

SPECIAL MANAGEMENT AREA USE PERMIT ASSESSMENT APPLICATION
COUNTY OF HAWAII
PLANNING DEPARTMENT

APPLICANT(S): _____

APPLICANT(S) SIGNATURE: _____ DATE: _____

APPLICANT'S ADDRESS:

TELEPHONE - Business: _____ Residence: _____

LANDOWNER(S): _____

LANDOWNER(S) SIGNATURE: _____ DATE: _____

LANDOWNER(S) ADDRESS:

TAX MAP KEY(S): _____

NATURE OF DEVELOPMENT/ACTIVITY:

TOTAL COST/FAIR MARKET VALUE: \$ _____

DATE OF APPLICATION: _____

PLEASE PROVIDE THE FOLLOWING ADDITIONAL INFORMATION:

1. A description of the proposed development in sufficient detail to convey the full extent of the improvement proposed to and upon the land. For example, in the construction of a structure, specify the amount of land area to be graded and leveled to accommodate the proposed structure, parking area and other related facilities.
2. A statement of objectives of the proposed project.
3. A description of the anticipated impacts of the proposed project on the SMA including:
 - a. Description of the area involved including existing uses, structures, vegetation, and other features.
 - b. Description of surrounding area and land uses.
 - c. Description of how the proposed project will affect the area involved and surrounding areas.
 - d. Description of impacts which cannot be avoided and mitigating measures proposed to minimize that impact.
 - e. Alternatives to the proposed project.
 - f. Any irreversible and irretrievable commitment of resources.
4. A written statement discussing the proposed development in relationship to the objectives and policies as contained in Chapter 205A, HRS, and the SMA Guidelines.
 - a. Recreational resources:
 - b. Historic resources:
 - c. Scenic and Open Space resources:
 - d. Coastal Ecosystems:
 - e. Economic Uses:
 - f. Coastal Hazards:

THIS APPLICATION SHALL BE ACCOMPANIED BY THE FOLLOWING:

1. A shoreline survey of the subject property, as certified by the Chairman of the Board of Land and Natural Resources, when the subject property abuts the shoreline. The certified shoreline survey shall be prepared in accordance with the Department of Land and Natural Resources Rules of Practice and Procedure. A request to waive the need to prepare a certified shoreline survey may be submitted in writing to the Planning Director. Circumstances that may warrant the issuance of a certified shoreline survey waiver include cases where the entire shoreline fronting the subject property is "fixed" by a man-made structure such as a seawall or revetment or when the proposed development will be situated at a substantial distance from the shoreline.
2. A site plan of the subject property, drawn to scale, showing all existing and proposed structures, uses and activities. Information such as the extent of any land alteration (grading) activities and the location of a cliff or other distinctive land features should be shown on the plans. Photographs of the subject property and the project site showing existing conditions are not required but would greatly facilitate the review process.
3. Any other plans or information that may be required by the Planning Director.

A Final Environmental Assessment or Final Environmental Impact Statement which has been declared adequate under the National Environmental Policy Act (NEPA) or under Chapter 343, HRS, may constitute a valid filing under this section.

The submittal of an incomplete application will delay official acceptance by the Department. Furthermore, additional information may be requested by the Department during the course of the review process. If you have any questions about your submittal, please contact the Planning Department prior to finalizing your submittal.

HAWAII REVISED STATUTES

§205A-2 Coastal zone management program; objectives and policies.

- (a) The objectives and policies in this section shall apply to all parts of this chapter.
- (b) Objectives.
 - (1) Recreational resources;
 - (A) Provide coastal recreational opportunities accessible to the public.
 - (2) Historic resources;
 - (A) Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
- Scenic and open space resources;
 - (A) Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.
- (3) Coastal ecosystems;
 - (A) Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.

- (4) Economic uses;
 - (A) Provide public or private facilities and improvements important to the State's economy in suitable locations.
- (5) Coastal hazards;
 - (A) Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.
- (6) Managing development;
 - (A) Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- (7) Public participation;
 - (A) Stimulate public awareness, education, and participation in coastal management.
- (8) Beach protection;
 - (A) Protect beaches for public use and recreation.
- (9) Marine resources;
 - (A) Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- (c) Policies.
 - (1) Recreational resources;
 - (A) Improve coordination and funding of coastal recreational planning and management; and
 - (B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:
 - (i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;
 - (ii) Requiring replacement of coastal resources having significant recreational value including, but not limited to, surfing sites, fishponds, and sand beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;
 - (iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;
 - (iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;
 - (v) Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;
 - (vi) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;
 - (vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and
 - (viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting such dedication against the requirements of section 46-6.

- (2) Historic resources;
 - (A) Identify and analyze significant archaeological resources;
 - (B) Maximize information retention through preservation of remains and artifacts or salvage operations; and
 - (C) Support state goals for protection, restoration, interpretation, and display of historic resources.
- (3) Scenic and open space resources;
 - (A) Identify valued scenic resources in the coastal zone management area;
 - (B) Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;
 - (C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and
 - (D) Encourage those developments that are not coastal dependent to locate in inland areas.
- (4) Coastal ecosystems;
 - (A) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;
 - (B) Improve the technical basis for natural resource management;
 - (C) Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;
 - (D) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and
 - (E) Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures.
- (5) Economic uses;
 - (A) Concentrate coastal dependent development in appropriate areas;
 - (B) Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor industry facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and
 - (C) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:
 - (i) Use of presently designated locations is not feasible;
 - (ii) Adverse environmental effects are minimized; and
 - (iii) The development is important to the State's economy.
- (6) Coastal hazards;
 - (A) Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and nonpoint source pollution hazards;
 - (B) Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards;
 - (C) Ensure that developments comply with requirements of the Federal Flood Insurance Program; and

- (D) Prevent coastal flooding from inland projects.
- (7) Managing development;
 - (A) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;
 - (B) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and
 - (C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.
- (8) Public participation;
 - (A) Promote public involvement in coastal zone management processes;
 - (B) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and
 - (C) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.
- (9) Beach protection;
 - (A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;
 - (B) Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and
 - (C) Minimize the construction of public erosion-protection structures seaward of the shoreline.
- (10) Marine resources;
 - (A) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;
 - (B) Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;
 - (C) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;
 - (D) Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and
 - (E) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

§205A-26 Special management area guidelines. In implementing this part, the authority shall adopt the following guidelines for the review of developments proposed in the special management area:

- (1) All development in the special management area shall be subject to reasonable terms and conditions set by the authority in order to ensure:
 - (A) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles;
 - (B) Adequate and properly located public recreation areas and wildlife preserves are reserved;
 - (C) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources; and
 - (D) Alterations to existing land forms and vegetation, except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, wind damage, storm surge, landslides, erosion, siltation, or failure in the event of earthquake.
- (2) No development shall be approved unless the authority has first found:
 - (A) That the development will not have any substantial 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 interests. Such adverse effects 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;
 - (B) That the development is consistent with the objectives, policies, and special management area guidelines of this chapter and any guidelines enacted by the legislature; and
 - (C) That the development is consistent with the county general plan and zoning. Such a finding of consistency does not preclude concurrent processing where a general plan or zoning amendment may also be required.
- (3) The authority shall seek to minimize, where reasonable:
 - (A) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough or lagoon;
 - (B) Any development which would reduce the size of any beach or other area usable for public recreation;
 - (C) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management areas and the mean high tide line where there is no beach;
 - (D) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast; and
 - (E) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.