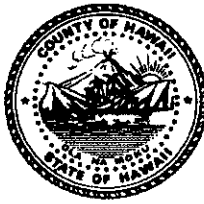


William P. Kenoi
Mayor



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. 12-000247

Project: After-the-Fact Tree Trimming and Proposed Removal of Three (3) Tree Trunks and Green Waste Debris
Applicant: Celeste Silva-Brock
Land Owner: State of Hawai'i, County of Hawai'i Department of Parks and Recreation
Location: South Hilo, Hawai'i
Tax Map Key: (3) 2-1-018:026 **Land Area:** 4.426 acres

Applicant's Request

- 1. Project Description:** The applicant proposes the after-the-fact tree trimming and the removal of the green waste debris and three (3) tree trunks left in place on the subject beach park properties. This work occurred as unauthorized removal of trees from Hawai'i County-owned land.
- 2. Purpose of Project:** The primary objective of this application is compliance with an agreeable resolution with the Department of Parks and Recreation. The proposed work will clean up the debris left by the unauthorized tree trimming activities.
- 3. Project Valuation:** \$1000.
- 4. Determination:** According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e) (1) (B), "Grading, removing, dredging, mining, or extraction of any materials" is not exempt from the definition of "development." Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The parcel is located in the State Land Use Urban District.
- 2. General Plan:** The parcel is designated Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The property is zoned Open by the County of Hawai'i.

4. **Special Management Area (SMA):** The subject property is located entirely within the Special Management Area (SMA). The after-the-fact tree trimming occurred within a portion of the 40-foot shoreline setback area, and the removal of the green waste debris and three (3) tree trunks is also proposed within a portion of the 40-foot shoreline setback area. Pursuant to PC Rule 11-8, the after-the-fact tree trimming and the proposed removal of the green waste debris and three (3) tree trunks is considered minor and will not require a Shoreline Setback Variance.

<p align="center">Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</p>
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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 \$1,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated November 14, 2012 states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated November 8, 2012 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)."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 12-000247** is hereby approved for the after-the-fact tree trimming and the proposed removal of the green waste debris and three (3) tree trunks left in place on the subject beach park property. This approval is 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. 12-000247** 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 required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. The removal of the green waste debris and three (3) tree trunks left in place shall be completed within one year from the date of approval of this permit.
4. All green waste shall be collected from the project and disposed of at appropriate locations designated by the Department of Environmental Management for green waste.
5. All work shall be done with hand tools; no heavy equipment shall be allowed.
6. During work, any green waste debris must be routinely removed from the existing ponds and any areas of the property subject to inundation of high tide water flows.
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.

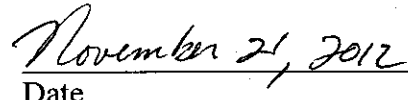
If you have questions, please contact Bethany Morrison of this department at 961-8138.

APPROVED:



BJ LEITHEAD TODD

Planning Director



Date