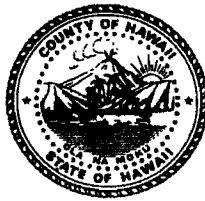


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
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August 31, 2012

Mr. Clement Chang Jr
Na Ala Hele Statewide Trail and Access System
Division of Forestry and Wildlife
Department of Land and Natural Resources
PO Box 4849
Hilo, HI 96720

Dear Mr. Chang:

**Subject: Special Management Area Use Permit Assessment Application (SAA 12-000845)
Special Management Area Minor Use Permit (SMM 12-000236)
Applicant: State of Hawai'i – Na Ala Hele Statewide Trail and Access System
Land Owner: WH Shipman Ltd.
Project: Installation of an Educational & Hazard Warning Bulletin Board
Tax Map Key: (3) 1-6-001:001; Keaau, Puna, Hawai'i**

This is in response to your Special Management Area Use Permit Assessment Application received on July 30, 2012 (SAA 12-000845) for the installation of an educational and hazard warning bulletin board for the public on the subject property. The bulletin board will be constructed and installed by the State of Hawai'i Na Ala Hele Statewide Trail and Access System. The applicant also submitted a request to waive the shoreline certification requirement.

The subject property consists of 1907.697 acres. The property is zoned Agricultural (Ag-1a and Ag-20a) by the County of Hawai'i. In addition, the property is within the State Land Use Agricultural and Conservation Districts. According to the County of Hawai'i General Plan 2005 (amended December 2006), the subject property is designated as Important Agricultural Lands, Extensive Agriculture and Open by the Land Use Pattern Allocation Guide. In addition, the subject parcel is within the Special Management Area (SMA).

Special Management Area Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(A) relating to Special Management Area, "Placement or erection of any solid

AUG 31 2012

material or any gaseous, liquid, solid, or thermal waste" is defined as "development" and requires a review against the Special Management Area rules and regulations.

Determination of Minor Activity within Shoreline Setback Area:

The requirement of a certified shoreline survey is waived as all improvements will be sufficiently inland where it will not restrict or impede waves, nor will it in any way restrict the public's ability to walk on the Puna Trail or access the beach.

Pursuant to HRS 205A-45 and Planning Department (PD) Rule 11-5 (a) "*All lots which abut the shoreline shall have a minimum shoreline setback line of forty feet.*" Please note that the minimum 40-foot shoreline setback determination only applies to this proposal. The shoreline setback for any future developments on the subject parcel will be subject to a valid shoreline certification and will be determined during the SMA assessment of that project.

The installation of the bulletin board is proposed within a portion of the 40-foot shoreline setback area. The sign will be tucked into an area that is clearly visible to people as they approach the beach but not disruptive of views. No grading will be done, but some vegetative clearing will be necessary to install the wooden sign. Vegetation that will need to be cleared includes a few short coconut trees and weedy underbrush. Information will be posted on a 12 sq. ft. surface. The sign will be self-supporting with legs secured to a concrete footing. The height will be approximately 8 ft. above the finished grade. As such, the improvements would neither affect beach processes nor artificially fix the shoreline. In addition, there would be no significant visual impediments to and along the shoreline. Pursuant to PC Rule 11-8, the installation of the bulletin board is therefore considered minor and will not require a Shoreline Setback Variance.

Compliance with Environmental Impact Statement Regulations (Chapter 343, HRS):

According to Hawai'i Revised Statutes (HRS) Chapter 343-5, an environmental assessment shall be required for actions that propose any use within a shoreline area. However, Hawai'i Administrative Rules (HAR), Chapter 200, Environmental Impact Statement Rules, provides a list of classes of action that may be exempt from the preparation of an environmental assessment. Among the list of exempt classes of action listed in HAR Chapter 200 are:

- *11-200-8(A)4) Minor alterations in the conditions of land, water, or vegetation;*
- *11-200-8(A)(6) Construction or placement of minor structures accessory to existing facilities;*

Under these circumstances, it would appear that the exempt classes of action noted above are appropriate, since the proposed clearing of the vegetation would have minimal or no significant

Mr. Clement Chang Jr
Na Ala Hele Statewide Trail and Access System
August 31, 2012
Page 3

impact on the environment, and the installation of the bulletin board is considered a minor structure.

The Planning Department consulted with the Department of Public Works (DPW) regarding the Planning Director's "Declaration of Exemption" from the preparation of an EA for the subject project. The Planning Department determines that the proposed action will probably have minimal or no significant effect on the environment and hereby exempts the applicant from the preparation of an EA for the proposed project. No uses, activities, or development, other than those described in the application, shall be exempt from environmental review under Chapter-343.

Based on the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.12-000236 is hereby issued to allow the installation of an educational and hazard warning bulletin board for the public on the subject property. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

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

Sincerely,



BJ LEITHEAD TODD
Planning Director

BJM:bjm

P:\wpwin60\CZM\SMM\2012\SMM 12-236L Na Ala Hele-Shipman bulletin board.doc

Enclosure - SMM No. 12-000236
HRS Chapter 343 Declaration of Exemption
Department of Public Works Memorandum dated August 20, 2012

xc w/encls: Long Range Planning Division
Planning Division

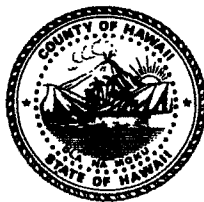
Mr. Clement Chang Jr
Na Ala Hele Statewide Trail and Access System
August 31, 2012
Page 4

State of Hawai'i
Department of Health
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

WH Shipman LTD
16-523 Keaau Pahoa Road
Keaau, HI 96749

xc ltr only: Mr. Jesse K. Souki, Director
Office of Planning, DBEDT
State of Hawai'i
P.O. Box 2359
Honolulu, HI 96804-2359

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Mayor



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Special Management Area Minor Permit No. 12-000236

Project: Installation of an Educational & Hazard Warning Bulletin Board
Applicant: State of Hawai'i – Na Ala Hele Statewide Trail and Access System
Owner: WH Shipman Ltd.
Location: Keaau, Puna, Hawai'i
TMK: (3) 1-6-001:001 **Land Area:** 1907.697 acres

Applicant's Request

1. Project Description:

An educational and hazard warning "bulletin board" for the public is proposed for a location mauka of Keaau (Haena) Beach. It will be constructed and installed by the State of Hawai'i- Na Ala Hele Statewide Trail and Access System. It will be made of wood, not to exceed 12 square feet in size, be secured to a concrete footing, and stand 8 feet above finished grade.

2. Purpose of Project:

The proposed interpretive bulletin board is intended to educate and raise the awareness of public beach goers about the history of Keaau (Haena) Beach and the Puna Trail; the natural hazards and safety precautions of the area; and how the public can protect the endangered Hawaiian wildlife that frequent or reside there, e.g. sea turtles, the Nene (endemic Hawaiian geese) and monk seal. Through education, the objective is to gain the public's understanding of and cooperation with the rules of conduct while at the beach.

3. Project Valuation: \$2,000

4. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) 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" requires a review against the Special Management Area (SMA) rules and regulations. Therefore, the installation of the bulletin board requires an SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The parcel is located in the State Land Use Agricultural and Conservation Districts.

2. **General Plan:** The parcel is designated as Important Agricultural Lands, Extensive Agriculture and Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The property is zoned Agricultural (A-1a and A-20a) by the County of Hawai'i.
4. **Flood Zone:** X

<p align="center">Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</p>
--

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.

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 \$2,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated August 20, 2012, states the following:

"We reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated August 13, 2012 and have no objections to the request.

The subject bulletin board is located within an area designated as a flood zone by the Federal Emergency Management Agency (FEMA). However, a bulletin board is not considered a "structure" and is therefore exempt from Chapter 27 requirements".

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 12-000236** is hereby approved for the installation of an educational

and hazard warning bulletin board for the public on the subject property 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. 12-000236**, 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. Lateral public access to and along the shoreline of the subject property shall remain open and unobstructed unless a temporary closure of a trail segment or a realignment is necessary for the public's safety. In the event of a temporary closure or trail realignment, the applicant shall install signage at the appropriate locations noting the reason and duration of the trail closure or realignment.
4. Other than the approved installation of the bulletin board, and minor vegetative clearing, no land alteration, grubbing, landscaping, demolition or construction activities, including, but not limited to, the stockpiling of debris, construction materials or equipment, shall occur in the shoreline setback area without securing a prior written determination of minor structure or activity pursuant to PD Rule 11-8 from the Planning Director or approval of a Shoreline Setback Variance from the Planning Commission.
5. No heavy equipment shall be used in the shoreline setback area.
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.

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

APPROVED:

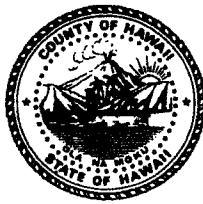


BJ LEITHEAD TODD
Planning Director



Date

William P. Kenoi
Mayor



BJ Leithead Todd
Director

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DECLARATION OF EXEMPTION

FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE
AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200, HAR

Project Title: Installation of an Educational & Hazard Warning Bulletin Board

Project Number: SAA-12-000845, SMM-12-000236

TMK: (3) 1-6-001:001

Project Description: An educational and hazard warning "bulletin board" for the public is proposed for a location mauka of Keaau (Haena) Beach, within the shoreline setback area. It will be constructed and installed by the State of Hawai'i – Na Ala Hele Statewide Trail and Access System. It will be made of wood, not to exceed 12 square feet in size, be secured to a concrete footing, and stand 8 feet above finished grade.


Consulted Parties: County of Hawai'i – Department of Public Works

Exemption Class: 11-200-8(A) (4) Minor alterations in the conditions of land, water, or vegetation;
11-200-8(A) (6) Construction or placement of minor structures accessory to existing facilities;

Date of Exemption: August 31, 2012

I have considered the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200, HAR. I declare that this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.


BJ LEITHEAD TODD
Planning Director


Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

2012 AUG 21 10:09

DATE: August 20, 2012

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM: *for* *BJ* Department of Public Works

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 12-000845)**
Applicant: State of Hawaii - Na Ala Hele Statewide Trail & Access System
Request: Installation of an Educational & Hazard Warning Bulletin Board
Tax Map Key: 1-6-01: 001

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated August 13, 2012 and have no objections to the request.

The subject bulletin board is located within an area designated as a flood zone by the Federal Emergency Management Agency (FEMA). However, a bulletin board is not considered a "structure" and is therefore exempt from Chapter 27 requirements.

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

