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June 10, 2014

Mr. Harry Yada
University of Hawai'i at Hilo – Director, Real Property
200 West Kawili Street
Hilo, HI 96720

Dear Mr. Yada:

SUBJECT: Special Management Area Use Permit Assessment Application No. 14-1117
Special Management Area Minor Permit No. 14-000301
Applicant: University of Hawai'i at Hilo
Landowner: State of Hawai'i – University of Hawai'i
Request: Removal of Four Damaged Ironwood Trees
Tax Map Key: (3) 2-1-009:001; Waiākea, South Hilo, Hawai'i

This is to acknowledge receipt on May 13, 2014 of the Special Management Area Use Permit Assessment Application (SAA 14-1117) to remove four damaged ironwood trees within the public access corridor of the subject property. The four ironwood trees were damaged by fires and have been recommended by a certified arborist for removal in the interest of public safety. All tree debris will be kept from entering the ocean and the resultant green waste will be hauled to an appropriate green waste disposal site. The applicant proposes to replace the four removed ironwoods with four native trees suitable to the environment of the area. The application included a site plan and photos showing the location of the damaged trees, a request to waive the requirement for a current certified shoreline, a request for determination of minor activity, and a request for concurrence that the project is exempt from the requirements of Chapter 343, Hawai'i Revised Statutes (HRS).

The property consists of 5.495 acres, is situated in the State Land Use Urban district, zoned Open and Industrial (MG-1a) by the County, and designated Open and Industrial by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. In addition, the property is located entirely within the Special Management Area (SMA) with frontage along the shoreline.

Special Management Area Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), as amended, relating to Special Management Area, "development" includes the "*Grading, removing, dredging, mining, or*

Mr. Harry Yada
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extraction of any materials". Therefore, the removal of trees, as presented in SAA 14-1117, 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 \$24,000 is less than \$500,000, the development as proposed in SAA 14-1117 meets the requirements for a SMA Minor Permit.

Determination of Minor Structure and Minor Activity

According to Planning Department Rules of Practice and Procedure Rule 11-8, a minor structure or activity proposed in the shoreline setback area shall not need a shoreline setback variance if the Planning Department determines that it would not affect beach processes or artificially fix the shoreline and would not interfere with public access or public views to and along the shoreline. After review of the proposed action, the Planning Department has determined that the removal of the damaged ironwood trees within the shoreline setback area qualifies as a minor structure and minor activity, and will not need a shoreline setback variance for approval. Further, since the activities are considered minor, the requirement to submit a current certified shoreline survey is waived.

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 any use within a shoreline area. In consultation with the Department of Public Works, the Planning Department has determined that the proposed action is exempt from preparation of an environmental assessment per Hawai'i Administrative Rules, Chapter 200, 11-200-8(A)(1) and 11-200-8(A)(4). Therefore, the preparation of an Environmental Assessment is not required for the subject action.

For this reason and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.14-000301 is hereby issued for the removal of four damaged ironwood trees and planting of four appropriate native trees on the subject property, as presented in SAA 14-1117. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

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

Sincerely,



DUANE KANUHA
Planning Director

LM:

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Encl: Special Management Area Minor Permit No. 14-000301
cc: Long Range Planning



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Special Management Area Minor Permit No. 14-000301

Project: Removal of Four Ironwood Trees
Applicant: University of Hawai'i at Hilo
Harry Yada
Landowner: State of Hawai'i – University of Hawai'i
Location: Waiākea, South Hilo, Hawai'i
TMK: (3) 2-1-009:001 **Land Area:** 5.495 acres

Applicant's Request

1. Project Description:

The proposed project would remove four damaged ironwood trees within the public access corridor on the subject property, and replace them with four appropriate native trees suitable to the area.

2. Purpose of Project:

The four ironwood trees have been damaged by fires and have been recommended for removal by a certified arborist in the interest of public safety.

3. Project Valuation: \$24,000

State and County Plans

- 1. State Land Use District:** The parcels are located in the State Land Use Urban District.
- 2. General Plan:** The parcels are designated as Open and Industrial by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcels are zoned Open and Industrial (MG-1a) by the County.
- 4. Special Management Area:** The subject property is located entirely within the SMA and does front the shoreline.
- 5. Flood Zone:** VE

Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes

Checked boxes below indicate that the objectives and policies are found to be consistent with the proposed development. Issuance of a SMA Minor Permit requires that the activities, uses, or operations 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 removal of damaged ironwood trees and replacement with appropriate native vegetation is consistent with the Hawai'i County General Plan, Chapter 8, Section 8.3(p) and (r), and the Hawai'i County Zoning Code.

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

The estimated project cost of \$24,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated May 28, 2014, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 23, 2014 and have no objections to the request.

The subject trees are located in an area designated as Flood Zone VE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency. Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) where flood elevations have been determined.

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

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 14-000301** is hereby approved for the removal of four ironwood trees and planting of four appropriate native trees within the public access corridor of 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. 14-000301**, 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. Trees shall be cut so as to fall away from the ocean and no debris from the subject activities shall be allowed to enter the ocean.
4. During work, all green waste shall be routinely removed from within the SMA and disposed of at an appropriate location designated by the Department of Environmental Management.
5. The removal of the trees and green waste debris shall be completed within one year from the date of approval of this permit.
6. Replanting of the four native trees shall occur no closer than 40 feet from the shoreline.
7. To the extent possible, all activities and operations associated with this permit should occur on dates and times that would result in the lowest possible impact to public users of the area. The Long Range division of the Planning Department shall be contacted a minimum of 24 hours prior to the dates(s) of tree removal, and shall be provided an estimated timeline for the completion of the project. Should temporary closure of the public access be required, prior written authorization from the Planning Department shall be secured.
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 feel free to contact Lucas Mead of this department at 961-8140.

APPROVED:


DUANE KANUHA
Planning Director

6/19/14
Date

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

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MEMORANDUM

TO: Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

FROM: County of Hawai'i Director of Planning

SUBJECT: Exemption Declaration

DATE: June 10, 2014

AGENCY OR APPLICANT ACTION

Check applicable box

- ☐ This exempted action is an agency action as defined by Section 343-5(b), HRS, and Section 11-200-5, HAR
- ☒ This exempted action is an applicant action as defined by Section 343-5(c), HRS, and Section 11-200-6, HAR

SPECIFY EXEMPTION CLASS

Check applicable box

- ☐ The Exemption Declaration for the action described below is based on the Exemption List for the [name of agency], reviewed and concurred to by the Environmental Council on [date of concurrence].
 - Exemption List Class ____.
 - Item Number ____
 - Applicable language from the exemption list:
- ☒ The Exemption Declaration for the action described below is based on the consultation process prescribed by Section 11 -200-8(a), Hawai'i Administrative Rules (HAR), Exemption Class: 11-200-8(A)(1) & (4).

DESCRIPTION OF ACTION

Proposing Agency or Applicant: Mr. Harry Yada, Director of Real Property for
Applicant(s): University of Hawai'i at Hilo

Project Name: Removal of Four Damaged Ironwood Trees

Address/Location: No street address for the subject parcel, however, parcel is located between the parcels addressed as 1017 and 1079 Kalaniana'ole Street, Waiākea, South Hilo, Hawai'i.

Anticipated Start Date: June 2014

Anticipated End Date: June 2015

Island and District: Hawai'i, South Hilo

Tax Map Key(s): (3) 2-1-009:001

All Necessary Permits and Approvals: SMA Minor Permit

NARRATIVE

Describe the action and why it qualifies for the exemption:

On May 13, 2014, the Planning Department received an SMA Assessment Application for the removal of four damaged ironwood trees within the public access corridor on the subject TMK. The trees were damaged by fires and have been recommended by a certified arborist for removal in the interest of public safety. Three of the four ironwood trees are within the forty foot shoreline setback area. It was determined that the proposed activities would require an SMA Minor Permit.

According to the request, the damaged trees will be felled away from the ocean and no debris from the proposed action will be allowed to enter the ocean. All green waste will be removed from the site and hauled to an appropriate green waste facility. Additionally, site appropriate native trees will be planted to replace the damaged ironwoods on a 1:1 basis.

We find that the activities will not alter the existing grade of the shoreline setback area and are considered "minor," pursuant to Planning Department (PD) Rule 11-8. Additionally, we find that the improvements will neither affect beach processes nor artificially fix the shoreline. Pursuant to PD Rule 11-8, the removal of the three ironwood trees within the forty foot shoreline setback area is determined to be "minor" and will not require a Shoreline Setback Variance.

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 HRS, Chapter 343.

RECEIVING ENVIRONMENT

Describe the site, including any impacts on the receiving environment:

The subject property consists of 5.495 acres, is situated in the State Land Use Urban district, zoned Open and Industrial (MG-1a) by the County, and designated Open and Industrial by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. In addition,

the property is located entirely within the Special Management Area (SMA) with frontage along the shoreline.

The subject property is located within Flood Zone "VE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency. Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) where flood elevations have been determined.

ENVIRONMENTAL ANALYSIS

I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Land Use and Zoning Conformance | <input checked="" type="checkbox"/> Public Beach Access |
| <input checked="" type="checkbox"/> Traffic (Vehicles, Bicycles, Pedestrian) | <input checked="" type="checkbox"/> Cultural Resources and Practices |
| <input checked="" type="checkbox"/> Infrastructure (Roads, Buildings, Utilities) | <input checked="" type="checkbox"/> Visual/Aesthetic |
| <input checked="" type="checkbox"/> Air Quality Pollutant Emissions | <input checked="" type="checkbox"/> Environmental Justice |
| <input checked="" type="checkbox"/> Noise Emissions | <input checked="" type="checkbox"/> Rare, Threatened, and/or Endangered Species |
| <input checked="" type="checkbox"/> Solid, Hazardous, and Liquid Waste Management | <input checked="" type="checkbox"/> Surface and Ground Water Resources |
| <input checked="" type="checkbox"/> Social | <input checked="" type="checkbox"/> Wetlands |
| <input checked="" type="checkbox"/> Economic | <input checked="" type="checkbox"/> Floodplains |
| <input checked="" type="checkbox"/> Health and Safety | <input checked="" type="checkbox"/> Riparian/Coastal Resources |
| <input checked="" type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Other |

Comments/summary of impact analysis: The proposed development is consistent with the objectives, policies, and Special Management Area (SMA) guidelines of Chapter 205A, Hawai'i Revised Statutes (HRS). 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.

MITIGATION

Describe all mitigation measures and best management practices planned to address impacts during the project activities and after project completion:

The following mitigative measures and best management practices have been made conditions of the SMA Minor Permit:

1. Trees shall be cut so as to fall away from the ocean and no debris from the subject activities shall be allowed to enter the ocean.
2. During work, all green waste shall be routinely removed from within the SMA and disposed of at an appropriate location designated by the Department of Environmental Management.
3. The removal of the trees and green waste debris shall be completed within one year from the date of approval of this permit.

4. Replanting of the four native trees shall occur no closer than 40 feet from the shoreline.
5. To the extent possible, all activities and operations associated with this permit should occur on dates and times that would result in the lowest possible impact to public users of the area. The Long Range division of the Planning Department shall be contacted a minimum of 24 hours prior to the date(s) of tree removal, and shall be provided an estimated timeline for the completion of the project. Should temporary closure of the public access be required, prior written authorization from the Planning Department shall be secured.
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.

CONSULTATION

The following parties have been consulted about this declaration exemption (Name, affiliation, consultation date):

1. County of Hawai'i – Department of Public Works, May 23, 2014.

EXEMPT DECLARATION

The direct, cumulative, and potential impacts of the action described above have been considered pursuant to Chapter 343, Hawai'i Revised Statutes and Chapter 11-200, Hawai'i Administrative Rules. I declare that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the preparation of an environmental assessment.



DUANE KANUHA
Planning Director

Date 6/19/14

- ☒ This document is on file in our office and is available for public review.
- ☒ This document has been submitted to the Office of Environmental Quality Control for publication in The Environmental Notice.