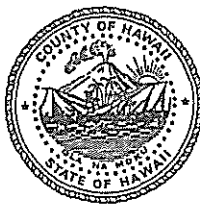


Harry Kim  
Mayor



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

June 9, 2005

Ms. Azalia S. Moore  
152819 Coastal Puna Parkway  
Pahoa, HI 96778

Dear Ms. Moore:

**Subject: Special Management Area Use Permit Assessment (SMAA 05-43)**  
**Special Management Area (SMA) Minor Permit No. 05-00003**  
**Applicant: Maher F. Habashi**  
**Owner: Maher F. and Nagiba Habashi**  
**Representative: Azalia S. Moore**  
**Request: Within a 9 Acre Portion Along the Eastern Property Line, Use of a Backhoe to Move and Place Large Boulders, Fallen Trees and Logging Chains Along the Perimeter of the Property, Remove Rubbish and Redistribute Sand to Cover the Motor Cross Tracks**  
**Tax Map Key: 1-4-3:Portion of 19, Honolulu-Puna, Hawaii**

This is to follow up on our June 7, 2004 letter for the proposed project on the subject parcel. Also acknowledged is receipt of a June 8, 2005 letter in which the request was revised. Since there is a sufficient supply of boulders available on the property, no boulders would be brought in.

According to Hawaii Revised Statutes (HRS) Chapter 205-A-22 and Planning Commission Rule 9-4(10)A(i), "development" includes "*Placement or erection of any solid material or any gaseous liquid, solid, or thermal waste.*" Further Rule 9-4(10)A(ii) states that "*Grading, removing, dredging, mining, or extraction of any materials*" is also "development". Therefore, the use of a backhoe to move and place large boulders, fallen trees and logging chains along the perimeter of the property, remove rubbish and redistribute sand to cover the motor cross tracks within a 9 acre portion along the eastern property line is considered

Ms. Azalia S. Moore

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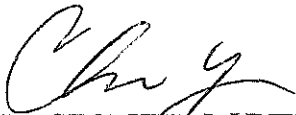
June 9, 2005

development. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 05-00003 is hereby issued to allow for the proposed project as described above, subject to the applicant's compliance with the conditions of approval as required by the permit.

In addition, all other applicable County and State agency requirements must also be satisfied.

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

ETI:pak

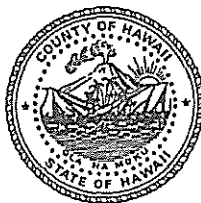
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Enclosures - SMM No. 05-00003

xc w/encls: Long Range Planning – Ms. Susan Gagorik  
Planning Commission

Mr. Samuel Lemmo  
DLNR, Office of Conservation and Coastal Lands  
P.O. Box 621  
Honolulu, HI 96809

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

### Special Management Area Minor Permit No. 05-00003

**Project:** Within a 9 Acre Portion Along the Eastern Property Line, Use of a Backhoe to Move and Place Large Boulders, Fallen Trees and Logging Chains Along the Perimeter of the Property, Remove Rubbish and Redistribute Sand to Cover the Motor Cross Tracks

**Applicant:** Maher F. Habashi

**Land Owner:** Maher F. and Nagiba Habashi

**Representative:** Azalia S. Moore

**Location:** Honolulu-Puna, Hawaii

**TMK:** 1-4-3:Portion of 19

**Land area:** 30 acres

#### Applicant's Request

##### 1. Project Description:

The applicant proposes to use, within a 9 acre portion along the eastern property line, a backhoe to move and place large boulders, fallen trees and logging chains along the perimeter of the property, remove rubbish and redistribute sand to cover the motor cross tracks.

##### 2. Purpose of Project:

The proposed activity is to allow for the clean-up of the area and to use boulders, fallen trees and logging chains as barriers to vehicular traffic. The trenched and elevated sand created for the illegal motor cross routes would be returned to its natural state. None of the activity on this 9 acre section will occur within 40 feet of the edge of the seacliff.

##### 3. Project Valuation: Maximum of \$7,500.

##### 4. Determination:

According to Hawaii Revised Statutes (HRS) Chapter 205-A-22 and Planning Commission Rule 9-4(10)A(i), "development" includes "Placement or erection of any solid material or any gaseous liquid, solid, or thermal waste." Further, Rule 9-4(10)A(ii) states that "Grading, removing, dredging, mining, or extraction of any materials" is also "development". Therefore, the project required a SMA Minor Permit.

### State and County Plans

1. **State Land Use District:** The subject parcel is designated Conservation by the State Land Use Commission. By letter dated May 27, 2005, the Department of Land and Natural Resources, Office of Conservation and Coastal Lands approved the May 23, 2005 Restoration Plan (File No: SPA HA-05-30)
2. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates this parcel as Open.
3. **County Zoning:** The parcel is zoned Agricultural (A-1a).
4. **Special Management Area (SMA):** The parcel is located in the SMA and has frontage along the ocean.
5. **Flood Zone:** According to Director Bruce McClure, the project area is not mapped and therefore it is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

### Compliance with Objectives and Policies of Chapter 205A, Hawaii 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 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 tsunami, 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, regarding Environmental Impact Statements.

<b>Findings</b>
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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 project cost of \$7,500 is not in excess of \$125,000.

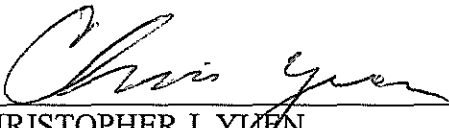
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 05-00003** is hereby approved for the use, within a 9 acre portion along the eastern property line, of a backhoe to move and place large boulders, fallen trees and logging chains along the perimeter of the property, remove rubbish and redistribute sand to cover the motor cross, subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 05-00003** subject to the following conditions:

1. The applicant, its successors or assigns 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. Future development of this parcel shall be subject to review against the SMA guidelines as such plans are implemented. Due to concerns about possible unrecorded archaeological sites within the subject property, Department of Land and Natural Resources, State Historic Preservation Division approval for any proposed uses and activities will be required.
4. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.

APPROVED:

  
\_\_\_\_\_  
CHRISTOPHER J. YUEN  
Planning Director

JUN 09 2005

\_\_\_\_\_  
Date