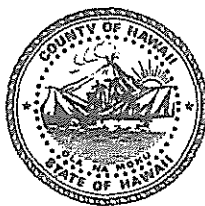


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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

March 24, 2010

Mr. Robert A. Fitzgerald, Director
County of Hawaii
Department of Parks and Recreation
101 Pauahi Street, Ste. 6
Hilo, HI 96720

Dear Mr. Fitzgerald:

Subject: Special Management Area (SMA) Assessment Application (SAA 10-000542)
Special Management Area Minor Permit No. 10-000146
Applicant(s): County of Hawaii Department of Parks and Recreation
Owner(s): County of Hawaii/ State of Hawaii
Request: Removal of Coconut and Royal Palm Trees for Safety and Maintenance
TMK: 2-2-002:034, Piopio, Hilo City, Hawaii

This letter is in response to the Special Management Area Assessment Application we received on February 22, 2010 requesting to remove three (3) coconut trees and five (5) royal palm trees due to safety and maintenance concerns. Also acknowledged is a March 15, 2010 revision of the application to note the corrected parcel number from what was submitted in the original application.

The parcel has 1.01 acres, and is zoned Open by the County of Hawaii. It is designated Urban by the State Land Use Commission, and the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcels as Open. The parcels are located entirely within the Special Management Area (SMA).

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)A(ii) relating to the Special Management Area, the proposed activity does not qualify as exempt from the definition of "development". Therefore, a Special Management Area Minor Permit is required.

Mr. Fitzgerald
Page 2
March 24, 2010

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 10-000146 is hereby issued to allow for the removal of the coconut and royal palm trees indicated in the application received February 22, 2010 on the subject parcels. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

Since the proposed trees to be removed are mauka of existing former Bayfront Highway and over 60 feet from the shoreline, the need for a certified shoreline is hereby waived.

If you have questions, please feel free to contact Dana Okano of this department at 961-8134.

Sincerely,


BJ LEITHEAD TODD
Planning Director

DO:cs
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Enclosure: SMM No. 10-000146
March 24, 2010 Memorandum from Department of Public Works

cc w/encls: Long Range Planning Division
Mr. Daryn Arai, Planning Division

cc ltr only: Mr. Abbey S. Mayer, Director
State of Hawaii, Office of Planning
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, HI 96804

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: March 24, 2010

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM:  Department of Public Works

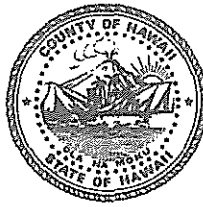
SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 10-000542)
Applicant: County of Hawaii, Department of Parks & Recreation
Land Owner: County of Hawaii
Request: Removal of 8 Trees in the Hilo Bayfront Beach Park
Tax Map Key: 2-2-02: 034 (revised 3/16/10 via email notification)

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated March 3, 2010 and have no objections to the request.

The subject parcel is located within Flood Zone VE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard.

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

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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

Special Management Area Minor Permit No. 10-000146

Project: Removal of Coconut and Royal Palm Trees for Safety and Maintenance
Applicant: County of Hawaii Department of Parks and Recreation
Landowner(s): County of Hawaii per Governor's Executive Order No. 3141
Location: Piopio, Hilo City, Hawaii
TMK: 2-2-002:034 **Total Land Area:** 1.01 acres

Applicant's Request

1. Project Description:

The applicant proposes removing three (3) existing coconut trees along Kamehameha Avenue and five (5) royal palm trees in the landscaped area of the parking lot in Hilo Bayfront Beach Park.

2. Purpose of Project:

The purpose of the project is to remove the select trees which are posing a danger to cars and pedestrians along Kamehameha Highway and in the Hilo Bayfront Beach Park parking lot area. Removal of the trees will allow safe maintenance of the park.

3. Project Valuation: \$5,000.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(ii) relating to the Special Management Area, "*Grading, removing, dredging, mining, or extraction of any materials,*" is not exempt from the definition of "development." Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** Parcel 2-2-002:034 is designated Urban by the State Land Use Commission.
- 2. General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open.

3. **County Zoning:** The parcel is zoned Open by the County of Hawaii.
4. **Special Management Area (SMA):** The parcel is located entirely within the SMA.
5. **Flood Zone:** The subject parcel is located in Flood Zone VE.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area
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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 Hawaii 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, regarding 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 activity will not affect public access to the shoreline or public use of the shoreline area.

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

The enclosed Department of Public Works, Engineering Division memorandum dated March 24, 2010, stated the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated March 3, 2010 and have no objections to the request.

The subject parcels are located within Flood Zone VE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard.

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

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 10-000146** is hereby approved for the removal of three (3) coconut and five (5) royal palm trees for maintenance and safety. This approval is 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. 10-000146** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. All activities requiring use of heavy equipment for landscaping activities approved by this permit shall be completed within one (1) year from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon completion of the activities requiring use of heavy equipment. Use of heavy equipment makai of the existing old Bayfront Highway is strictly prohibited.
3. Construction barriers shall be erected surrounding the project area for public safety. These measures must remain in place until all removal work is completed and all debris removed.
4. All green waste shall be collected and disposed of off-site at appropriate locations designated by the Department of Environmental Management for green waste.
5. 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.
6. The proposed work shall be completed within one (1) year from the date of this permit.
7. An extension of time for the performance of the conditions contained herein 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 of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).

8. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:

MAR 24 2010



TODD E. LEITH
Planning Director

Date