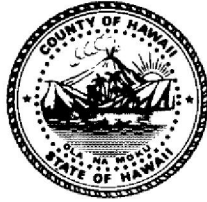


Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

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County of Hawai'i

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Zendo Kern
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Jeffrey W. Darrow
Deputy Director

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Phone (808) 961-8288
Fax (808) 961-8742

June 17, 2022

Kamala Anthony
2306 Kalaniana'ole Steet
Hilo, HI 96720

Dear Ms. Anthony:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2022-000057)**

**Special Management Area (SMA) Minor Permit - CORRECTED
(PL-SMM-2022-000022)**

Applicant(s): Hui Ho'oleimaluō

Landowner(s): Hui Ho'oleimaluō

**Project: Loko I'a Restoration and Maintenance; Land and
Resource Management; Community Building and Events**

Tax Map Key: (3) 2-1-018:006, :007 & :010

Location: Waiākea, South Hilo District, Island of Hawai'i

On June 6, 2022, the Planning Department issued the above-referenced SMA Minor Permit for the proposed project. This letter is to correct conditions in the permit; two conditions are being amended and one condition is being added. These changes are being made to clarify when building permits and plan approval will need to be secured prior to commencing the proposed project.

The changes are as follows and material to be deleted is bracketed and struck through; new material is underscored:

3. A Building Permit, approved by the Department of Public Works, shall be issued for the ~~[proposed project]~~ temporary thatched hales within two (2) years from the date of this permit.
4. The Applicant shall secure all necessary Temporary Building Permits for all proposed temporary structures from the Department of Public Works prior to emplacement on the property.

Kamala Anthony
June 17, 2022
Page 2

5. Final Plan Approval (PA) shall be secured from the Planning Department prior to either conducting community events or the construction of the community buildings pursuant to Section 25-2-71(c) of the Hawai'i County Code.

We apologize for any confusion this correction may cause. If you have questions regarding this document, please feel free to contact Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiiicounty.gov.

Sincerely,

Zendo Kern
Zendo Kern (Jun 17, 2022 10:18 HST)

ZENDO KERN
Planning Director

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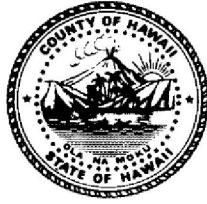
Enclosure: PL-SMM-2022-000022 (CORRECTED)

Cc (via email): Director, Office of Planning and Sustainable Development, DBEDT
Shichao Li; State-OPSD
Lisa E. Webster, State-OPSD
GIS Section

Mitchell D. Roth
Mayor

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Special Management Area Minor Permit No. PL-SMM-2022-000022 **(CORRECTED)**

Project: Loko I'a Restoration and Maintenance; Land and Resource Management; Community Building and Events
Applicant: Hui Ho'oleimaluō
Landowner: Hui Ho'oleimaluō
Location: Waiākea, South Hilo District, Island of Hawai'i
TMK(s): (3) 2-1-018:006, :007 & :010
Land Area: 3.02 acres (total)

Applicant's Request

1. Proposed Project:

The applicant is proposing the following activities:

- Emplace four (4) temporary, (3) 20-feet (ft.) by 20-ft. and (1) 20-ft. by 30-ft. tent structures for site workers.
- Emplace five (5) temporary toilets for site workers.
- Emplace two (2) temporary traditional thatched hale (15ft. x 12ft. x 18ft.) community buildings.
- Install one (1) temporary tool shed for supplies and equipment used for natural resources management (16 ft. x 16 ft. x 8 ft.).
- Repair existing water lines located on the parcel.
- Conduct repair and maintenance of existing fencing and install new fencing.
- On-site parking; and an access driveway from Nene Street and Kalaniana'ole Street.
- Conduct land and resource management such as: trimming invasive and non-native trees, weed control, removal of other invasive plant species, and the removal of garbage and debris.
- Conduct Hawaiian protocols and ceremony.
- Conduct loko i'a restoration and maintenance by removing in-water invasive species, re-building mākāhā (sluice gate), and dry stacking rock to repair pond walls and to establish new garden beds.

- Removing debris and sediment from ponds, improving existing channels and constructing new mākāhā. Overgrowth removal and native plant propagation. Other restorative activities as required.
 - The applicant, families, and site workers will conduct native Hawaiian cultural practices such as oli, mele, imu, mahi‘ai, carving, canoe building and sailing, hale building, as well as daily regular site monitoring such as testing water quality and managing new plantings.
 - Community events and curriculum development to perpetuate Native Hawaiian cultural practices and natural resource management including fundraising, volunteer workdays, ‘Ohana workshops, student symposiums, Makahiki celebrations, religious festivals (music and/or hula). Community events will be limited to no more than 200 individuals.
2. **Purpose of Project:** The objective of the proposed project is to nourish Hawai‘i’s loko i‘a through hands-on activities, community advocacy, and place-based management of natural resources.
3. **Project Valuation:** \$5,000.
4. **Determination:** According to Chapter 205A-22, Hawai‘i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(B) and (E) relating to Special Management Area (SMA): *“Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste; Grading, removing, dredging, mining, or extraction of any materials, Change in the density or intensity of use of land, including but not limited to the division or subdivision of land, Change in the intensity of use of water, ecology related thereto, or access thereto, and Construction, reconstruction, or alteration of the size of any structure”* is defined as “development.” Therefore, the proposed project as described above is considered “development” and requires a review against the Special Management Area rules and regulations. Our review has resulted in the issuance of a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject parcels are within the State Land Use (SLU) Urban District.
2. **General Plan:** The project area is designated Low Density Urban (ldu) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The project area, which includes three (3) separate parcels, are each zoned Single-Family Residential (RS-15).
4. **Special Management Area:** The entire project area (all three parcels) is located within the Special Management Area (SMA); however, as they are located mauka of the road, they are not considered “shoreline parcels” as defined by Section 205A-41(as amended), Hawai‘i Revised Statutes (HRS).

5. Flood Zone: AE, VE.

<p>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 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 objective(s) 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, including reefs, beaches, and coastal dunes, 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 coastal hazards.
 - ☒ 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 and coastal dunes for: 1) public use and recreation; 2) the benefit of coastal ecosystems; 3) use as a natural buffer against coastal hazards; and 4) coordinate and fund beach management and protection.
- ☒ 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 and Coastal Dune Protection
 - ☒ Marine and Coastal Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

1. As discussed above, the proposed project will not have any significant adverse environmental or ecological effects, 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 project is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$5,000 does not exceed \$500,000.

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. PL-SMM-2022-000022 (CORRECTED)** is hereby approved for the proposed project on the above referenced parcels.

Conditions of Approval

The Planning Director is issuing **SMA Minor Permit No. PL-SMM-2022-000022 (CORRECTED)**, subject to the following conditions:

1. The applicant(s), its successor(s) or assign(s) (“Applicant”) 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. A Building Permit, approved by the Department of Public Works, shall be issued for the temporary thatched hales within two (2) years from the date of this permit.
4. The Applicant shall secure all necessary Temporary Building Permits for all proposed temporary structures from the Department of Public Works prior to emplacement on the property.
5. Final Plan Approval (PA) shall be secured from the Planning Department prior to either conducting community events or the construction of the community buildings pursuant to Section 25-2-71(c) of the Hawai‘i County Code.
6. Other than the proposed project as described in this permit, no further work is permitted under this approval.
7. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, up-lights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawai‘i Revised Statutes.
8. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai‘i County Code.

9. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai‘i County Code.
10. Any further development, including but not limited to, the construction of structures or improvements not included in this permit shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
11. The Applicant shall comply with the following Best Management Practices.
 - a) All debris and material removed from the aquatic environment shall be disposed of at an approved upland or alternative disposal site.
 - b) Project operations must cease under unusual conditions, such as large tidal events or flooding conditions for safety purposes.
 - c) The Applicant will attempt to only use rocks and materials from on site in the rebuilding of walls if possible.
 - d) No mechanized equipment will be used. All activities will be conducted by hand or hand tools.
 - e) Environmental monitoring will be followed to check daily for protected species.
 - f) Water quality will be monitored for sediment plumes.
12. Best Management Practices (BMP) shall be implemented prior to commencing any demolition or land altering activity and shall be maintained to serve their intended purpose throughout the construction process. BMP shall include, but are not necessarily limited to:
 - a) The use of silt fencing, temporary surface run-off curbing and dewatering filter bags, shall be installed as may be necessary to prevent silt, sediment, soil and other displaced materials from being transported to any adjacent roadways, properties or storm drainage systems.
13. In the 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, the Applicant shall 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.
14. Conditions of approval for SMA Permit No. PL-SMM-2022-000022 shall be included on the title sheet of the proposed project’s Building Permit application plan submittal to ensure the Applicant, and agents for the Applicant, comply with all conditions of approval.

15. That in issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit. If, after issuance of this permit, such information and data prove to be false, incomplete, or inaccurate (i.e., valuation of development), this permit may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
16. 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).
17. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke this permit.

If you have questions regarding this document, please feel free to contact Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiicounty.gov.

APPROVED:

Zendo Kern

Zendo Kern (Jun 17, 2022 10:18 HST)

ZENDO KERN
Planning Director

June 17, 2022

Date

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

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County of Hawai'i

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June 06, 2022

Kamala Anthony
2306 Kalaniana'ole Steet
Hilo, HI 96720

Dear Ms. Anthony:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2022-000057)**

**Special Management Area (SMA) Minor Permit
(PL-SMM-2022-000022)**

Applicant(s): Hui Ho'oleimaluō

Landowner(s): Hui Ho'oleimaluō

**Project: Loko I'a Restoration and Maintenance; Land and
Resource Management; Community Building and Events**

Tax Map Key: (3) 2-1-018:006, :007 & :010

Location: Waiākea, South Hilo District, Island of Hawai'i

We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2021-000057), submitted to this office on February 11, 2022; additional information was received on April 6, 2022, and May 17, 2022.

The subject parcels total approximately 3.02 acres with approximately 1.2 acres (40% of the project area) consisting of Hawaiian fishponds (loko i'a). The parcels are each zoned Single-Family Residential (RS-15) by the County and designated Urban by the State Land Use Commission. The project area is designated Low Density Urban (ldu) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.

Existing Land Uses:

The subject property is currently devoid of development other than remnants of a previous residential structure (concrete pad and steps), perimeter fencing, fishponds and associated fishpond structures (i.e., mākāhā). While native fish stocks have been identified in the loko i'a including 'ama'ama, aholehole, limu 'ele'ele, and 'opae, the loko i'a are also currently home to invasive plant and animal species.

Proposed Project and Purpose:

The applicant is proposing the following activities:

- Emplace four (4) temporary, (3) 20-feet (ft.) by 20-ft. and (1) 20-ft. by 30-ft. tent structures for site workers.
- Emplace five (5) temporary toilets for site workers.
- Emplace two (2) temporary traditional thatched hale (15ft. x 12ft. x 18ft.) community buildings.
- Install one (1) temporary tool shed for supplies and equipment used for natural resources management (16 ft. x 16 ft. x 8 ft.).
- Repair existing water lines located on the parcel.
- Conduct repair and maintenance of existing fencing and install new fencing.
- On-site parking; and an access driveway from Nene Street and Kalaniana'ole Street.
- Conduct land and resource management such as: trimming invasive and non-native trees, weed control, removal of other invasive plant species, and the removal of garbage and debris.
- Conduct Hawaiian protocols and ceremony.
- Conduct loko i'a restoration and maintenance by removing in-water invasive species, re-building mākāhā (sluice gate), and dry stacking rock to repair pond walls and to establish new garden beds.
- Removing debris and sediment from ponds, improving existing channels and constructing new mākāhā. Overgrowth removal and native plant propagation. Other restorative activities as required.
- The applicant, families, and site workers will conduct native Hawaiian cultural practices such as oli, mele, imu, mahi'ai, carving, canoe building and sailing, hale building, as well as daily regular site monitoring such as testing water quality and managing new plantings.
- Community events and curriculum development to perpetuate Native Hawaiian cultural practices and natural resource management including fundraising, volunteer workdays, 'Ohana workshops, student symposiums, Makahiki celebrations, religious festivals (music and/or hula). Community events will be limited to no more than 200 individuals.

No other work or activities are being proposed at this time. Staff notes that all land and resource management activities, including any ground disturbance, will be conducted by community volunteers using hand tools.

The objective of the proposed project is to nourish Hawai'i's loko i'a through hands-on activities, community advocacy, and place-based management of natural resources.

Shoreline Area Determination:

The entire project area is located within the Special Management Area (SMA); however, no portion of the parcel is located within the “shoreline area” as defined by section 205A-41, Hawai‘i Revised Statutes (HRS). Therefore, as the project is not located in a “shoreline area” there is no requirement to submit a certified shoreline survey for the proposed project.

Ho‘āla Loko I‘a Program:

In 2015, the State of Hawai‘i completed a programmatic permit process for the repair, restoration, maintenance, and operation of loko i‘a (traditional Hawaiian fishponds). According to our review of the project site, the subject fishponds are not situated within the State Land Use Conservation District and therefore are not subject to DLNR regulatory jurisdiction. However, please note that the Ho‘āla Loko I‘a Program was developed to be consistent with the coastal zone management program and the Planning Department has reviewed the unique conditions, best management practices, and monitoring standards established by that program and have included appropriate conditions and review criteria to this approval.

Hawai‘i Revised Statutes (HRS) Ch. 343 Determination:

The proposed project does not meet any of the triggers for environmental review in Hawai‘i Administrative Rules (HAR) Section 11-200.1-9 (Applicability of Chapter 343, HRS, to applicant actions) and HRS Chapter 343-5, thus an environmental document is not required.

Chapter 6E-42 Historic Preservation Review:

While no Archeological Inventory Survey (AIS) has been conducted for the subject parcels, historic (1965) and contemporary aerial imagery of the proposed project area indicates that the subject properties have been previously impacted by the clearing of vegetation. Based on that information, by letter dated May 4, 2022, the SHPD has provided a determination that *“no historic properties will be affected by the proposed project, and the historic preservation review process is ended. Pursuant to HAR §13-284-7(e), the permit issuance process may proceed.”*

Department of the Army Jurisdictional Determination:

By letter dated May 20, 2022, the Honolulu District, U.S. Army Corps of Engineers Regulatory Branch has reviewed the proposed project details and the project site to determine whether a Department of the Army (DA) permit is required. Pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 the USACE has determined *that the proposed project would not involve an activity subject to the regulatory jurisdiction of the USACE, and therefore a DA permit is not required.*

Additional Agency Reviews Conducted:

Based on the style and scope of the proposed project, the Planning Department solicited comments from other agencies that may have concerns or recommendations for the proposed project. The following outlines the agencies contacted and their comments:

State Department of Health (DOH): *The Health Department found no environmental health concerns with regulatory implications in the submittals.*

County Department of Environmental Management (DEM): *(Solid Waste Div.) – Non-profit organization may not use transfer stations for disposal; Green waste may be transported to the appropriate green waste sites, or other suitable diversion programs; Construction and demolition waste is prohibited at all County Transfer Stations. (Wastewater Div.) – Applicant shall follow Department of Health Guidelines.*

State Office of Planning and Sustainable Development (OPSD):

1) The OPSD concurs that loko i'a is a significant and unique Hawaiian cultural and food production practice. Restoration and maintenance of existing loko i'a and associated activities may be exempted from SMA permitting pursuant to Hawai'i Revised Statutes (HRS) § 205A-22, as amended, as follows:

(6) Repair, maintenance, or interior alterations to existing structures.

(8) Use of any land for the purpose of cultivating, planting, growing, and harvesting plants, crops, trees, and other agricultural, horticultural, or forestry products or animal husbandry, or aquaculture or mariculture of plants or animals, or other agricultural purposes.

The OPSD suggests that the SMA use assessment application describe the proposed channel construction, mākāhā (sluice gate) construction and Umu/fish home (rock) construction and provide a plot plan for the proposed construction.

2) The application needs to explain the term “temporary” with a time period for the eight tent structures. Pursuant to the definition of “development” under HRS § 205A-22, the setup of eight temporary tent structures and five portable toilets from the proposed action will require a SMA permit.

Staff Note: In regard to the above comment from OPSD, the attached SMA Minor Permit has been issued for the proposed project.

State Department of Land and Natural Resources (DLNR): The following Divisions were contacted; DAR, Engineering, DOFAW, CWRM, OCCL, and Land Division (Hawai'i District) – no comments were provided by any of the listed DLNR Divisions.

Special Management Area Determination:

Pursuant to Hawai‘i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(1) relating to the Special Management Area: *Development means any of the [listed] uses, activities, or operations on land or in or under water within the special management area.* According to the application, the following definitions of “Development” can be applied to the proposed use:

- *Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste.*
- *Grading, removing, dredging, mining, or extraction of any materials,*
- *Change in the density or intensity of use of land, including but not limited to the division or subdivision of land,*
- *Change in the intensity of use of water, ecology related thereto, or access thereto, and*
- *Construction, reconstruction, or alteration of the size of any structure.*

We find that the proposed project is not exempt from the definition of “development;” however, the project 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. **PL-SMM-2022-000022**, 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.

While further review of the proposed project against the Special Management Area rules and regulations will not be required, all other applicable Zoning Code and Building Code requirements must be satisfied. Additionally, any future development or activities not included in this approval shall require further review and approval as provided under Chapter 205A, HRS and Rule 9, Planning Commission Rules of Practice and Procedure.

If you have questions regarding this document, please feel free to contact Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiiicounty.gov.

Sincerely,

Zendo Kern

Zendo Kern (Jun 6, 2022 13:11 HST)

ZENDO KERN
Planning Director

AJR:jaa

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Enclosures: PL-SMM-2022-000022

Kamala Anthony
June 06, 2022
Page 6

Cc (via email): Director, Office of Planning and Sustainable Development, DBEDT
Shichao Li; State-OPSD
Lisa E. Webster, State-OPSD
GIS Section

Mitchell D. Roth
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Special Management Area Minor Permit No. PL-SMM-2022-000022

Project: Loko I'a Restoration and Maintenance; Land and Resource Management; Community Building and Events
Applicant: Hui Ho'oleimaluō
Landowner: Hui Ho'oleimaluō
Location: Waiākea, South Hilo District, Island of Hawai'i
TMK(s): (3) 2-1-018:006, :007 & :010
Land Area: 3.02 acres (total)

Applicant's Request

1. Proposed Project:

The applicant is proposing the following activities:

- Emplace four (4) temporary, (3) 20-feet (ft.) by 20-ft. and (1) 20-ft. by 30-ft. tent structures for site workers.
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2. **Purpose of Project:** The objective of the proposed project is to nourish Hawai‘i’s loko i‘a through hands-on activities, community advocacy, and place-based management of natural resources.
3. **Project Valuation:** \$5,000.
4. **Determination:** According to Chapter 205A-22, Hawai‘i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(B) and (E) relating to Special Management Area (SMA): *“Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste; Grading, removing, dredging, mining, or extraction of any materials, Change in the density or intensity of use of land, including but not limited to the division or subdivision of land, Change in the intensity of use of water, ecology related thereto, or access thereto, and Construction, reconstruction, or alteration of the size of any structure”* is defined as “development.” Therefore, the proposed project as described above is considered “development” and requires a review against the Special Management Area rules and regulations. Our review has resulted in the issuance of a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject parcels are within the State Land Use (SLU) Urban District.
2. **General Plan:** The project area is designated Low Density Urban (ldu) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The project area, which includes three (3) separate parcels, are each zoned Single-Family Residential (RS-15).
4. **Special Management Area:** The entire project area (all three parcels) is located within the Special Management Area (SMA); however, as they are located mauka of the road, they are not considered “shoreline parcels” as defined by Section 205A-41(as amended), Hawai‘i Revised Statutes (HRS).
5. **Flood Zone:** AE, 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 objective(s) 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, including reefs, beaches, and coastal dunes, 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 coastal hazards.
 - ☒ 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 and coastal dunes for: 1) public use and recreation; 2) the benefit of coastal ecosystems; 3) use as a natural buffer against coastal hazards; and 4) coordinate and fund beach management and protection.

- ☒ 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 and Coastal Dune Protection
 - ☒ Marine and Coastal Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

1. As discussed above, the proposed project will not have any significant adverse environmental or ecological effects, 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 project is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$5,000 does not exceed \$500,000.

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. PL-SMM-2022-000022** is hereby approved for the proposed project on the above referenced parcels.

Conditions of Approval

The Planning Director is issuing **SMA Minor Permit No. PL-SMM-2022-000022**, subject to the following conditions:

1. The applicant(s), its successor(s) or assign(s) (“Applicant”) 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. A Building Permit, approved by the Department of Public Works, shall be issued for the proposed project within two (2) years from the date of this permit.
4. Final Plan Approval (PA) shall be secured from the Planning Department prior to the construction of the community buildings pursuant to Section 25-2-71(c) of the Hawai‘i County Code.
5. Other than the proposed project as described in this permit, no further work is permitted under this approval.
6. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, up-lights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawai‘i Revised Statutes.
7. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai‘i County Code.
8. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai‘i County Code.
9. Any further development, including but not limited to, the construction of structures or improvements not included in this permit shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
10. The Applicant shall comply with the following Best Management Practices.
 - a) All debris and material removed from the aquatic environment shall be disposed of at an approved upland or alternative disposal site.
 - b) Project operations must cease under unusual conditions, such as large tidal events or flooding conditions for safety purposes.

- c) The Applicant will attempt to only use rocks and materials from on site in the rebuilding of walls if possible.
 - d) No mechanized equipment will be used. All activities will be conducted by hand or hand tools.
 - e) Environmental monitoring will be followed to check daily for protected species.
 - f) Water quality will be monitored for sediment plumes.
11. Best Management Practices (BMP) shall be implemented prior to commencing any demolition or land altering activity and shall be maintained to serve their intended purpose throughout the construction process. BMP shall include, but are not necessarily limited to:
- a) The use of silt fencing, temporary surface run-off curbing and dewatering filter bags, shall be installed as may be necessary to prevent silt, sediment, soil and other displaced materials from being transported to any adjacent roadways, properties or storm drainage systems.
12. In the 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, the Applicant shall 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.
13. Conditions of approval for SMA Permit No. PL-SMM-2022-000022 shall be included on the title sheet of the proposed project's Building Permit application plan submittal to ensure the Applicant, and agents for the Applicant, comply with all conditions of approval.
14. That in issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit. If, after issuance of this permit, such information and data prove to be false, incomplete, or inaccurate (i.e., valuation of development), this permit may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
15. 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).

16. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke this permit.

If you have questions regarding this document, please feel free to contact Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiicounty.gov.

APPROVED:

Zendo Kern

Zendo Kern (Jun 6, 2022 13:11 HST)

ZENDO KERN

Planning Director

Jun 6, 2022

Date