

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
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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
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Special Management Area Minor Permit No. 14-000309

Project: Removal of Non-Native Vegetation from Kāwā Estuary
Applicant: Hawai'i Wildlife Fund
Landowner: County of Hawai'i
State of Hawai'i
Location: Ka'alāiki, Ka'ū, Hawai'i
TMK: (3) 9-5-016:006 & 030 **Land Area:** 83.433 acres

Applicant's Request

1. Project Description:

The proposed project would remove approximately 3,000 cu. ft. of non-native vegetation (buffalo grass and seashore paspalum) from along the banks of spring-fed estuary at Kāwā.

2. Purpose of Project:

The project is anticipated to improve estuarine fish habitat, improve connectivity between marine and estuarine fish species, and increase the dissolved oxygen concentrations in the Kāwā estuary.

3. Project Valuation: \$26,660

State and County Plans

- 1. State Land Use District:** The parcels are located in the State Land Use Conservation District.
- 2. General Plan:** The parcels are designated Open and Conservation by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcels are zoned Open by the County.
- 4. Special Management Area:** Parcel (3) 9-5-016:006 is located entirely within the SMA, with shoreline frontage along the parcel.
- 5. Flood Zone:** AE and 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 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 is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of \$26,660 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated August 20, 2014, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated July 29, 2014 and have no objections to the request.

The subject parcel is in an area designated as Flood Zone AE and VE on the Flood Insurance Rate Map by the Federal Emergency Management Agency (FEMA). Flood Zone AE and VE are the Special Flood Hazard Areas inundated by the 100-year 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. 14-000309** is hereby approved for the removal of non-native

vegetation along the banks of the estuary at Kāwā using hand tools only, 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. 14-000309**, subject to the following conditions:

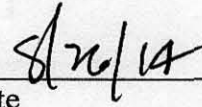
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. During work, all green waste shall be removed daily from within the SMA and disposed of at an appropriate location designated by the Department of Environmental Management.
4. Vehicles for transportation or hauling of green waste shall be operated and staged no closer than 40' from the shoreline or estuary edge.
5. At no time shall any volunteers or workers, or any activities or actions of any volunteers or workers, impede or otherwise restrict lateral public access along the shoreline of the property.
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.
7. 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 p to one additional year).
8. 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:

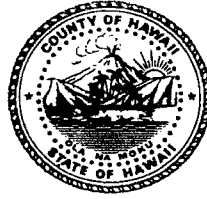


DUANE KANUHA
Planning Director



Date

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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June 30, 2017

Ms. Megan R. Lamson Leatherman, M.S.
Hawai'i Wildlife Fund
P.O. Box 70
Volcano, HI 96785-0070

Dear Ms. Lamson Leatherman:

SUBJECT: Special Management Area Minor Permit (SMM-14-000309)
Request: Amend SMM-14-000309 to Allow for Solarization of Invasive Plant Species
Tax Map Key: (3) 9-5-016:006 & 030; Ka'alāiki, Ka'ū, Hawai'i

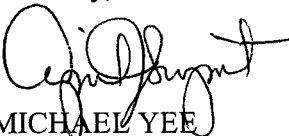
This is in response to your April 20, 2017, email regarding a proposed amendment of SMM-14-000309 to allow the non-invasive method of solarization, which would require leaving thick sheets of agricultural grade plastic in place smothering the California grass. This is being proposed because of the limited success of removal by hand tools.

Special Management Area Determination:

On August 26, 2014, SMM-14-000309 was approved by our department to allow removal of non-native vegetation from Kāwā Estuary. We find that the proposed improvements are consistent with and covered by SMM-14-000309.

If you have any questions regarding this determination, please feel free to contact Bethany Morrison of this department at (808) 961-8138.

Sincerely,


MICHAEL YEE
Planning Director

BJM:ja

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Enclosures: SMM No. 14-000309

JUN 30 2017

William P. Kenoi
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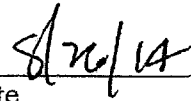
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APPROVED:



DUANE KANUHA
Planning Director



Date