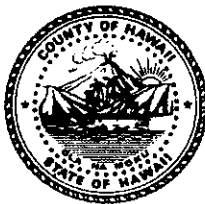


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i

PLANNING DEPARTMENT

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

Special Management Area Minor Permit No. 12-000211

Project: Remove Invasive Trees and Replace with Native Trees
Applicant: Muhammad Yunis
Owner: Continental Pacific, LLC
Location: Makahanaloa, South Hilo, Hawai'i
TMK: (3) 2-8-008:100 **Land Area:** 38.25 acres

Applicant's Request

1. Project Description:

The applicant proposes the removal of twenty-two (22) invasive trees and planting of native trees and shrubs along the lateral shoreline access of the subject property. The applicant proposes to replant the area with the following native plants and shrubs: Kou, Hala, Milo, Ohelo Kai, Naupaka Kahakai, Ohai, Pohinahina, and Ti.

2. Purpose of Project:

The purpose of the project is to remove the invasive trees that have recently fallen across existing fencing and into the Public Access Easement. The trees are loosening the dirt around their roots due to shoreline erosion and weakening their stability. There is concern that the falling trees could potentially hurt the animals in the fenced area or pedestrians using the Public Access Easement. In addition, the project will protect, preserve, or enhance the native ecosystem by removing invasive species and introducing native species.

3. Project Valuation: \$10,000

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e) (1) (A) and (B), "development" includes "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste" and "Grading, removing, dredging, mining, or extraction of any materials." Therefore, the proposed removal of invasive trees and planting of native trees and shrubs are considered "development" and requires a Special Management Area Minor Permit.

State and County Plans

1. **State Land Use District:** The subject property is designated Conservation by the State Land Use Commission. We are in receipt of the letter dated February 2, 2012, from the Office of Conservation and Coastal Lands, stating that the proposed use would not require authorization from the department.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property for Open.
3. **County Zoning:** The subject property is zoned Agricultural (A-20a).
4. **Special Management Area:** The entire parcel is located within the Special Management Area (SMA) and has frontage along the shoreline.
5. **Flood Zone:** X

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

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 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 \$10,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated April 2, 2012, states the following:

"We reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated March 16, 2012 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." The Federal Government and the County of Hawai'i do not have any regulations for developments within areas of minimal tsunami inundation and Zone X."

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 12-000211** is hereby approved for the removal of invasive trees and planting of native trees and shrubs along the lateral shoreline access of the subject parcel, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

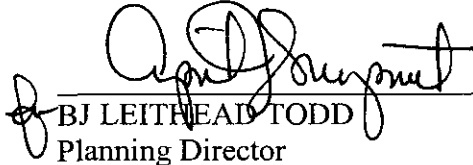
The Planning Director has approved **SMA Minor Permit No. 12-000211**, subject to the following conditions:

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. No trees shall be cut that are growing (base of trunk) below the top edge of the sea cliff.
4. Trees removed from the Shoreline Setback Areas shall be replanted with appropriate coastal native (including Polynesian introduced) vegetation as represented in the application.
5. As required by PD Rule 11-8 (b), the work within the shoreline setback area shall be completed within one (1) year from the date of this determination of minor structure or activity within the Shoreline Setback Area.
6. All green waste shall be collected from the Public Access Easement and disposed of at appropriate locations designated by the Department of Environmental Management for green waste.
7. No heavy equipment shall be used in the shoreline setback area.
8. Public access to and along the Public Access Easements encumbering the subject property shall remain open in accordance with the approved Public Access Agreement unless temporary closure of a trail segment is necessary for the public's safety. In the event temporary closure of a trail segment is necessary for the public's safety, the applicant shall install signage at the appropriate mauka-makai access trails noting the reason and duration of the trail closure.
9. Any further grading, grubbing, filling or other construction activity, including but not limited to, the construction of structures of any type shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure. This includes the determination of the shoreline setback area.

10. 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.
11. 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).
12. 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.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

APPROVED:


BJ LEITHEAD TODD
Planning Director

APR 04 2012

Date