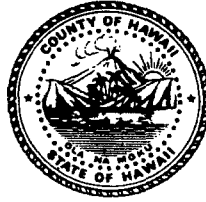


Harry Kim
Mayor

Wil Okabe
Managing Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
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County of Hawai'i
PLANNING DEPARTMENT

Michael Yee
Director

Duane Kanuha
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

March 29, 2019

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

Dear Mr. Salavea:

**Subject: Special Management Area Use Permit Assessment Application No. 18-001643
(SAA 18-001643)**

Special Management Area Minor Permit No. 19-000410 (SMM-19-000410)

Applicant: Kamehameha Schools

**Request: 1) Removal of a Fallen Banyan Tree that is partially within the
Western Portion of the Haleolono Fishpond, and**

2) "As-built" 20'x 60' Tent

TMK: (3) 2-1-015:042, Hilo, Hawai'i

The applicant proposed the removal of a fallen banyan tree with branches partially within the western portion of the fishpond that poses a safety hazard to persons managing and maintaining the fishpond. Chainsaws will be used to remove branches and limbs, which will then be chipped and used for landscaping mulch onsite. A crane will be used for the larger tree trunk and more bulky portions of the tree, with an excavator to load them onto trucks to be hauled off to the County green waste disposal facility. The area previously covered by the 250' high tree will be maintained by using weed eaters and lawn mowers.

Also included in this project is the "as-built" 20'x60' tent that is used as a shelter in support of Haleolono. This tent, 5' from the pond and approximately 250' from the ocean, will be erected for group activities and will be taken down in storm, flood, or other natural disaster conditions.

The property is zoned Open by the County and designated Urban by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG)

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Mr. Allen A. Salavea
Kamehameha Schools
March 29, 2019
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Map designates the parcel as Open. In addition, although the parcel is located in the Special Management Area, the project area is not in the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS)

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

A Programmatic General Permit Agreement for Restoration of Fishponds FEA (FONSI) allows for the restoration, repair, maintenance and reconstruction of loko i'a, traditional fishponds, in Hawai'i. Loko I'a Permit HA-18-01 was issued for Haleolono Fishpond. However, by email dated February 14, 2019, the Department of Land and Natural Resources, Office of Conservation and Coastal Lands stated that no permit or EA was required for removal of a fallen tree that was a matter of public safety.

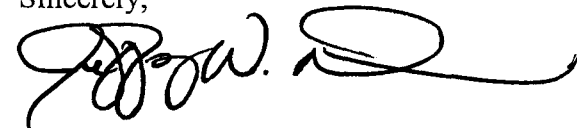
Special Management Area Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule 9-4(e)(2)(B) and (E), "development" includes "*Grading, removing dredging, mining, or extraction of any materials*" and "*Construction, reconstruction, demolition, or alteration of the size of any structure*", respectively. Therefore, the removal of a fallen banyan tree that is partially within the western portion of the fishpond, and the "'as-built" 20'x60' tent are considered "development" and requires a review against the SMA rules and regulations and requires an SMA Minor Permit. Further, we find that the proposed project will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA.

Based on the foregoing, and pursuant to PC Rule Section 9-120(e), the enclosed Special Management Area Minor Permit No. 19-000410 is hereby issued for the project as described above. However, please note that it is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

Enclosed is Receipt No. 533120 for the \$50.00 filing fee. If you have any questions, please contact Esther Imamura of this department at (808) 961-8139.

Sincerely,



Fre MICHAEL YEE
Planning Director

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Mr. Allen A. Salavea
Kamehameha Schools
March 29, 2019
Page 3

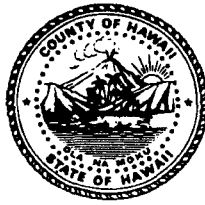
Enclosure: SMM No. 19-000410
Receipt No. 533120 for \$50.00 filing fee

cc ltr. only: Mrs. Justine Nihipali
Office of Planning
State of Hawai'i DBEDT
P.O. Box 2359
Honolulu, HI 96804-2359

Harry Kim
Mayor

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Managing Director

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Special Management Area Minor Permit No. 19-000410

Project: 1) Removal of a Fallen Banyan Tree that is Partially within the Western Portion of the Haleolono Fishpond, and
2) "As-built" 20' x 60' Tent
Applicant: Kamehameha Schools
Location: Keaukaha, South Hilo, Hawai'i
Landowner: B.P. Bishop Estate
TMK: (3) 2-1-015:042 **Land Area:** 5.16 acres

Applicant's Request

1. Project Description:

Proposed is the removal of a fallen banyan tree that is partially within the western portion of the fishpond. Chains saws will be used to remove branches and limbs, which will then be chipped and used for landscaping mulch onsite. A crane will be used for the larger tree trunk and more bulky portions of the tree, with an excavator to load them onto trucks to be hauled off to the County green waste disposal facility. The area previously covered by the 250' high tree will be maintained by using weed eaters and lawn mowers.

Also included in this project is the "as-built" 20'x60' tent that is used as a shelter in support of Haleolono. This tent, 5' from the pond and approximately 250' from the ocean, will be erected for group activities and will be taken down in storm, flood, or other natural disaster conditions.

2. Purpose of Project:

The purpose is to remove the fallen banyan tree that is partially within the western portion of the Haleolono Fishpond and poses a safety hazard to persons managing and maintaining the fishpond. The tent will be used as shelter for caretakers and group activities.

3. Project Valuation: \$30,650

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(B) and (A) relating to the Special Management Area, "Grading, removing, dredging, mining, or

extraction of any materials” and “Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste”, respectively, are defined as “development”. Therefore, the proposed project is considered “development” and requires a review against the Special Management Area rules and regulations and requires an SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** It is designated Urban by the State Land Use Commission.
- 2. General Plan:** The Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open.
- 3. County Zoning:** The parcel is zoned Open.
- 4. Special Management Area (SMA):** The subject property is located entirely within the Special Management Area (SMA); however, the project area is not located in a “shoreline area” as defined by Hawai‘i Revised Statutes (HRS) Chapter 205A-41.
- 5. Flood Zone:** VE.

Compliance with Objectives and Policies of Chapter 205A, Hawaii 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

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 activity will not affect public access to the shoreline or public use of the shoreline area.
3. The estimated project cost of approximately \$30,650 is not in excess of \$500,000.
4. The enclosed Department of Public Works, Engineering Division memorandum dated March 5, 2019, stated the following:

"We have reviewed the subject request forwarded by your memo dated February 28, 2019 and provide the following comments:

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 coastal flood (1% chance of occurring in any given year) with velocity hazard (wave action). The Base Flood Elevation is approximately 16-22 feet (computed flood elevation from mean sea level). Fill material is considered an encroachment and/or obstruction which may block, impede, induce, or aggravate flooding and is prohibited unless certified by a civil engineer licensed in the State of Hawai'i, with supporting data, that the encroachment will not cause any increase in the Base Flood Elevation during the occurrence of the Base Flood."

5. Pursuant to Planning Commission Rule Section 9-10(E), the Planning Director hereby approves the removal of a fallen banyan tree that is partially within the western portion of the fishpond, and for the "as-built" 20'x60' tent, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

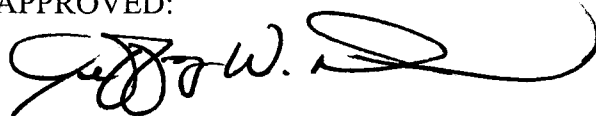
This SMA Minor Permit is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. All construction shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
4. The tent shall be taken down in storm, flood, or other natural disaster conditions.

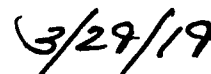
5. The removal of the banyan tree shall be completed within one (1) year from the date of this permit.
6. All landscaping mulch must be deposited outside of the shoreline setback area. As the trunk and bulk portions of the tree will be taken to the County green waste disposal facility, please note that the disposal of waste material is subject to the requirements of Chapter 20 - Refuse, of the Hawai'i County Code. A Landfill Disposal Permit from the Department of Environmental Management, Solid Waste Division may be required.
7. Any grading, grubbing, filling or other construction activity including but not limited to the construction of structures of any type shall require further review and approval as provided under Chapter 205A, HRS and Rule 9, Planning Commission Rules of Practice and Procedure.
8. 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.
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 Esther Imamura of this department at (808) 961-8139.

APPROVED:



FM
MICHAEL YEE
Planning Director



Date

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PLANNING DEPARTMENT
COUNTY OF HAWAII

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: March 5, 2019

Memorandum

TO: Michael Yee, Planning Director

FROM: For Department of Public Works, Engineering Division *B.H.*

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 18-001643)

Applicant: Kamehameha Schools
Land Owners: B.P. Bishop Estates Trustees
Request: Removal of a Fallen Banyan Tree
TMK: (3) 2-1-015:042

We have reviewed the subject request forwarded by your memo dated February 28, 2019 and provide the following comments:

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 coastal flood (1% chance of occurring in any given year) with velocity hazard (wave action). The Base Flood Elevation is approximately 16 – 22 feet (computed flood elevation from mean sea level).

Fill material is considered an encroachment and/or obstruction which may block, impede, induce, 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 Bryce Harada at 961-8042.

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