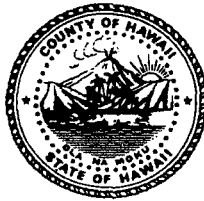


Harry Kim
Mayor



Michael Yee
Director

Duane Kanuha
Deputy Director

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

February 6, 2019

Mr. Allen Salavea
Kamehameha Schools
895 Kauhiula Road
Hilo, HI 96720

Dear Mr. Salavea:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA-18-001633)
Special Management Area Minor Permit No. 19-000406 (SMM-19-000406)
Applicant: Kamehameha Schools
Land Owner: Kamehameha Investment Corp.
Project: Clearing and Routine Maintenance of a 20-foot Wide
Firebreak along the Western and Southern Borders
Tax Map Key: (3) 7-8-010:004, North Kona, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA-18-001633), submitted on September 21, 2018. Proposed is clearing and routine maintenance of a 20-foot wide firebreak along the western and southern borders of the subject parcel.

The subject 42.55-acre parcel is zoned Single-Family Residential (SR-7.5), Multiple-Family Residential (RM-3.5) and Resort Hotel (V-1.25) by the County. It is designated Urban by the State Land Use Commission and designated Low Density Urban and Medium Density Urban by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Although it is located entirely within the Special Management Area (SMA), it is approximately 200 feet from the shoreline and, therefore, not in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

A FONSI determination for "Parcel 26 at Kahalu'u – A Residential Project for Towne Development of Hawai'i, TMK 7-8-010:004, 7-8-014:013" was included in the Environmental Notice dated September 23, 2015. Within this document, the Department of Land and Natural Resources, State Historic Preservation Division's acceptance of archaeological preservation, data recovery, and monitoring plans as well as burial treatment plans were included. Also, the results of a botanical survey of the project site noted that the only native Hawaiian land mammal, the Hawaiian Hoary Bat,

FEB 06 2019

Mr. Allen Salavea
Kamehameha Schools
February 6, 2019
Page 2

may be present in this area. Therefore, to minimize impacts to the endangered Hawaiian Hoary Bat, the removal or trimming of woody plants taller than 15 feet was prohibited from June 1 to September 15 each year.

Special Management Area Determination:

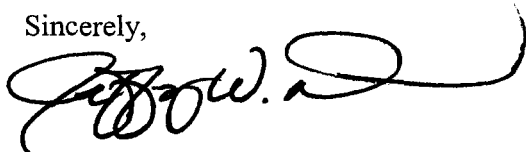
According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(B), "*Grading, removing, dredging, mining, or extraction of any materials* " is not exempt from the definition of "development" and requires a review against the SMA rules and regulations.

Based on the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. 19-000406 is hereby issued for clearing and routine maintenance of a 20-foot wide firebreak along the western and southern borders of the subject parcel.

It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

We have also enclosed Receipt No. 5367 for the \$50 filing fee. If you have questions, please contact Esther Imamura of this office at (808) 961-8139.

Sincerely,


FRL MICHAEL YEE
Planning Director

ETI:jaa

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Encls: SMM No. 19-000406
Receipt No. 5367

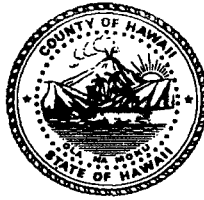
cc: Mr. Leo Asuncion, Director
Office of Planning, DBEDT
State of Hawaii Department of Business, Economic
Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359

Sean Naleimaile (via email: sean.p.naleimaile@hawaii.gov)
Planning Department, Kona

Harry Kim
Mayor

Wil Okabe
Managing Director

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County of Hawai'i

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Deputy Director

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Fax (808) 961-8742

Special Management Area Minor Permit No. 19-000406

Project: Clearing and Routine Maintenance of a 20-Foot Wide Firebreak along the Western and Southern Borders
Applicant: Kamehameha Schools
Landowner: Kamehameha Investment Corp
TMK: (3) 7-8-010:004 **Land Area:** 42.55 acres

Applicant's Request

- 1. Project Description:** Proposed work will only include above-ground clearing of non-native vegetation and the trimming of overhanging monkey-pod trees for a 20-foot wide firebreak along the western and southern borders of the subject parcel. Using hand-held power tools such as chain saws and weed eaters, it would take approximately 3 to 4 weeks to complete clearing the 20' x 4,192' buffer. Due to uneven terrain which limits vehicular access to the area, green waste will be stacked on the mauka side of the firebreak away from residences and archaeological features. Routine maintenance will keep it clear of new vegetation. All work will be done in the presence of an Archaeological Monitor, as required by the Final Archaeological Monitoring Plan, to ensure no historic, cultural or burial sites are disturbed.
- 2. Purpose of Project:** The objective is to slow or stop progress of a wildfire moving mauka to makai, therefore protecting the adjacent residential areas.
- 3. Project Valuation:** \$45,000
- 4. Determination:** According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(B), "*Grading, removing, dredging, mining, or extraction of any materials*, is not exempt from the definition of "development" and requires a review against the SMA rules and regulations. Therefore, the clearing and routine maintenance of a 20-foot wide firebreak along the western and southern borders of the subject property is considered "development" and requires an SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The parcel is located in the Urban District.
- 2. Kahalu'u Historic District (#74000713):** A FONSI determination was included in the September 23, 2015, Environmental Notice for the Parcel 26 at Kahalu'u Residential Project. Although the proposed project was subsequently withdrawn, the entire 42-acre parcel was covered by this Draft Environmental Assessment.

3. **General Plan:** The parcel is designated Low Density Urban and Medium Density Urban by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** This parcel is zoned Single-Family Residential (RS-7.5), Multiple-Family Residential (RM-3.5) and Resort Hotel (V-1.25).
4. **Special Management Area:** The property is located within the Special Management Area (SMA); however, as it is approximately 200 feet from the shoreline, it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** X

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</p>
--

Check all objectives and policies found to be consistent with proposed development. Issuance of a 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

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 also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
4. The estimated project cost of \$45,000 is not in excess of \$500,000.
5. Pursuant to Planning Commission Rule Section 9-10(e), the Planning Director hereby approves the clearing and routine maintenance of a 20-foot wide firebreak along the western and southern borders of the subject property, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

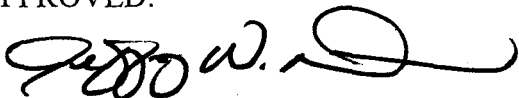
This SMA Minor Permit is subject to the following conditions:

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. The applicant shall comply with all applicable requirements of the State Historic Preservation Division's Hawai'i Island Burial Council Burial Treatment Plan, Archaeological Preservation Plan, Draft Archaeological Data Recovery Plan and the Archaeological Monitoring Plan as referenced to in Exhibit H.
4. To minimize impacts to the endangered Hawaiian Hoary Bat, the removal or trimming of woody plants taller than 15 feet is prohibited from June 1 to September 15 each year.
5. Initial clearing for the firebreak shall be completed within one (1) year from the effective date of this permit.
6. Any further uses, activities or operations proposed for the subject property shall require further review and approval as provided under Chapter 205A of the Hawai'i Revised Statutes, and Rule 9 of Planning Commission Rules of Practice and Procedure. Should the cost of any new activities or operations not included in the subject proposal but related to the subject undertaking move the total valuation of the project over \$500,000, this permit will be deemed void and a Special Management Area "Major" Use Permit will be required for the project.
7. In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition and/or construction work, 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.
8. 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).
9. 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 any questions, please feel free to contact Esther Imamura at (808) 961-8139.

APPROVED:



En MICHAEL YEE
Planning Director

Date

February 6, 2019

NOTES

RECEIPT

DATE 9/21/18

NO. 5367

RECEIVED FROM

Kamehameha Schools

ADDRESS

567 S King St Honolulu HI 96813-3062

FOR

SAA FIF: Kamehameha Schools

TMK: 7-8-010-004

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID	<u>50.00</u>		CHECK	<u>#3363623</u>	
BALANCE DUE			MONEY ORDER		

BY

M. Dacey

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