

William P. Kenoi  
Mayor



BJ Leithead Todd  
Planning Director

Margaret K. Masunaga  
Deputy Planning Director

## 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

July 7, 2011

Mr. Alan A. Salavea  
Planning & Entitlements Manager  
Land Asset Division  
Kamehameha Schools  
78-6831 Ali'i Drive, Suite 235  
Kailua-Kona HI 96740

Dear Mr. Salavea:

**Subject: Special Management Area Use Permit Assessment Application (SAA 11-000670)**  
**Special Management Area Minor Permit No. 11-000183**  
**Applicant: Kamehameha Schools**  
**Land Owner: B.P. Bishop Estate/Kamehameha Schools**  
**Request: Fencing and Related Improvements for Cattle Grazing**  
**Tax Map Key: 4-4-4:1, Hāmākua, Hawai'i**

This is to follow up on our June 23, 2011 letter relating to the above-referenced Special Management Area assessment for the Hāmākua Forage Trial, a research project to collect data on the Leucaena tree as a high yield cattle feed.

Although this 744.101 acre parcel is designated Urban and Conservation by the State Land Use Commission, the project is in the Urban area. It is zoned Agricultural (A-40a) by the County. Finally, it is in the Special Management Area but the improvements are proposed no closer than 100 feet from the shoreline. Therefore, the requirement to submit a current certified shoreline survey was waived.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(e)(1)(A) relating to Special Management Area, the improvements associated with the research project includes "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" and is defined as "development". Therefore, a Special Management Area Minor Permit is required.

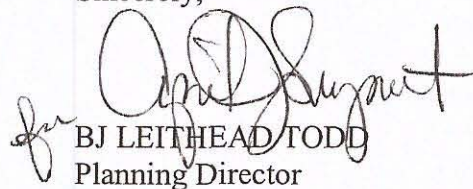
Mr. Alan A. Salavea  
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July 7, 2011  
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For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 11-000183 is hereby issued to allow for the Hāmākua Forage Trial, subject to the applicant's compliance with the conditions of approval as required by the permit.

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

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

Sincerely,

  
for BJ LEITHEAD TODD  
Planning Director

ETI:cs

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Enclosures - SMM No. 11-000183  
Department of Public Works June 29, 2011 Memo

cc w/encls: Long Range Planning Division  
Planning

cc ltr only: Mr. Jesse K. Souki, Director  
Office of Planning, DBEDT  
State of Hawaii Department of Business, Economic  
Development & Tourism  
P.O. Box 2359  
Honolulu, HI 96804-2359



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### Special Management Area Minor Permit No. 11-000183

**Project:** Fencing and Related Improvements for Cattle Grazing  
**Applicant:** Kamehameha Schools  
**Land Owner:** B.P. Bishop Estate/Kamehameha Schools  
**Location:** Hāmākua, Hawai'i  
**TMK:** 4-4-4:1 **Land Area:** 744.101 acres

#### Applicant's Request

##### 1. Project Description:

The proposed Hāmākua Forage Trial is a research project to collect data on the Leucaena tree as a high yield cattle feed. "Wondergraze" variety of Leucaena seed will be planted in one plot and the other plot will serve as the control plot.

The project would consist of the construction of interior and exterior hog wire livestock fencing with gates around two 48.5 acre cattle grazing test plots. A 2.7 acre alleyway will separate the test plots, which would include a working pen to sort and separate cattle and a weigh station to periodically measure growth rates. Each test plot will be divided into individual paddocks. Also included in the project is the installation of 1-inch water lines to service seven-300 gallon troughs.

##### 2. Purpose of Project:

Kamehameha Schools, in collaboration with the University of Hawai'i's College of Tropical Agriculture and Human Resources (CTAHR) and the Natural Resources Conservation Service (NCRS), will conduct forage trials of the Leucaena tree to collect data on the establishment process, forage quality, and beef cattle performance.

##### 3. Project Valuation: \$91,500

##### 4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(A) relating to the Special Management Area, "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" 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:** The subject parcel is designated Urban and Conservation by the State Land Use Commission. However, by Department of Land and Natural Resources – Office of Conservation and Coastal Lands letter dated June 16, 2011, the project area was determined to be outside of the Conservation District.
2. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open.
3. **County Zoning:** Agricultural (A-40a).
4. **Special Management Area (SMA):** Although the subject parcel is located in the SMA, all proposed improvements will be no closer than 100 feet from the shoreline.
5. **Flood Zone:** Zone X.

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

Although this parcel has frontage along the coastline, the project site will be no closer than 100 feet from the shoreline. Therefore, the proposed improvements will not affect lateral public access or coastal 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 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 tsunami, 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.

<b>Findings</b>
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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 Hawaii 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 \$91,500 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated June 29, 2011 states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated June 23, 2011 and have no objections to the request.*

*The requested development is in an area designated as X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 11-000183** is hereby approved for the proposed fencing and related improvements for cattle grazing on the subject parcel. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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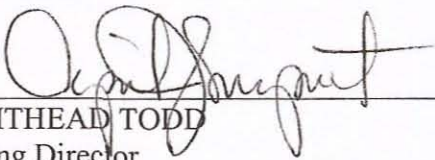
The Planning Director has approved **SMA Minor Permit No. 11-000183** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. The installation of the fencing and related improvements for cattle grazing shall be completed within two (2) years from the date of approval of this permit.
4. Any change in the location of the project area will require the submittal of another Special Management Area Use Permit Assessment Application for further review.
5. Neither the landowners nor any agent of the landowners or their successors shall, at any time, impede or otherwise restrict lateral public pedestrian access along the coastline.
6. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or wall be encountered, work in the immediate area shall cease and 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 from the State Historic Preservation Division of the Department of Land and Natural Resources.
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:

*for*   
\_\_\_\_\_  
BJ LEITHEAD TODD  
Planning Director

JUL 07 2011

\_\_\_\_\_  
Date

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

PLANNING DEPARTMENT  
2011 JUN 29 9:23

DATE: June 29, 2011

**Memorandum**

TO: BJ Leithead Todd, Planning Director

FROM: *for*  Department of Public Works

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 11-000670)**

Applicant: Kamehameha Schools

Land Owner: B. P. Bishop Estates / Kamehameha Schools

Request: Fencing and Related Improvements for Cattle Grazing

Tax Map Key: 4-4-04: 001

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated June 23, 2011 and have no objections to the request.

The requested development is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

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