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## County of Hawai'i

### PLANNING DEPARTMENT

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## **Special Management Area Minor Permit No. 12-000206**

**Project:** Heiau Preservation and Documentation  
**Applicant:** Don Pakele and Department of Land and Natural Resources,  
State Historic Preservation Division  
**Land Owner:** State of Hawaii  
**Tax Map Key:** 2-1-7:11 Land Area: 2.32 acres  
2-1-7:25 Land Area: 7,455 sq. ft.

### **Applicant's Request**

#### **1. Project Description:**

This proposal is for a heiau preservation and documentation on unencumbered State owned lands by Baker's Beach. The last remaining, undisturbed heiau in Hilo is on Parcel 11, with proposed access and trail from the vacant Parcel 25.

Project activities include identification of structural remains visible from the surface and hand clearing of vegetation to provide better visibility for plane-table mapping, verbal descriptions and photographing of the features. Work will be performed for the most part by supervised university students on a volunteer basis.

Access through a vacant lot and installation of a marked trail to the heiau will require limited clearing of affected vegetation.

Ocean View Drive provides access to the project area. It is a 100-foot wide right-of-way with a pavement width of 13 feet. Portions of the wide, unpaved shoulder fronting vacant Parcels 25 and 26 will be used for parking. Only minor clearing of vegetation in the existing open area is proposed. There will be no grading or construction activities.



## 2. Purpose of Project:

The proposal is to preserve the last remaining, undisturbed, known heiau in Hilo proper. If properly preserved, it will become an added place of visitation not only for the local community but also as an educational learning experience for school children and an added visitor attraction in Hilo.

## 3. Project Valuation: \$4,915

## 4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(B) and (A) relating to the Special Management Area, the "*Grading, removing, dredging, mining, or extraction of any materials*" and "*Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste*" are, respectively, defined as "development." Therefore, the proposed project requires a SMA Minor Permit.

### State and County Plans

1. **State Land Use District:** The subject properties are designated Urban by the State Land Use Commission.
2. **Chapter 343, HRS:** On December 13, 2011, the Department of Land and Natural Resources, Land Division issued an Exemption Notification regarding the preparation of an environmental assessment, pursuant to Exemption Class No. 1, "*Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing*".
3. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates Parcel 11 as Open and Parcel 25 as Industrial.
4. **County Zoning:** Parcel 11 is zoned General Industrial (MG-1a) and Open (O). Parcel 25 is zoned General Industrial (MG-1a).
5. **Special Management Area (SMA):** Parcel 11 has frontage along the coastline. As Parcel 25 is mauka of Parcel 11, Parcel 25 is not located in a "shoreline area" as defined by Section 205A-41, Hawaii Revised Statutes (HRS).
6. **Flood Zone:** VE

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

Only Parcel 11 has frontage along the coastline. However, the proposed project will increase public access to the shoreline and add to shoreline recreational and historical 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, 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 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 \$4,915 is not in excess of \$500,000.

By enclosed memorandum dated February 8, 2012, 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 February 6, 2012 and have no objections to the request as it will not affect the flood zone boundary or elevation.*

*The proposed request is in an area designated as Flood Zone VE on the Flood Insurance Rate Map by the Federal Emergency Management Agency (FEMA). Flood Zones VE is the Special Flood Hazard Areas inundated by the 100-year flood (1% chance of occurring in any given year)".*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 12-000206** is hereby approved to allow for the heiau preservation and documentation subject to conditions of approval as specified below.

### Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 12-000206** subject to the following conditions:

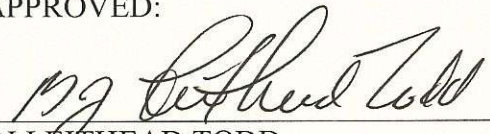
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. The clearing and documentation of the heiau, which includes the installation of access and trail with interpretative sign, shall be completed within one (1) year from the date of approval of this permit.

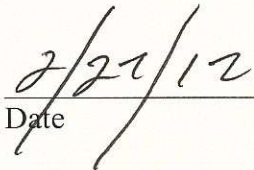


4. Only hand clearing of vegetation will be allowed.
5. A truck and trailer on the side of the road will collect and dispose of all green waste off-site at appropriate locations designated by the Department of Environmental Management.
6. Discovery of any unidentified sites or remains, such as artifacts, 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.
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.

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

APPROVED:

  
\_\_\_\_\_  
BJ LEITHEAD TODD  
Planning Director

  
\_\_\_\_\_  
Date