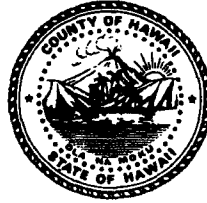


Harry Kim
Mayor

Wil Okabe
Managing Director

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74-5044 Ane Keohokalole Hwy
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County of Hawai'i
PLANNING DEPARTMENT

Michael Yee
Director

Duane Kanuha
Deputy Director

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101 Pauahi Street, Suite 3
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October 21, 2019

T. Keli'i Kapali
c/o Aloha Kuamo'o Aina
P. O. Box 6546
Kamuela, HI 96743

Dear Ms. Kapali:

**Subject: Special Management Area (SMA) Use Permit Assessment Application
(SAA-19-001700)**

Special Management Area (SMA) Minor Use Permit (SMM-19-000424)

Applicant(s): Aloha Kuamo'o 'Āina

Land Owner(s): Aloha Kuamo'o 'Āina

Project: Kuamo'o Stewardship and Improvement Project

Tax Map Key: (3) 7-9-005:002 & 003, North Kona District, Island of Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA-19-001700), originally submitted on March 25, 2019. A site visit was conducted by the Planning Department on May 16, 2019 to assess the existing conditions of the project area. The final updated application was provided to the Planning Department on July 15, 2019. We appreciate you working with the Planning Department to provide a comprehensive application. Staff notes that the proposed project includes the use of two (2) parcels, one of which (TMK: (3) 7-9-005:003) is located entirely within the State Land Use (SLU) Conservation District, and is therefore under the regulatory authority of the Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands.

The applicant proposes the following activities:

- Jeep Road Improvements (improve existing access to project area);
- Installation of perimeter ungulate control fencing;
- Construction of a storage shed for property activities;

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- Construction of a traditional Hale;
- Placement of composting toilet;
- Native Plant propagation enclosure (fencing to minimize impacts to native species); and
- Existing water tank and water well improvements.

The *makai* parcel (TMK: (3) 7-9-005:003) is 16.35-acres, and is zoned Agricultural 5-acres (A-5a) 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) and Extensive Agriculture (ea) 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 2,600 linear feet of frontage along the coastline.

The *mauka* parcel (TMK: (3) 7-9-005:002) is 30.80-acres, and is zoned Agricultural 5-acres (A-5a) by the County of Hawai'i and designated within the State Land Use (SLU) Agricultural District by the State Land Use Commission. The parcel is designated as both Open (ope) and Extensive Agriculture (ea) by the Hawai'i County General Plan LUPAG Map. The parcel is located entirely within the SMA, but it is not a shoreline parcel.

Shoreline Area:

The only portion of the proposed project to extend into the County of Hawai'i shoreline setback area will be the ungulate control fencing which is necessary to eliminate feral goats from accessing the parcel, however, the proposed use within that area is considered minor with the majority of the proposed project located well outside the shoreline setback area. Based on the preceding the Planning Director considers this project will have no cumulative impact, or any substantial adverse environmental or ecological effect on the SMA. Additionally, the Planning Director has waived the requirement for a shoreline certification as the majority of the proposed development will be sited from 150 to 300-feet from the shoreline.

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 additional 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: "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" and "*Construction, reconstruction, demolition, or alteration of the size of any structure*"; as such the proposed Kuamo'o Stewardship and Improvement Project 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-19-000424, 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,



For MICHAEL YEE
Planning Director

AJR:mads

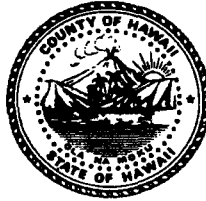
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Enclosures: SMM-19-000424

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

cc ltr. only: DBEDT Office of Planning
DLNR-OCCL
DLNR-SHPD

Harry Kim
Mayor



Michael Yee
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Special Management Area Minor Permit No. 19-000424

Project: Kuamo'o Stewardship and Improvement Project
Applicant(s): Aloha Kuamo'o 'Āina
Owner(s): Aloha Kuamo'o 'Āina
Location: Por. Honalo, Kawanui 1st, North Kona District, Island of Hawai'i
TMK(s): (3) 7-9-005:002 & (3) 7-9-005:003
Land Area: 47.15-acres

Applicant's Request

1. Project Description:

The applicant proposes the following activities:

1. Jeep Road Improvements (improve existing access to project area);
2. Installation of perimeter ungulate control fencing;
3. Construction of a storage shed for property activities;
4. Construction of a traditional Hale;
5. Placement of composting toilet;
6. Native Plant propagation enclosure (fencing to minimize impacts to native species);
and
7. Existing water tank and water well improvements.

2. Purpose of Project: The Aloha Kuamo'o 'Āina (AKA) properties and surrounding areas are part of a historic cultural landscape that has the potential to significantly add to the cultural and historical knowledge of this area and the larger Kona region. This vital opportunity is lost

when historic sites and resources are allowed to fall apart. AKA proposed to undertake several projects to protect these cultural and historic sites in perpetuity and ensure that cultural and historical knowledge is preserved and not lost.

3. Project Valuation: \$250,000

- 4. 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: "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" and "*Construction, reconstruction, demolition, or alteration of the size of any structure*"; as such the proposed Kuamo'o Stewardship and Improvement Project will require a SMA Minor Permit.

State and County Plans

- 1. State Land Use (SLU) District:** TMK: 379005003 is located within the SLU Conservation District, TMK: 379005002 is within the SLU Agricultural District.
- 2. General Plan:** The entire project area is designated as both Open (ope) and Extensive Agriculture (ea) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The entire project area is currently zoned Agricultural 5-acre (A-5a).
- 4. Special Management Area:** The entire project area is located within the SMA with only minor work proposed within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
- 5. Flood Zone:** The majority of the project area is within Flood Zone "X", with small portions of the coastal area within Flood Zone "AE" and "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.

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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$250,000 for the Kuamo‘o Stewardship and Improvement Project is not in excess of \$500,000.

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. SMM-19-000424** is hereby approved to:

1. Jeep road improvements (improve existing access to project area);
2. Installation of perimeter ungulate control fencing;
3. Construction of a storage shed for property activities;
4. Construction of a traditional Hale;
5. Placement of composting toilet;
6. Native plant propagation enclosure (fencing to minimize impacts to native species);
and
7. Existing water tank and water well improvements.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. SMM-19-000424**, subject to the following conditions:

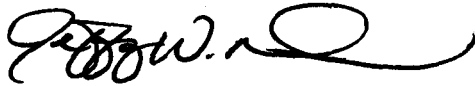
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations; 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. The section of the Ala Loa Trail that traverses the project area shall remain open for public access; any necessary short-term closure of the trail for construction or safety purposes must be coordinated with the Planning Department to ensure available public access.
6. 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.
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 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.
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 Alex J. Roy at (808) 961-8140 or via email at alex.roy@hawaiicounty.gov

APPROVED:



RA MICHAEL YEE
Planning Director

10/21/19

Date