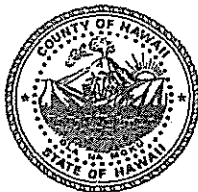


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

March 11, 2004

Mr. Chris Rathbun
Manager, Laupahoehoe Nui LLC
P. O. Box 1023
Honokaa, HI 96727

Dear Mr. Rathbun:

Special Management Area Use Permit Assessment Application (SMAA 04-10)
Special Management Area Minor Permit No. 150
Applicant: Laupahoehoe Nui LLC
Request: Endangered Species Fencing Project and Associated Infrastructure
Tax Map Key: 4-9-15:1, Laupahoehoe, Hamakua, Hawaii

This is to follow up on our December 22, 2003 letter relating to the above-referenced Special Management Area Assessment for the Endangered Species Fencing Project and Associated Infrastructure which consists of the installation of 9,900 feet of fencing around four concentrations of the Kohala loulou *Pritchardia lanigera*, the construction of a shelter for workers and hunters, a nursery (shade house), accessory structures, six helipads and a system of trails as well as the diversion of water from the stream, the planting of endemic plants and the removal of non-native and invasive plants and pigs on the subject parcel. We also appreciate your letter granting us additional time to review the application.

The subject property is designated Conservation by the State Land Use Commission and the County of Hawaii. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates a 500-foot wide strip along the coastline as Open and the remainder of the parcel inland as Conservation.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(v) relating to Special Management Area, the subject project, consisting of the installation of 9,900 feet of fencing around four concentrations of the Kohala loulou *Pritchardia lanigera*, the construction of a shelter for workers and

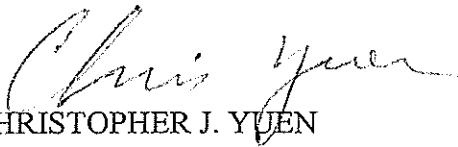
Mr. Chris Rathbun
Manager, Laupahoehoe Nui LLC
Page 2
March 11, 2004

hunters, a nursery (shade house), accessory structures, six helipads and a system of trails as well as the diversion of water from the stream, the planting of endemic plants and the removal of non-native and invasive plants and pigs, is considered "Construction, reconstruction, or alteration of the size of any structure" and defined as "development". Therefore, a Special Management Area Minor Permit is required. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No.150 is hereby issued to allow for the Endangered Species Fencing Project and Associated Infrastructure, subject to the applicant's compliance with the conditions of approval as specified in the permit.

As stated in the application, all proposed work will be done with hand tools and hand-held power tools. Please note that a water use permit is required from the Department of Land and Natural Resources for the diversion and use of water from the stream. Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

We thank you for your patience during our review of the project. Should you have questions, please feel free to contact Esther Imamura or Larry Brown of this department at 961-8288.

Sincerely,

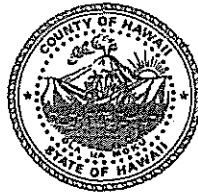

CHRISTOPHER J. YUEN
Planning Director

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Enclosures - SMM No. 150
Department of Public Works March 5, 2004 Memo

✓xc w/encls: Long Range Planning - Ms. Susan Gagorik
Planning - Mr. Norman Hayashi

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 150

Project: Endangered Species Fencing Project and Associated Infrastructure
Applicant: Laupahoehoe Nui LLC
Location: Laupahoehoe, Hamakua, Hawaii
TMK: (3) 4-9-15:1 **Land Area:** 2,576 acres

Applicant's Request

1. Project Description:

Laupahoehoe Nui LLC proposes to establish a loulu sanctuary on the subject parcel. This would involve the installation of 9,900 feet of fencing around four concentrations of the Kohala loulu *Pritchardia lanigera*, the construction of a shelter for workers and hunters, a nursery (shade house), accessory structures, six helipads, and a system of trails as well as the diversion of water from the stream, the planting of endemic plants and the removal of non-native and invasive plants and pigs.

2. Purpose of Project:

The primary objective is to provide a sanctuary for rare and endangered plants from feral pigs. An additional objective is to educate hunters about the cultural benefits of feral pig exclusion projects in remote native forests.

3. Project Valuation: \$31,500.00

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area (SMA), the construction, reconstruction, or alteration of the size of any structure is defined as "development." Therefore, the project to install 9,900 feet of fencing around four concentrations of the Kohala loulu *Pritchardia lanigera*, the construction of a shelter for workers and hunters, a nursery (shade house), accessory structures, six helipads and a system of trails as well as the diversion of water from the stream, the planting of endemic plants and the removal of non-native and invasive plants and pigs requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject property is designated Conservation by the State Land Use Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates an approximately 500 feet wide strip along the coastline as Open and the remainder of the parcel as Conservation.
3. **County Zoning:** The subject property is designated a Conservation District by the County.
4. **Special Management Area:** The subject property is located in the SMA.
5. **Flood Zone:** According to the current Flood Insurance Rate Map (FIRM), the project areas are not located in the Special Flood Hazard Area.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area

Although the subject parcel abuts the coastline, the closest development will occur approximately .3 of a mile inland with the majority of the project located over 1.5 miles from the coastline. Therefore, the proposed improvements will not affect the recreational resources available to the public.

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 Hawaii 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 tsunامي, 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, Environmental Impact Statements.

Findings

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.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$31,500 is not in excess of \$125,000.

Upon review of the subject application by the Department of Public Works, Engineering Division, the project is in compliance with Chapter 27, Flood Control, of the Hawaii County Code.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 150** is hereby approved to allow the establishment of the Endangered Species Fencing Project and Associated Infrastructure on the parcel, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 150** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or wall be encountered in the construction area, work shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when he finds that sufficient mitigative measures have been taken.
3. The applicant shall comply with all applicable requirements of the State Department of Land and Natural Resources and the County Department of Public Works as well as all applicable requirements of other affected agencies.
4. 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.

APPROVED:


CHRISTOPHER J. YUEN
Planning Director

3/11/04
Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: March 5, 2004

Memorandum

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PLANNING DEPARTMENT
COUNTY OF HAWAII

TO: Christopher J. Yuen, Planning Director

FROM: *for*  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 04-10)
Applicant: Laupahoehoe Nui LLC
Request: Endangered Species Fencing & Associated Infrastructure
TMK: 4-9-15: 001

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated March 3, 2004 and offer the following comments for your consideration.

A portion of the subject parcel's shoreline is identified as Flood Zone VE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard. The base flood elevation (water surface elevation from mean sea level) range between 18 and 20 feet.

According to Attachment 1 of the application, the closest development to the shoreline (makai helipad and connecting trail) would be well outside the flood zone boundary and therefore we have no objections to the subject request.

Should the scope of work be revised to include development within the Special Flood Hazard Area, all construction shall conform to the requirements of Chapter 27, Flood Control, of the Hawaii County Code.

Questions may be referred to Kelly Gomes of our Engineering Division at ext. 8327.

KG

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