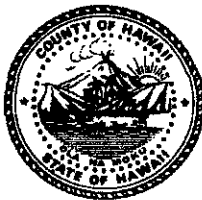


William P. Kenoi  
Mayor



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

September 20, 2011

Mr. Gerald Kosaki, Battalion Chief  
Special Operations  
Hawai'i Fire Department  
County of Hawai'i  
25 Aupuni Street  
Hilo, HI 96720

Dear Mr. Kosaki:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(SAA 11-000705)  
Special Management Area Minor Permit No. 11-000193  
Applicant: Hawai'i Fire Department  
Land Owner: County of Hawai'i  
Request: Placement of a Lifeguard Tower  
TMK: 9-6-1:15, Punalu'u Beach Park, Punalu'u, Ka'u, Hawai'i**

This is to follow up on our September 15, 2011 letter relating to the above-referenced Special Management Area assessment for the placement of a lifeguard tower on the subject parcel.

The project site is in the State Land Use Conservation District and is designated Open by the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map. It is also in the Special Management Area (SMA). Although, the submittal did not include a certified shoreline survey, the site of the lifeguard tower is located within the shoreline setback area.

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(A) relating to the Special Management Area, the "*Placement or erection of any solid material of any gaseous, liquid, solid, or thermal waste*" is not exempt from the definition of "development." Therefore, the proposed project requires a SMA Minor Permit. In addition, Rule 11 of the Planning Department Rules of Practice and Procedure identifies the shoreline setback area and the permitted structures and activities within that area.

Mr. Gerald Kosaki, Battalion Chief  
Special Operations  
Hawai'i Fire Department  
County of Hawai'i  
September 20, 2011  
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Pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 11-000193 is hereby issued for the placement of a lifeguard tower on the subject parcel, subject to compliance with the conditions of approval as specified in the permit. In addition, Rule 11-7(a)(9) of the Planning Department Rules of Practice and Procedure states that *"Work being done consists of maintenance, repair, reconstruction, and minor additions to or alterations of legal, publicly-owned boating, maritime, or water sports recreational facilities, which result in little or no interference with natural shoreline processes"* may be permitted within the shoreline setback area.

Further, since the project proposes the use of state or county lands or the use of state or county funds, the proposed project triggers the review under Chapter 343, HRS, relating to Environmental Impact Statements. A Declaration of Exemption from the preparation of an environmental assessment was received from the Department of Parks and Recreation by this office on September 12, 2011.

Please note, however, that as the lifeguard tower location is within the State Land Use Conservation District, the Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) must be contacted for their permitting requirements.

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

Sincerely,



BJ LEITHEAD TODD  
Planning Director

ETI:cs

P:\Public\Wpwin60\CZM\SMM\2011\SMM 11-193L Fire Department Punaluu.Doc

Enclosure: SMM No. 11-000193  
Department of Public Works Memorandum dated September 16, 2011

Mr. Gerald Kosaki, Battalion Chief  
Special Operations  
Hawai'i Fire Department  
County of Hawai'i  
September 20, 2011  
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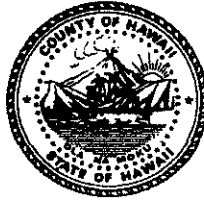
cc w/encls: Long Range Planning Division

Planning Division

cc ltr only: Mr. Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands  
State of Hawaii Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809

Mr. Jesse K. Souki, Director  
Office of Planning, DBEDT  
P.O. Box 2359  
Honolulu, HI 96804-2359

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. 11-000193**

**Project:** Placement of a Lifeguard Tower  
**Applicant:** Hawai'i Fire Department  
**Land Owner:** County of Hawai'i  
**Location:** Punalu'u Beach Park, Punalu'u, Kau, Hawaii  
**TMK:** 9-6-1:15 Land Area: 17,776 sq. ft.

#### **Applicant's Request**

- 1. Project Description:** The Hawai'i County Fire Department would like to place a lifeguard tower at the Punalu'u Beach Park. This tower was previously used at the Isaac Hale Beach Park. The footprint is 8 feet by 8 feet square with a height of 14 feet at its highest point. It is made primarily of wood, with metal straps and a galvanized roof. There will be steps leading to the tower for easy access.
- 2. Purpose of Project:** There is currently no existing tower on the beach as lifeguard service for this area had just begun in May 2010. It will serve as a shelter and surveillance area overlooking the beach while providing a safe working environment for the Water Safety officers (WSO).
- 3. Project Valuation:** \$5,000
- 4. Determination:** According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(A), relating to the Special Management Area, "development" includes the "*Placement or erection of any solid material or gaseous, liquid, solid, or thermal waste*". Therefore, the proposed project requires a SMA Minor Permit.

#### **State and County Plans**

- 1. State Land Use District:** Although the parcel is designated Urban and Conservation by the State Land Use (SLU) Commission, the project area appears to be within the Conservation District.
- 2. General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject parcel as Resort Node and Open, with the project site in the Open area.

3. **County Zoning:** Since the subject parcel is a roadway lot, there is no zoning per se
4. **Special Management Area (SMA):** The subject property is located in the SMA. Although a certified shoreline survey was not submitted, it is also located within the shoreline setback area.
5. **Flood Zone: VE**

<b>Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</b>
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Although the lifeguard stand will be sited within the shoreline setback area, it 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 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.

<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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$5,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated September 16, 2011, states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated September 15, 2011 and have no objections to the request.*

*The subject parcel is in an area designated as Flood Zone VE 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 flood (1% chance of occurring in any given year.)*

*The subject lifeguard tower is exempt from the requirements of Chapter 27 because it does not qualify as a "structure" as defined by the aforementioned Chapter."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 11-000193** is hereby approved, subject to the conditions stated below, to allow for the placement of a lifeguard tower at Punalu'u Beach Park.

<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 11-000193**, 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. A Conservation District Use Permit (CDUP) from the Board of Land and Natural Resources or other written approval from the Department of Land and Natural Resources, Office of Conservation and Coastal Lands (DLNR-OCCL) must be obtained for the placement of a lifeguard tower within one (1) year from the date of approval of this permit.
4. Placement of the lifeguard tower within the forty (40)-foot shoreline setback area shall be completed within one year from the date of approval of the CDUP or upon receipt of written approval from DLNR-OCCL.
5. Continuous public lateral pedestrian shoreline access shall be maintained in the project area except as necessary to ensure the public welfare and safety during the actual construction period.
6. The applicant shall implement standard Best Management Practices (BMPs), including the ability to immediately contain and clean up fuel, fluid or oil spills should mechanized equipment be utilized.
7. 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 from the State Historic Preservation Division of the Department of Land and Natural Resources.
8. 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).
- 9. 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.

Should you have questions, please contact Esther Imamura of this office at 961-8139.

APPROVED:



B. LEITHEAD TODD  
Planning Director

SEP 20 2011

Date



**DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII**

PLANNING DEPARTMENT  
COUNTY OF HAWAII

2011 SEP 19 PM 2:25

DATE: September 16, 2011

***Memorandum***

TO: BJ Leithead Todd, Planning Director

FROM: *for*  Department of Public Works

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 11-000705)**

Applicant: Hawaii Fire Department

Land Owner: County of Hawaii

Request: Placement of a Lifeguard Tower

Location: Punalu'u Beach Park, Ka'u, Hawaii

Tax Map Key: 9-6-01: 015

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated September 15, 2011 and have no objections to the request.

The subject parcel is in an area designated as Flood Zone VE 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 flood (1% chance of occurring in any given year).

The subject lifeguard tower is exempt from the requirements of Chapter 27 because it does not qualify as a "structure" as defined by the aforementioned Chapter.

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