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County of Hawai'i

PLANNING DEPARTMENT

Jeffrey W. Darrow
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January 14, 2025

Jeffrey S. Ochi
County of Hawai'i Department of Parks and Recreation
101 Pauahi St., Ste. 6
Hilo, HI 96720
VIA EMAIL

Dear Jeffrey Ochi:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2024-000262)
Special Management Area (SMA) Minor Permit
(PL-SMM-2025-000070)**

Applicant: County of Hawai'i Department of Parks and Recreation
Landowner: State of Hawai'i/County of Hawai'i via Executive Order
Request: Clearing Vegetation, and Tree Maintenance
Tax Map Key: (3) 2-1-003:001, 017, 022, South Hilo, Island of Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (PL-SAA-2024-000262) received by this office on December 3, 2024, with additional information provided on January 5, 2025. The three (3) subject parcels, a total of 20.08-acres of which two (2) are zoned Open (ope) (P. 1, 22) and one (1) as Limited Industrial 20,000 square feet (ML-20) (P. 17) by the County and designated as Urban by the State Land Use Commission (LUC); staff notes there is a section of P. 1 that is within the State Land Use Conservation District. The subject parcel is designated as "Open" (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. All three parcels are located within the Special Management Area (SMA), additionally, each of the parcels are considered to be located within the "shoreline area" as defined by section 205A-41, Hawai'i Revised Statutes (HRS); a review of our files indicates a shoreline certification was last completed in 1999. Due to the location of the project, and the limited scope of the proposed activity, the Director has waived the requirement for a shoreline certification for this project.

Proposed Project:

The applicant is proposing to conduct the following activities at the Liliuokalani Gardens Park:

- Selectively remove trees that have matured/grown in such a way that they pose an inherent threat/risk to park property, public safety, private property, and staff

- Prune trees to minimize their risk of total/partial failure, maintain appropriate growth characteristics and proper balance, and ensure continued healthy growth
- Remove volunteer growth and epiphytic growth from all trees intended to remain for the purposes of aesthetics and shade and general park uses
- Remove deadwood and dying limbs from all trees intended to remain
- Provide fertilizer and organic soil conditioning at trees with exposed roots and or for weed control

The Applicant proposes to chip/dispose of all green waste on a regular basis at an approved green waste facility or use chipped material as landscaping infill (as allowed by the Department of Health) to benefit trees at the park that need soil conditioning.

Special Management Area Determination:


According to Hawai'i Revised Statutes (HRS) Chapter 205A-44 and Planning Commission (PC) Rule No. 9-4(e)(1)(E), "development" includes "*Grading, removing, dredging, mining or extraction of any materials.*" Therefore, the proposed tree maintenance and vegetative clearing activities are considered to be development and will require a review against the Special Management Area rules and regulations.

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-2025-000070 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 will 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 contact Alex J. Roy of this office at (808) 961-8140 or via email at alex.roy@hawaiicounty.gov.

Sincerely,


Jeffrey W. Darrow (Jan 14, 2025 13:20 HST)
JEFFREY W. DARROW
Acting Planning Director

Jeffrey S. Ochi
County of Hawai'i Department of Parks and Recreation
January 14, 2025
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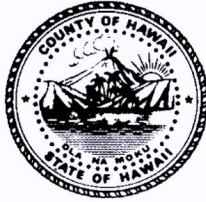
Enclosure: SMA Minor Permit No. PL-SMM-2025-000070

cc via email w/enclosure: Shichao Li, State-OPSD
Lisa E. Webster, State-OPSD
Rachel Beasley, State-OPSD
GIS Section

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Special Management Area Minor Permit No. PL-SMM-2025-000070

Project: Proposed Vegetation Clearing and Tree Maintenance
Applicant(s): County of Hawai'i Department of Parks and Recreation
Landowner(s): State of Hawai'i/County of Hawai'i via Executive Order
TMK(s): (3) 2-1-003:001, 017, 022
Location: South Hilo District, Island of Hawai'i
Land Area: 20.08 acres

Applicant's Request

1. **Project Description:** This Special Management Area (SMA) Minor Use Permit is being pursued to allow the landowner to conduct the following activities:
 - Selectively remove trees that have matured/grown in such a way that they pose an inherent threat/risk to park property, public safety, private property, and staff
 - Prune trees to minimize their risk of total/partial failure, maintain appropriate growth characteristics and proper balance, and ensure continued healthy growth
 - Remove volunteer growth and epiphytic growth from all trees intended to remain for the purposes of aesthetics and shade and general park uses
 - Remove deadwood and dying limbs from all trees intended to remain
 - Provide fertilizer and organic soil conditioning at trees with exposed roots and or for weed control
2. **Project Valuation:** \$200,000.
3. **Determination:** According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(e)(1) relating to Special Management Area (SMA): "*grading, removing, dredging, mining or extraction of any materials*" are defined as "development." Therefore, the proposed land and resource management 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 Urban District with a small portion of Parcel 1 within the SLU Conservation District.
2. **General Plan:** The parcels are designated as "Open" (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcels are currently zoned as Open (ope) and Limited-Industrial (ML-20).
4. **Special Management Area:** The project parcels are located within the SMA; as well as within the "shoreline area" as defined by section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** The subject parcel is designated as Flood Zone "VE", which is an area determined to be a high-risk coastal area with a significant chance of flooding from storm surges, characterized by fast-moving water and large waves.

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 any adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Those adverse effects shall include but not be limited to the potential cumulative impact of individual developments, each of which taken by itself might not have a significant adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawai'i County General Plan, community plan, and zoning; provided that a finding of consistency shall not preclude concurrent processing where a general plan, community plan, or zoning amendment may also be required.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS (as amended), 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: Public use and recreation; The benefit of coastal ecosystems; Use as natural buffers against coastal hazards; and 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 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 \$200,000.00 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. PL-SMM-2025-000070** is hereby approved for the proposed land and resource management project, subject to the applicants' compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. PL-SMM-2025-000070**, **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, including, but not limited to approval from the 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. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, 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 at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
5. Any further development, including but not limited to, the construction of structures or improvements not included in this determination shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
6. 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, subsequent to issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
7. The Planning Director shall initiate procedures to revoke this permit should any of the conditions not be met or substantially complied with in a timely fashion.

If you have any questions, please feel free to contact Alex Roy at (808) 961-8140 or via email at alex.roy@hawaiicounty.gov

APPROVED:

Jeffrey W. Darrow
Jeffrey W. Darrow (Jan 14, 2025 13:20 HST)
JEFFREY W. DARROW
Acting Planning Director

January 14, 2025

Date