

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. 13-000266

Project: Removal of 80 Invasive Ironwood Trees and Planting of
Native Trees and Shrubs
Applicant: Henry J. Correa, Jr.
Land Owner: Continental Pacific LLC
Location: South Hilo, Hawai'i
Tax Map Key: 2-8-8:Por. of 100 **Parcel Land Area:** 38.25 acres

Applicant's Request

1. Project Description:

The applicant proposes to remove 80 invasive Ironwood trees that are scattered within approximately twenty feet of the lateral shoreline (Pali) and replanting the area with native trees and shrubs. The project area of 30,100 square feet is makai (east) of TMK: 2-8-8:162.

There will be no grading or grubbing; therefore, no heavy equipment will be used in the shoreline setback area. Green waste will be collected and disposed of according to the requirements of the Department of Environmental Management for green waste.

Proposed for replanting include the following species: Hala, Kou, Naupaka, Milo, Ohelo, Kai, Kahakai, 'Ōhai, Pohinahina and Ti.

2. Purpose of Project:

It will improve the view and open space area while enhancing the native ecosystem by removing invasive species. Due to shoreline erosion, the existing stands of Ironwood trees are increasingly unstable and the falling trees could also potentially hurt pedestrians on Public Access Easement P-15-A.

3. Project Valuation: \$500.00

4. Determination:

According to Hawaii Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e)(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. Therefore, the removal of 80 Ironwood trees and the planting of native trees and

shrubs are considered "development" and require a Special Management Area Minor Permit.

State and County Plans

1. **State Land Use District:** Although the subject property is designated Urban, Agricultural and Conservation by the State Land Use (SLU) Commission, the project area is designated Conservation. However, by letter dated September 12, 2012, the Office of Conservation and Coastal Lands had no objections to the request, provided that their listed conditions of approval were complied with.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Important Agricultural Lands, Industrial and Open, with the project area Open.
3. **County Zoning:** Although the parcel is zoned General Industrial (MG-5a) and Agricultural (A-20a), the project area is zoned Agricultural (A-20a).
4. **Special Management Area (SMA):** The subject area is in the SMA and has frontage along the coastline. Approved at a September 16, 2004 public hearing, SMA Use Permit No. 449 allowed for the development of an 11-lot subdivision and a remainder lot. This remainder lot is currently identified as TMK: 2-8-8:100, subject to nineteen conditions of approval, two of which are listed below:
 - "No. 4. No fence, wall, structure, or landscaping shall be installed that impedes usage of the public access easement.
 - No. 6. Trees along the top of the sea cliff within the 40-foot shoreline setback area shall not be removed without further Conservation District and SMA approvals."
5. **Flood Zone:** X

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

The project will improve the view and open space area while reintroducing native species along the coastline. In addition, it will remove trees that could fall and potential hurt pedestrians using pedestrian Public Access Easement P-15-A.

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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$500.00 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated November 1, 2012, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated October 29, 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 designated as Zone X - an area determined to be outside the 500-year floodplain. The Federal Government and the County of Hawai'i do not have any regulations for developments within such areas."

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 13-000266** is hereby approved to allow for the removal of 80 invasive Ironwood trees and planting of native trees and shrubs on a portion of the property, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

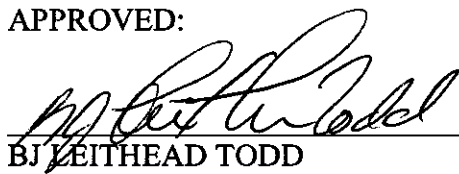
The Planning Director has approved **SMA Minor Permit No. 13-000266** subject to the following conditions:

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 applicant must comply with all required conditions of the September 12, 2012 Department of Land and Natural Resources, Office of Conservation and Coastal Lands letter.
4. No trees shall be cut that are growing (base of trunk) below the top edge of the pali.
5. Trees removed from the Shoreline Setback Area shall be replanted with appropriate coastal native (including Polynesian introduced) vegetation as represented in the application.
6. As required by Planning Department Rule 11-8(b), the work within the shoreline setback area shall be completed within one (1) year from the date of this permit or from the approval date of the last discretionary permit, whichever is last.

7. All green waste shall be collected and disposed of outside of the shoreline setback area daily. No stockpiling of waste material is allowed.
8. No heavy equipment is allowed within 40-feet of the top of the coastal pali.
9. Public access to and along Public Access Easement P-15-A 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 such temporary closure is necessary, the applicant shall provide a safe alternate route to allow for continuous lateral access. This alternate trail segment will require advance written notification to the Planning Director and any affected homeowners and/or subdivision associations (e.g. Pepe'ekeō Fishermen's Association, Pepe'ekeō Community Association, Rural South Hilo Community Association, etc.) and the installation of signage at the appropriate mauka-makai access trails noting the reason for and duration of the temporary alternate route.
10. 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.
11. 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.
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 contact Esther Imamura of this department at 961-8139.

APPROVED:



BJ LEITHEAD TODD
Planning Director

MAY 17 2013

Date