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Special Management Area Minor Permit No. 12-000231

Project: Removal of Invasive Trees, Routine Maintenance and the
Planting of Native Species
Applicant: Chad R. Walker
Land Owner: Jennifer J. Walker
Location: Hakalau, Hawai'i
TMK: 2-9-2:83 **Land Area:** 2.332 acres

Applicant's Request

1. Project Description:

The project is to remove the invasive tree species such as Albizia, Gun Powder, African Tulip, Iron Wood and Fiddle Wood utilizing an excavator and chain saw. Brush and debris will be removed and the open areas routinely mowed. A compost pile of the vegetative debris will be placed near the entrance to the property, approximately 400 feet mauka of the sea cliff.

The applicant also indicated a desire to restore appropriate native species to the lot.

Garbage and old car parts that have been deposited on the parcel will be removed to the appropriate County waste disposal facility.

Remnants of an old concrete cast stairs and a 10'x20'slab, possibly from the old sugar plantation infirmary, will be left in place.

2. Purpose of Project:

The applicant proposes the removal of invasive trees that are on the property as well as along the coastline. After a site inspection to assess the impact of Ironwood on soil and cliff stability on this lot, consulting geologist John P. Lockwood, Ph.D. stated that the removal of non-native species from the property will greatly reduce erosive mechanisms. Clean-up of the property will require routine maintenance by removing brush, allowing for regular mowing, and planting of native species.

3. Project Valuation: \$5,000

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e)(1)(B) and (A), "Development" includes "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”, respectively. Therefore, the proposed removal of invasive trees, routine maintenance and the planting of native species 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 Urban.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Open.
3. **County Zoning:** The subject property is zoned Single-Family Residential (RS-7.5).
4. **Special Management Area:** The parcel is located within the Special Management Area (SMA) and has frontage along the coastline.
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 tsunامي, 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 \$5,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated June 21, 2012, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated June 14, 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. 12-000231** is hereby approved for the proposed removal of invasive trees, routine maintenance and the planting of native species on 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. 12-000231**, 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. Prior to any clearing or tree removal activity, a construction barrier, meeting with the approval of the Planning Director, shall be erected 40 feet mauka of the top of the sea cliff. After installation, please contact Esther Imamura at 961-8139 to schedule a site inspection.
5. No heavy equipment shall be used within 40-feet of the top of the coastal sea cliff.
6. As required by Planning Department Rule 11-8 (b), the work within 40 feet of the top of the coastal sea cliff shall be completed within one (1) year from the date of this determination of minor structure or activity within the Shoreline Setback Area.
7. Any future 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.
8. 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.

9. An extension of time for the performance of the conditions, with the exception of No. 6, however, 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).
10. 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 contact Esther Imamura of this department at 961-8138.

APPROVED:


BJ LENTHEAD TODD
Planning Director

JUL 27 2012

Date