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PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 13-000279

Project: Tree Removal
Applicant: County of Hawai'i Department of Parks and Recreation
Landowner: State of Hawai'i, County of Hawai'i Department of Parks and Recreation
Location: South Hilo, Hawai'i
TMK: (3) 2-1-018:026 **Land Area:** 4.426 acres

Applicant's Request

1. Project Description:

The proposed project would include the removal of one Lauhala tree and one coconut tree as well as the trimming of branches on the subject beach park property.

2. Purpose of Project:

The project will prevent injuries to the public by removing a Lauhala tree that has been used by the public for climbing and jumping into the pond below. Additionally, the project will remove a dead coconut tree and dead branches from a Lauhala tree, preventing them from falling and causing injuries to the public.

3. Project Valuation: \$500

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e) (1) (B), "development" includes "Grading, removing, dredging, mining, or extraction of any materials." Therefore, the proposed tree removal is considered "development" and requires a 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 Urban 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:** The parcel is zoned Open by the County of Hawai'i.
- 4. Special Management Area:** The subject property is located entirely within the SMA, with frontage along the shoreline.
- 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 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 also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

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

The enclosed Department of Public Works, Engineering Division memorandum dated August 5, 2013, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated August 2, 2013 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).

Tree removal is exempt from the requirements of Chapter 27 of the Hawai'i County Code."

Pursuant to PC Rule Section 9-10(e), **Special Management Area Minor Permit No. 13-000279** is hereby approved for the tree removal, subject to the applicant's compliance with the conditions of approval as specified below.

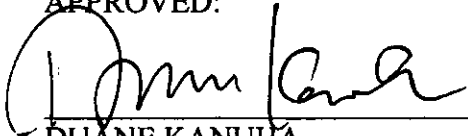
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 13-000279**, 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. 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.
4. The removal of the trees and green waste debris shall be completed within one year from the date of approval of this permit.
5. Trees removed from the Shoreline Setback Area shall be replanted on a 1:1 ratio with appropriate coastal native (including Polynesian introduced) vegetation.
6. All work shall be done with hand tools; no heavy equipment shall be allowed.
7. 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.
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 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 Bethany Morrison of this department at 961-8138.

APPROVED:

A handwritten signature in black ink, appearing to read 'Duane Kanuha', written over a horizontal line.

DUANE KANUHA
Planning Director

AUG 12 2013

Date