain."

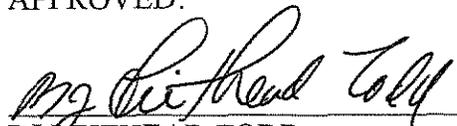
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 09-000131** is hereby approved to allow for the routine maintenance of Kahakai Park, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 09-000131** subject to the following conditions:

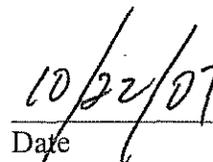
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. All green waste shall be collected and disposed of off-site at appropriate locations outside of the Special Management Area.
4. 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 form the State Historic Preservation Division of the Department of Land and Natural Resources.
5. Should any of the conditions not be met, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:



BJ LEITHEAD TODD

Planning Director



Date

PLANNING DEPARTMENT
209 OCT -2 11 7 53

DEPARTMENT OF PUBLIC WORKS

**COUNTY OF HAWAII
HILO, HAWAII**

DATE: October 1, 2009

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM: *for*  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 09-000486)

Applicant: County of Hawaii, Department of Parks & Recreation

Land Owner: County of Hawaii

Request: Routine Maintenance of Kahakai Park

Tax Map Key: 1-5-63: 001

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated September 28, 2009 and have no objections to the request.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is identified as an area of "minimal tsunami inundation." For developmental purposes, we designate such parcels as Zone X - areas determined to be outside the 500-year floodplain.

Questions may be referred to Kelly Gomes at ext. 8327.

SCANNED
OCT 02 2009
By: 056944