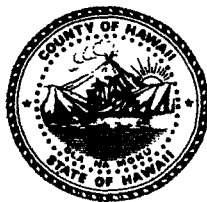


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
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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

May 29, 2013

Mr. Clayton S. Honma
Director, County of Hawai'i Department of Parks and Recreation
101 Pauahi Street, Suite 6
Hilo, HI 96720

Dear Mr. Honma:

**SUBJECT: Special Management Area Use Permit Assessment Application
(SAA-13-000972)**

Special Management Area Minor Permit No. 13-000270

Applicant: Clayton S. Honma

Request: Temporary Lease Concession

Tax Map Key: (3) 1-3-008:014; Pohoiki, Puna, Hawai'i

This is to acknowledge receipt on May 07, 2013 of the subject Special Management Area Use Permit Assessment Application for the establishment of a temporary lease concession on the subject property. A declaration of exemption from the preparation of an environmental assessment under Chapter 343, Hawai'i Revised Statutes (HRS) and Chapter 11-200, Hawai'i Administrative Rules (HAR) was submitted on May 14, 2013.

The property consists of 1.244 acres, is situated in the State Land Use Conservation district and designated Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. For parcels that are designated Conservation by the State Land Use Commission, there is no County zoning per se. In addition, the property is located entirely within the Special Management Area (SMA) with a substantial amount of shoreline frontage. However, the project area is not located in a "shoreline area" as defined by HRS Chapter 205A-41. Special Management Area Use Permit No. 410 (October 20, 2000) and Conservation District Use Permit HA-3396 (May 11, 2007) were previously issued for improvements to the beach park.

Proposed is the establishment of a temporary lease concession to provide the public with food and drink options while at the Isaac Hale Beach Park. The concession shall be mobile and will leave and return daily to the site. No grading or construction will be necessary as the concession will be located on the existing paved parking area of the parcel.

MAY 30 2013

Mr. Clayton S. Honma
Director, County of Hawai'i Department of Parks and Recreation
Page 2
May 29, 2013

Special Management Area Determination:

According to Chapter 205A-22, HRS, as amended, relating to Special Management Area, "development" includes the "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" and "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land.*" Therefore, the establishment of a temporary lease concession as presented in SAA 13-972 is considered "development". We find that the project will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA, and given that the stated valuation of \$3,000 is less than \$500,000, the development as proposed in SAA-13-972 meets requirements for a SMA Minor Permit.

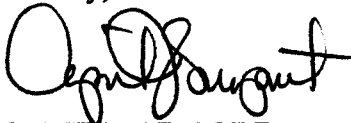
Compliance with Environmental Impact Statement Regulations (Chapter 343, HRS):

According to HRS Chapter 343-5(1) an environmental assessment shall be required for actions that propose the use of State or County lands or the use of State or County funds. However, the applicant has provided a declaration of exemption from the requirements of HRS Chapter 343, issued by the County of Hawai'i Department of Parks and Recreation for the subject project. Therefore, the preparation of an Environmental Assessment is not required.

For this reason and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.13-000270 is hereby issued for the establishment of a temporary lease concession on the subject property. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit, and include the conditions of this permit into agreements with the concession's lessees.

If you have questions or require further information, please feel free to contact Lucas Mead of this office at (808) 961-8140.

Sincerely,



 BJ LEITHEAD TODD
Planning Director

LM:mad

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Encl: Special Management Area Minor Permit No. 13-000270
Memo from Department of Public Works dated May 24, 2013
Exhibit E from SAA-13-000972

Mr. Clayton S. Honma
Director, County of Hawai'i Department of Parks and Recreation
Page 3
May 29, 2013

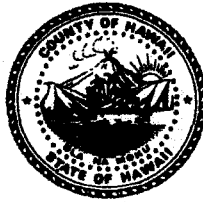
cc: Long Range Planning

Mr. Jeffrey Ochi, Park Projects Manager
County of Hawai'i, Department of Parks and Recreation
101 Pauahi Street, Suite 6
Hilo, HI 96720

Department of Land and Natural Resources
Office of Conservation and Coastal Lands
1151 Punchbowl St., Room 131
Honolulu, HI 96813

cc ltr only: Mr. Jesse K. Souki, Director
DBEDT, Office of Planning
P.O. Box 2359
Honolulu, HI 96804-2359

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

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Hilo, Hawai'i 96720
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Special Management Area Minor Permit No. 13-000270

Project: Temporary Lease Concession at Public Park
Applicant: Clayton S. Honma
Landowner: County of Hawai'i
Location: Pohoiki, Puna, Hawai'i
TMK: (3) 1-3-008:014 **Land Area:** 1.244 acres

Applicant's Request

1. Project Description:

The proposed project would establish a temporary lease concession at the Isaac Hale Beach Park. The concession would be mobile, leaving and returning daily to the site.

2. Purpose of Project:

The project will provide the public with food and drink options while at the Isaac Hale Beach Park.

3. Project Valuation: \$3,000

4. Determination:

According to Chapter 205A-22, Hawai'i revised Statutes (HRS), as amended, relating to Special Management Area, "development" includes the *"placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste"* and *"change in the density or intensity of use of land, including but not limited to the division or subdivision of land"*. Therefore, the establishment of a temporary lease concession as presented in SAA 13-972 is considered "development", requires review against the Special Management Area rules and regulations, and requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The parcel is located in the State Land Use Conservation District.
- 2. General Plan:** The parcel is designated as Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** No County zoning per se.
- 4. Special Management Area:** The subject property is located entirely within the SMA with a substantial amount of shoreline frontage.

5. Flood Zone: VE

Compliance with Objectives and Policies of Chapter 205A, Hawai'i 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 Hawai'i 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 concession is considered a use directly accessory to Public Parks and is therefore consistent with the Hawai'i County General Plan and Zoning Code.

The proposed is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of \$3,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated May 24, 2013, states the following:

"We have reviewed the subject applications for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 20, 2013 and have no objections to the request.

The locations of the proposed concessions are in areas 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.

Chapter 27 does not apply to temporary facilities such as the proposed mobile concessions."

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 13-000270** is hereby approved for the establishment of a temporary lease concession at Isaac Hale Beach Park, 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. 13-000270, 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, including the Department of Health, as necessary to comply with all applicable laws and regulations.
3. The hours of operation shall be limited to the hours from sunrise to sunset.
4. The concession will not be allowed makai of the proposed location as presented on SAA-13-972, Exhibit E (enclosed).
5. In support of Hawai'i County's Zero Waste goal, and due to the concession's proximity to the ocean, no plastic bags, plastic utensils, Styrofoam® (expanded polystyrene), or other non-biodegradable material shall be distributed with food or beverage products sold at the concession.
6. A minimum of two garbage cans with fitted covers will be set up near the concession for the disposal of concession generated or other waste. If canned or bottled beverages are to be sold at the concession, a recycling receptacle shall be provided nearby. The applicant and/or lessee will be responsible for daily maintenance of garbage and recycling receptacles to encourage their use.
7. Should the Planning Director receive substantiated complaints that the concession's operation is having an adverse effect on the SMA, or should any of the conditions not be met or substantially complied with in a timely fashion, procedures to amend or revoke the permit shall be initiated.

If you have questions, please feel free to contact Lucas Mead of this department at 961-8140.

APPROVED:


BJ LEITHEAD-TODD
Planning Director

5-30-13
Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

PLANNING DEPARTMENT
COUNTY OF HAWAII

2013 MAY 24 AM 10:03

DATE: May 24, 2013

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM: *for* Department of Public Works, Engineering Division

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATIONS**
SAA 13-000972, SAA 13-000973, SAA 13-000974, & SAA 13-000975
Applicant: County of Hawaii, Department of Parks and Recreation
Landowner: County of Hawaii; State of Hawaii
Request: Temporary Mobile Concessions at Various Beach Parks
Tax Map Keys: (3) 1-3-08: 014, 2-2-02: 034, 2-2-05: 002, & 2-2-07: 018

We have reviewed the subject applications for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 20, 2013 and have no objections to the request.

The locations of the proposed concessions are in areas 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.

Chapter 27 does not apply to temporary facilities such as the proposed mobile concessions.

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

SCANNED

MAY 24 2013

By 085400



(EXHIBIT E) CONCESSION NO. 5: MOBILE VENDING STAND AT ISAAC HALE PARK, PUNA