

Cumulative Impacts and the Special Management Area County of Hawaii Planning Department (2024)

PC Rule 9:

9-4(e)(4):

*Whenever the Director finds that any excluded use, activity, or operation may have a **cumulative impact**, or a **significant adverse environmental or ecological effect** of the Special Management Area, that use, activity, or operation shall be defined as “development” for the purpose of this rule.*

9-4(q):

*Special Management Area Minor Permit means an action by the Director authorizing development, the valuation of which is not in excess of \$500,000 and **which has no cumulative impact, or a substantial adverse environmental or ecological effect** on the Special Management Area.*

9-4(r):

*Special Management Area Use Permit means an action by the Commission authorizing development, the valuation of which exceeds \$500,000 **or which may have a cumulative impact, or a substantial adverse environmental or ecological effect** on the Special Management Area.*

9-10(a):

*The Department shall assess all uses, activities or operations proposed in the Special Management Area except in cases in which the **applicant determines** that the proposed use, activity or operation will: a) exceed \$500,000 in valuation; or b) **have a cumulative impact, or a significant adverse environmental or ecological effect** on the Special Management Area. In this case, the assessment procedures may be waived, and the applicant shall petition the Commission for a Special Management Area Use Permit pursuant to Section 9-11.*

9-10(e):

*Where it is found that the proposed use, activity or operation is **not in excess of \$500,000** in valuation; and **will not have a cumulative impact, or a substantial adverse effect** on the Special Management Area, and after review by the Public Works Director for compliance with Chapter 27, Flood Control – the Director shall issue a SMA Minor Permit.*

9-10(f):

*The Director shall declare that a Special Management Area Use Permit is required if it is found that **the proposed use, activity or operation has a valuation in excess of \$500,000 or may have a substantial adverse effect** on the Special Management Area.*

9-10(g):

*The **Director shall declare** the proposed use, activity or operation **exempt** from the definition of development if it is found that the **proposal** falls in any category under Section 9-4(e)(2), and **does not have a cumulative impact, or a substantial adverse environmental or ecological effect** on the Special Management Area. The Director may impose certain conditions with the exemption determination to*

assure that the proposed use, activity, or operation does not have a substantial adverse effect on the Special Management Area.

9-10(h):

Criteria of Substantial Adverse Effect

*In considering the significance of potential environmental effects, the Director shall consider the sum of those effects that adversely affect the quality of the environment and **shall evaluate the overall and cumulative effects of the action.***

*A 'substantial adverse effect' is determined by the specific circumstances of the proposed use, activity or operation. In determining whether a proposal may have a substantial adverse effect on the environment, the Director shall consider every phase of a proposed action and expected consequences, either primary or secondary, or the **cumulative as well as the short or long-term effect of the proposal.** The Director should bear in mind that in most instances, the following factors of a proposal, although not limited to same, **may constitute a substantial adverse effect on the environment** when the proposed use, activity or operation:*

- (1) involves an irrevocable commitment to loss or destruction of any natural or cultural resource, including but not limited to, historic sites and view planes outlined in the General Plan or other adopted plans;*
- (2) curtails the range of beneficial uses of the environment;*
- (3) **conflicts with the long-term environmental policies or goals of the General Plan or the State Plan;***
- (4) substantially affects the economic or social welfare and activities of the community, County or State;*
- (5) involves substantial secondary impacts, such as population changes and effects on public facilities;*
- (6) in itself has no substantial adverse effect but **cumulatively has considerable adverse effect upon the environment** or involves a commitment for larger actions;*
- (7) substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat;*
- (8) detrimentally affects air or water quality or ambient noise levels;*
- (9) affects an environmentally sensitive area, such as flood plain, tsunami zone, **erosion-prone area**, geologically hazardous land, estuary, fresh water or coastal water; or*
- (10) is contrary to the objectives and policies of the Coastal Zone Management Program and the Special Management Area Guidelines of Chapter 205A, HRS.*

PC RULE 8

8-3(d)

*"Shoreline" means the upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves, which has been certified by the Board of Land and Natural Resources in accordance with its rules.**

**[OCCL, 13-5; "... or as otherwise defined in section 205A-1, HRS"]*

8-11(c) "No variance shall be granted unless appropriate conditions are imposed as applicable:"

(3) To minimize risk of **adverse impacts** on beach processes;

(5) To minimize **adverse impacts** on public views to, from, and along the shoreline.

Evaluate potential cumulative impacts of variance on environment?

Amend variance based on observed substantial adverse impacts?

PD RULE 11

11-3(i) "Shoreline" means the upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the vegetation growth, *or the upper limit of debris left by the wash of the waves*, which has been certified by the Board of Land and Natural Resources in accordance with its rules.

11-4(c) The Planning Department may waive the certification requirement in cases where there may be special or unusual physical circumstances or conditions of the land or where a structure or activity is proposed at a considerable distance inland. **Setback lines shall be conservatively, but reasonably established.** The Planning Department may require a survey map of the subject area depicting physical and geographical conditions to assist in making a determination.

11-6(a) The mining or taking of sand, dead coral or coral rubble, rocks, soil or other beach or marine deposits from the shoreline setback area, in excess of one gallon per person per day;

11-8(a) A minor structure or activity proposed in the shoreline setback area shall not need a shoreline setback variance if the Planning Department determines that it would not affect beach processes or artificially fix the shoreline and would not interfere with public access or public views to and along the shoreline. *[and will not cause cumulative impacts or have a substantial adverse impact on shoreline resources]*

Cumulative Impact Definitions:

US EPA:

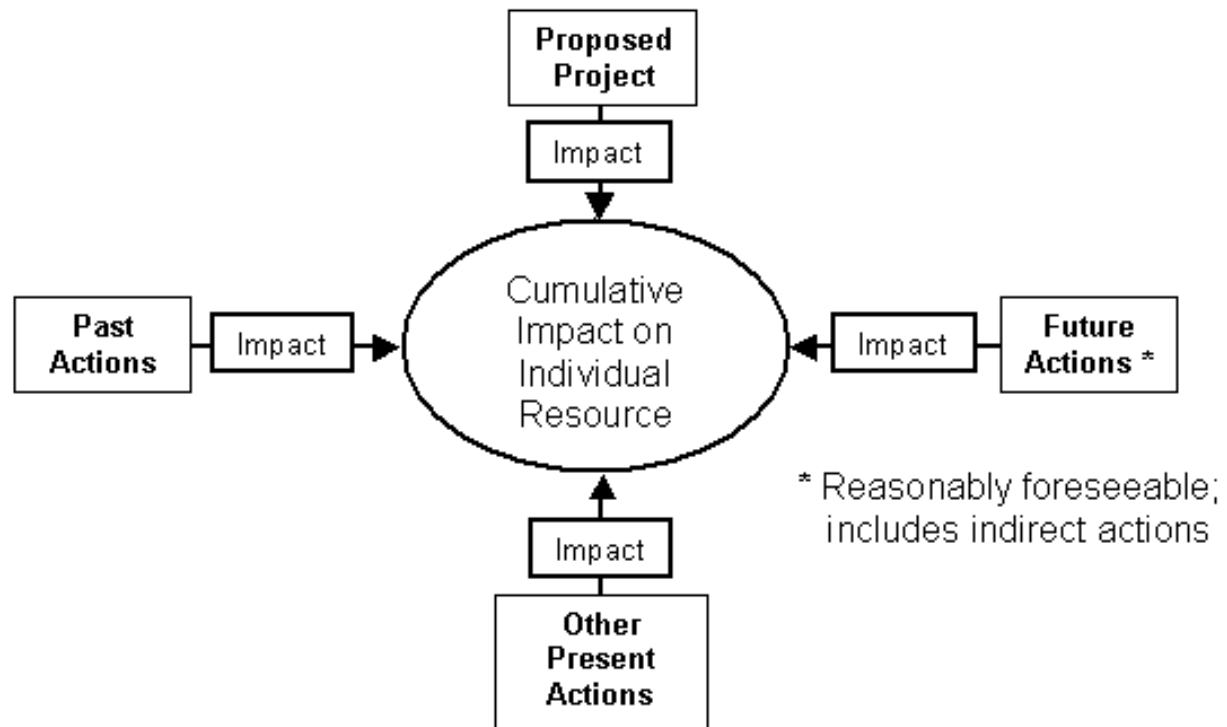
- (1) whether the resource is especially vulnerable to incremental effects;
- (2) whether the proposed action is one of several similar actions in the same geographic area;
- (3) whether other activities in the area have similar effects on the resource;
- (4) whether these effects have been historically significant for this resource; and
- (5) whether other analyses in the area have identified a cumulative effects concern.

§ 1508.7 Cumulative impact

*Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. **Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.***

Type of Effect	Direct	Indirect	Cumulative
Nature of Effect	Typical/ Inevitable/ Predictable	Reasonably Foreseeable/ Probable	Reasonably Foreseeable/ Probable
Cause of Effect	Project	Project's Direct and Indirect Effects	Project's Direct and Indirect Effects and Effects of Other Activities
Timing of Effect	Project Construction and Implementation	At Some Future Time than Direct Effect	At Time of Project Construction or in the Future
Location of Effect	At the Project Location	Within Boundaries of Systems Affected by the Project	Within Boundaries of Systems Affected by the Project

Can the County institute a requirement for coastal development to include a "Cumulative Impact Analysis" if the County can define and/or set parameters on how to determine if "Cumulative Impacts" will effect the environment?



1. Proposed Project Impacts – Describe
2. Previous Impacts to resource, or within geographic area – Describe
3. Other current impacts to resources, or within geographic area
4. Potential future actions and their impacts to the resource or within geographic area.

Define:

Geographic area

Cumulative Impact Analysis