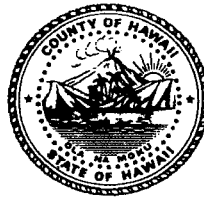


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
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
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April 13, 2018

Mr. Kevin Sakai, Parks Project Manager
County of Hawai'i Department of Parks and Recreation
101 Pauahi Street, Suite 6
Hilo, HI 96720

Dear Mr. Sakai:

SUBJECT: Special Management Area Use Permit Assessment Application (SAA 17-001538)
Special Management Area Minor Permit No. 18-000386 (SMM-18-000386)
Applicant: County of Hawai'i, Department of Parks and Recreation
Request: Installation of Rescue Tube Device(s) and Appurtenant Mounting Support
and Signage at Whittington Beach Park
TMK: (3) 9-5-014:001, Portion of Hi'ona'ā-Honu'apo, Island of Hawai'i, Hawai'i

This is in response to your Special Management Area Use Permit Assessment Application (SAA 17-001538), received on September 12, 2017, for the installation of rescue tube device(s) and appurtenant mounting support and signage at Whittington Beach Park.

The subject 35,893 square-foot property is zoned A-20a (Agricultural District with a minimum building site of twenty acres) by the County of Hawai'i and is situated within the State Land Use Conservation District. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Open. The subject property is located entirely within the Special Management Area (SMA) with frontage along the coastline and is located in a "shoreline area" as defined by the Hawai'i Revised Statutes (HRS) Chapter 205A-41.

However, according to Hawai'i Revised Statutes, Chapter 205-5(a), *"Except as herein provided, the powers granted to counties under section 46-4 shall govern the zoning within the districts, other than in conservation districts. Conservation districts shall be governed by the department of land and natural resources pursuant to chapter 183C."*

APR 13 2018

The Department of Parks and Recreation proposes the installation of four (4) rescue tubes and appurtenant mounting supports and signage. The primary objective of this effort is to enhance the safety of beach and ocean-goers at public parks by providing a means of safely rendering aid to persons in the water who are in distress until rescue services can respond. In addition, due to the nature of the request, the proposed rescue tubes need to be installed near the shoreline, within the shoreline setback area.

Special Management Area Determination:

According to Chapter 205A-22, Hawai‘i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(A) relating to Special Management Area, “Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste” is defined as “development” and requires a review against the Special Management Area rules and regulations.

Determination of Minor Activity within Shoreline Setback Area:

The requirement of a certified shoreline survey is waived as all improvements will be sufficiently inland. The rescue tubes are intended to be readily accessible in the event of an emergency; they will be placed in conspicuous, easy to get to, and central locations that will have negligible, if any, impacts on existing uses, structures, vegetation or other features.

The installation of the rescue tube device(s) and appurtenant mounting support and signage is proposed within the 40-foot shoreline setback area. In order to mitigate their impact on the views of the shoreline, the height of the mounting poles will be kept to a minimum, and the final locations for each unit will be determined on site, weighing the need for the tubes’ visibility against the preservation of shoreline views. As such, there will be no significant visual impediments to and along the shoreline, and the improvements will neither affect beach processes, nor artificially fix the shoreline. Pursuant to Planning Department Rule 11-8, the installation of the rescue tube device(s) and appurtenant mounting support and signage is therefore considered minor and will not require a Shoreline Setback Variance.

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

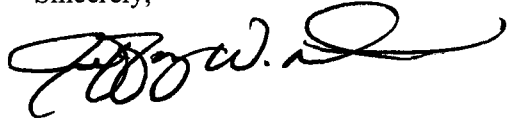
According to HRS Chapter 343-5, “an environmental assessment shall be required for actions that propose the use of state or county lands or the use of state or county funds and for uses within a shoreline area.” However, the applicant has provided the enclosed October 2, 2017, Declaration of Exemption from the requirements of HRS Chapter 343 issued by the Department of Parks and Recreation for the subject project. Therefore, the preparation of an Environmental Assessment is not required.

Based on the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.18-000386 is hereby issued to allow the installation of rescue tube device(s) and appurtenant mounting support and signage on the subject property. It is the applicant’s responsibility to read and comply with the conditions listed in the enclosed permit.

Mr. Kevin Sakai, Parks Project Manager
Department of Parks and Recreation
April 13, 2018
Page 3

If you have questions, please feel free to contact Shancy Watanabe of this department at (808) 961-8144.

Sincerely,



 MICHAEL YEE
Planning Director

SHW:ja

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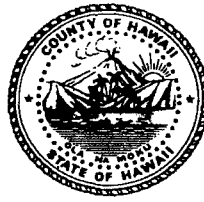
Enclosures: SMA Minor Permit No. 18-000386
Department of Public Works Memorandum dated October 12, 2017
Declaration of Exemption from HRS Chapter 343

cc w/encls: Planning Division
Planning Department- Kona Office

Mr. Samuel J. Lemmo, Administrator
State of Hawai'i Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, HI 96809

cc ltr. only: Mr. Leo Asuncion, Director
Office of Planning
State of Hawai'i Department of Business, Economic
Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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101 Pauahi Street, Suite 3
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Fax (808) 961-8742

Special Management Area Minor Permit No. 18-000386

Project: Installation of Rescue Tube Device(s) and Appurtenant Mounting Support and Signage at Whittington Beach Park
Applicant: County of Hawai'i, Department of Parks and Recreation
Land Owner: County of Hawai'i
Location: Portion of Hi'ona'a-Honu'apo, Island of Hawai'i, Hawai'i
Tax Map Key: (3) 9-5-014:001

Applicant's Request

1. Project Description:

The Department of Parks and Recreation proposes the installation of four (4) rescue tubes and appurtenant mounting supports and signage. The rescue tube is an approximately 50-inch long flotation device. The rescue tube is mounted to an approximately 2-inch diameter PVC pole via two Velcro straps for ease of removal. The PVC support pole can be mounted using various methods, the most common of which entails the placement of a concrete footing, typically no larger than 2'x2'x2', to which a threaded metal sleeve is affixed via a galvanized flange and concrete fasteners. In some locations, the PVC pole can be mounted to existing concrete slabs via a similar flange, or where there is a prevalence of sand, the pole can be direct-buried a minimum of 24-inches. The rescue tubes are intended to be readily accessible in the event of an emergency. They will be placed in conspicuous, easy to get to, and central locations that will have negligible, if any, impacts on existing uses, structures, vegetation or other features.

2. Purpose of Project:

The primary objective of this effort is to enhance the safety of beach and ocean-goers at public parks by providing a means of safely rendering aid to persons in the water who are in distress until rescue services can respond. Given the stated purpose of these rescue tubes, it is the intent to place them at locations within public beach parks where public use of beaches, shoreline and ocean is greatest.

3. Project Valuation:

Approximately \$150 per tube (4) for a total of \$600 for the entire project.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(E) relating to the Special Management Area, "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is not exempt from the definition of "development." Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The project area is located in the State Land Use Conservation district.
2. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Open.
3. **County Zoning:** The parcel is zoned A-20a (Agricultural District with a minimum building site of twenty acres) by the County of Hawai'i.

However, according to Hawai'i Revised Statutes, Chapter 205-5(a), *"Except as herein provided, the powers granted to counties under section 46-4 shall govern the zoning within the districts, other than in conservation districts. Conservation districts shall be governed by the department of land and natural resources pursuant to chapter 183C."*

4. **Special Management Area (SMA):** The subject property is located within the Special Management Area (SMA). In addition, due to the nature of the request, the proposed rescue tubes need to be installed near the shoreline within the shoreline setback area.
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.

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| Findings |
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1. 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.
2. The proposed development is consistent with the Hawai'i County General Plan and Zoning Code.
3. The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
4. The estimated project cost of approximately \$600 is not in excess of \$500,000.
5. The enclosed Department of Public Works, Engineering Division memorandum dated October 12, 2017, states the following:

"...TMK: (3) 9-5-014:001 are in an area designated as Flood Zone VE on the FIRM by FEMA. Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) with velocity hazard (wave action). Therefore, all construction on these 3 parcels shall comply with Chapter 27, Floodplain Management, of the Hawaii County Code. The rescue tube devices are exempt from Chapter 27 as they are not expected to impede or alter the flow capacity of the floodplain. However, the concrete footings

must comply with Chapter 27. Placing the footing above the existing ground surface will be considered an encroachment and/or obstruction which may block, impede, or aggravate flooding and is prohibited unless certified by a civil engineer licensed in the State of Hawaii, with supporting data, that the encroachment will not cause any increase in the Base Flood Elevation during the occurrence of the Base Flood."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 18-000386** is hereby approved for the installation of rescue tube device(s) and appurtenant mounting support and signage at the subject property. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

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| Conditions of Approval |
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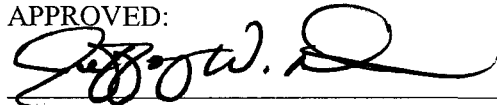
The Planning Director has approved **SMA Minor Permit No. 18-000386** subject to the following conditions:

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. Within one (1) year from the date of approval of this permit, a Conservation District Use Permit from the Board of Land and Natural Resources or other written approval from the Department of Land and Natural Resources Office of Conservation and Coastal Lands must be obtained for the project on the following park sites: (3) 9-5-014:001.
4. If possible, we respectfully ask that installation not occur within 20 feet of the shoreline, or high water mark. In addition, installation shall not occur seaward of the shoreline location without the approval of the State Department of Land and Natural Resources Office of Conservation and Coastal Lands.
5. The installation of rescue tube device(s) and appurtenant mounting support and signage shall be completed within two (2) years from the date of approval of this permit.
6. The location of the rescue tubes shall be noted on a site plan and submitted to our department, for our files, immediately after the installation.
7. The proposed work shall comply with the requirements of Chapter 27 Flood Control and Chapter 10 Erosion and Sedimentation Control of the Hawai'i County Code. All development generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
8. The applicant shall implement standard Best Management Practices (BMPs) during construction. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects in the State of Hawai'i. Night-time construction shall be avoided during the seabird fledging period of September 15 to December 15. All project work that occurs near the shoreline will avoid any direct or indirect impacts to marine life, including but not limited to green sea turtles and hawksbill turtles.
9. In the unlikely event that any surface and/or subsurface historic properties and/or resources, including lava tube openings, concentrations of artifacts, human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition, construction and/or ground disturbance activities, the applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651 for further guidance. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.

10. 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).
11. 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 Shancy Watanabe of this department at (808) 961-8144.

APPROVED:



RR
MICHAEL YEE
Planning Director

4/13/18

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: October 12, 2017

Memorandum

TO: Michael Yee, Planning Director

FROM:  Department of Public Works, Engineering Division

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 17-00153)

Applicant: Department of Parks & Recreation

Request: Installation of Rescue Tube Devices and Appurtenant
Mounting Support and Signage

TMK: 2-1-006:013 & 015; 2-9-002:080, 9-5-014:001

PLANNING DEPARTMENT
COUNTY OF HAWAII

2017 OCT 12 PM 3 05

We have reviewed the subject request forwarded by your memo dated October 5, 2017 and provide the following:

TMK 2-9-002:080 is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain. Therefore, the installation of the rescue tube devices and the concrete footing on this parcel does not conflict with Chapter 27.

TMKs 2-1-006:013 & 015 and 9-5-014:001 are in an area designated as Flood Zone VE on the FIRM by FEMA. Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) with velocity hazard (wave action). Therefore, all construction on these 3 parcels shall comply with Chapter 27, Floodplain Management, of the Hawaii County Code. The rescue tube devices are exempt from Chapter 27 as they are not expected to impede or alter the flow capacity of the floodplain. However, the concrete footings must comply with Chapter 27. Placing the footing above the existing ground surface will be considered an encroachment and/or obstruction which may block, impede, or aggravate flooding and is prohibited unless certified by a civil engineer licensed in the State of Hawaii, with supporting data, that the encroachment will not cause any increase in the Base Flood Elevation during the occurrence of the Base Flood.

Questions may be referred to Robyn Matsumoto at 961-8924.

114371

Harry Kim
Mayor



Roxcie L. Waltjen
Director

County of Hawai'i
DEPARTMENT OF PARKS AND RECREATION
101 Pauahi Street, Suite 6 • Hilo, Hawai'i 96720
(808) 961-8311 • Fax (808) 961-8411

DECLARATION OF EXEMPTION

From the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Rescue Tubes Installation – North East to South East Hawai'i Beach Parks

1. Whittington Beach Park(3)-9-5-014:001
2. Kuhio Kalaniana'ole Park(3)-2-1-006:013 & 015
3. Hakalau Bay(3)-2-9-002:080

Project Number: N/A

Project Description: Installation of rescue tubs units including support pole and foundation.

Consulted Parties: Department of Parks and Recreation

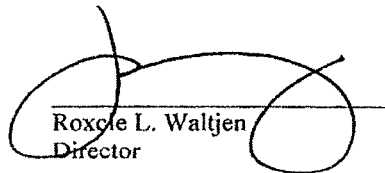
Exemption Class Number: 3

Exempt Item Number From Agency Exemption List: 38

Exempt Item Description From Agency Exemption List: Signs and posts

Date Agency Exemption List Approved: August 8, 2001

I have considered the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200, HAR. I declare that this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.


Roxcie L. Waltjen
Director

Original: Agency File
Copy: Project File

Date: October 2, 2017