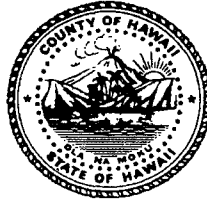


Harry Kim  
Mayor

Wil Okabe  
Managing Director

West Hawai'i Office  
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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

August 26, 2019

Kevin Sakai  
c/o County of Hawai'i  
Department of Parks and Recreation  
101 Pauahi St., Ste. 6  
Hilo, HI 96720

Dear Mr. Sakai:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(SAA-19-001702)  
Special Management Area (SMA) Minor Use Permit (SMM-19-000421)  
Applicant(s): County of Hawai'i – Dept. of Parks and Recreation  
Land Owner(s): County of Hawai'i  
Project: Volunteer Service Project  
Tax Map Key: (3) 1-3-008:097; Pohoiki, Keahialaka, Puna, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA-19-001702), originally submitted on July 24, 2019. A confirmation of exemption from the preparation of an Environmental Assessment (EA) was provided by the Department of Parks and Recreation by letter dated August 21, 2019.

The applicant proposes the following activities:

1. Clearing of overgrown non-native foliage, fallen coconuts, and palm fronds, etc.
2. Pruning of trees (using hand tools only)

The subject 26.762-acre parcel is zoned Open (O) by the County of Hawai'i and designated within the State Land Use (SLU) Conservation District by the State Land Use Commission. The parcel is designated as both Open (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The parcel is located entirely within the Special Management Area (SMA) and has approximately 1600 linear feet of frontage along the coastline.

**AUG 26 2019]**

Kevin Sakai  
c/o County of Hawai'i  
Department of Parks and Recreation  
August 26, 2019  
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**Shoreline Area:**

Portions of the proposed activity will be located within the County of Hawai'i Shoreline Setback Area, however, the proposed use will not involve construction, demolition, or the placement or erection of any materials within that area and is considered minor use. Therefore the Planning Director considered this project will have no cumulative impact, or a substantial adverse environmental or ecological effect on the SMA. Additionally, the Planning Director has waived the requirement for a shoreline certification as the proposed activity.

The Planning Department notes that pursuant to Hawai'i Administrative Rules (HAR) Ch. 13-5, Conservation District, §13-5-6(d) "*No land use(s) shall be conducted in the conservation district unless a permit or approval is first obtained from the department of board*". We recommend you contact the DLNR – Office of Conservation and Coastal Lands (OCCL) to determine the permitting or approval requirements for this project.

**Special Management Area Determination:**

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(e)(1)(B) relating to Special Management Area (SMA), "development" includes: "*Grading, removing, dredging, mining, or extraction of any materials*" and as such the proposed clearing of vegetation and pruning of trees will require review against the Special Management Rules and regulations.

We find that the proposed actions will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA. Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area, Minor Permit No. SMM-19-000421, is hereby issued for the project as described above. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have any questions, please contact Alex J. Roy of this office at (808) 961-8140.

Sincerely,

  
MICHAEL YEE  
Planning Director

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Kevin Sakai  
c/o County of Hawai'i  
Department of Parks and Recreation  
August 26, 2019  
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Enclosures: SMM-19-000421

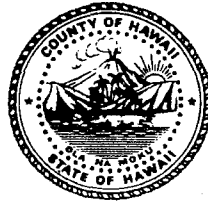
cc w/Encls.: Administrative Permits Division (*via email*)

cc ltr. only: Office of Planning  
DLNR - OCCL

Harry Kim  
Mayor

Wil Okabe  
Managing Director

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## County of Hawai'i

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Fax (808) 961-8742

### **Special Management Area Minor Permit No. 19-000421**

**Project:** Volunteer Service Project - Pohoiki  
**Applicant(s):** County of Hawai'i Dept. of Parks and Recreation  
**Owner(s):** County of Hawai'i  
**Location:** Pohoiki Keahialaka, Puna District, Hawai'i  
**TMK:** (3) 1-3-008:097  
**Land Area:** 26.762-acres

#### **Applicant's Request**

##### **1. Project Description:**

The applicant proposes the following activities:

1. Clearing of overgrown non-native foliage, fallen coconuts, and palm fronds, etc.
2. Pruning of trees (using hand tools only)
2. **Purpose of Project:** The applicant is proposing to conduct clearing of overgrown vegetation and minor tree pruning to return the area (Pohoiki) to its "original" condition, as well as to deter homelessness and illicit activity on this parcel.
3. **Project Valuation:** \$0
4. **Determination:** According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 relating to Special Management Area (SMA): "Grading, removing, dredging, mining, or extraction of any materials" is defined as "development." Therefore, the proposed Volunteer Service Project located on the subject property 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:** The parcel is designated within the Conservation District by the State Land Use Commission.
2. **General Plan:** The parcel is designated as *Open* (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is currently zoned Open (O)
4. **Special Management Area:** The subject parcel is located in the SMA and work is proposed within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** Zone X

### 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 tsunامي, 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.

<b>Findings</b>
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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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$0 for the volunteer service project is not in excess of \$500,000.

<b>Approved Uses, Activities and Operations</b>
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Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. SMM-19-000421** is hereby approved to:

1. Clearing of overgrown non-native foliage, fallen coconuts, and palm fronds, etc., and
2. Pruning of trees (using hand tools only)

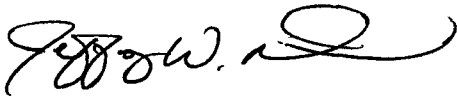
<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. SMM-19-000421**, **subject to the following conditions:**

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; including, but not limited to the State Dept. of Land and Natural Resources, Office of Conservation and Coastal Lands.
3. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
4. Best Management Practices (BMP) discussed in the application must be followed to ensure the area surrounding the project site are kept clear of any rubbish or debris, and to minimize impacts to natural and cultural resources.
5. Any further uses, activities or operations proposed for the subject property shall require further review and approval as provided under HRS Chapter, and Rule 9 of Planning Commission Rules of Practice and Procedure.
6. 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 the State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.
7. 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 Alex J. Roy at (808) 961-8140 or via email at [alex.roy@hawaiicounty.gov](mailto:alex.roy@hawaiicounty.gov)

APPROVED:

*Ra*   
\_\_\_\_\_  
MICHAEL YEE  
Planning Director

*August 26, 2019*  
\_\_\_\_\_  
Date