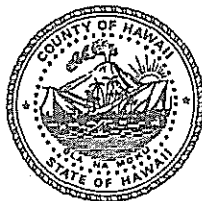


Harry Kim  
Mayor



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

January 11, 2006

Ms. Mary Anne DeMey, President, Board of Directors  
Hawaiian Shores Community Association  
15-2793 S. Honu Street  
Pahoa, Hawaii 96778

Dear Ms. DeMey:

**Special Management Area Use Permit Assessment Application No. 05-000111  
(SAA 05-111)**

**Special Management Area Minor Permit No. 06-000022 (SMM 06-22)**

**Applicant: Hawaiian Shores Community Association**

**Land Owner: Hawaiian Shores Community Association**

**Project: Grubbing and spraying to control invasive/noxious vegetation  
and pests**

**TMK: (3) 1-5-111:001**

By this letter we acknowledge receipt of the subject Special Management Area Use Permit Assessment application (SAA 05-111) and issue our determination that a Special Management Area Minor (SMM) Permit is required for the proposed project. We also acknowledge receipt of and thank you for the additional information transmitted by your letter dated December 28, 2005. The approved SMM Permit No. 06-22 is enclosed.

From your submittals, we understand that the proposed grubbing and pest control activities will include limited removal of noxious vegetation and removal of pest species (coqui frogs) within the shoreline setback area. We further understand that all clearing/grubbing activities in the shoreline setback area will be conducted by the use of hand tools only, including chain saws, and that there will be no alteration of the natural grade. Also sufficient vegetation shall be retained on the entire parcel to ensure that near shore waters will not be subject to an increased soil runoff during heavy rains.

In lieu of a certified shoreline survey, we have determined that the shoreline setback area shall be defined as the mauka area of the subject property that is within 40 feet of the top of the sea cliff.

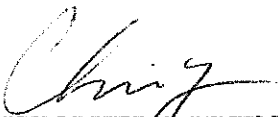
Ms. Mary Anne DeMay, President, Board of Directors  
Hawaiian Shores Community Association  
Page 2  
January 11, 2006

Rule 11 of the Planning Department Rules of Practice and Procedure (PD Rules) deals with structures and activities within the shoreline setback area. Pursuant to §11-7(a)(4), a minor structure or activity approved in accordance with §11-8 may be permitted within the shoreline setback area. The Planning Department may determine that a proposed structure or activity is a minor structure or activity if 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. Pursuant to §11-3(f), a "minor activity" means an activity that does not alter the existing grade of the shoreline setback area and may include activities such as landscaping and minor clearing of vegetation.

Therefore, we have determined that proposed grubbing and pest control activities within the shoreline setback area as described above are minor activities as provided for under Rule 11, PD Rules and are permitted provided the applicant remains in compliance with the conditions of SMM 06-22.

Should you have questions, please feel welcome to call Larry Brown or Esther Imamura of my staff at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

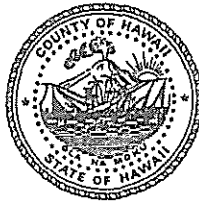
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Encl: SMM 06-22

xc: Long Range Planning - Ms. Deborah Chang  
Planning Commission - Mr. Norman Hayashi

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

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(808) 961-8288 • Fax (808) 961-8742

#### Special Management Area Minor Permit No. 06-000022

**Project:** Grubbing and spraying to control invasive/noxious vegetation and pests  
**Applicants:** Hawaiian Shores Community Association  
**Land Owners:** Hawaiian Shores Community Association  
**Location:** Hawaiian Shores Subdivision, Waiakahiula, Puna, Hawaii  
**TMK:** (3) 1-5-111:001

#### Applicant's Request

##### 1. Project Description:

The applicant is seeking approval to conduct the initial and ongoing clearing and grubbing activities on the subject property. Activities will include the removal of selected non-native trees and other vegetation through the use of hand tools and chain saws. A two-wheel drive tractor will be employed to assist with the removal of vegetation from the property, which will then be taken to the County's green waste site in Hilo. Citric acid will be applied by spraying as needed to control the spread of invasive pest species (coqui frogs).

##### 2. Purpose of Project:

The purpose of the project is to control the spread of non-native and noxious vegetation and pest species that are currently having an adverse impact on the quality of life and property values in the immediate neighborhood, and to restore the scenic open space views previously afforded by the vacant subject property.

##### 3. Project Valuation: \$5,065.00

##### 4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(ii), relating to the Special Management Area, "development" includes the grading, removing, dredging, mining, or extraction of any materials. This includes the removal (grubbing) of vegetation within the SMA.

Therefore, the proposed project requires a SMA Minor Permit.

### State and County Plans

1. **State Land Use District:** The subject property is designated Urban by the State Land Use (SLU) Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property for open space uses.
3. **County Zoning:** The subject property is zoned Agricultural (A-1a) by the County of Hawaii.
4. **Special Management Area:** The subject property is located in the SMA.

### 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.

### 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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$5,065 is not in excess of \$125,000.

The Department of Public Works – Engineering Division has reviewed the proposed project for compliance with Chapter 27, Flood Control, of the Hawaii County Code and has submitted the following comments, dated December 30, 2005, regarding the subject SMAA.

"We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated December 23, 2005 and offer the following comments for your consideration.

The subject parcels are in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is designated as "minimal tsunami inundation.

Grubbing of more than one acre on tax map key parcel 1-5-111:001 will require a grubbing permit from the Department of Public Works."

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

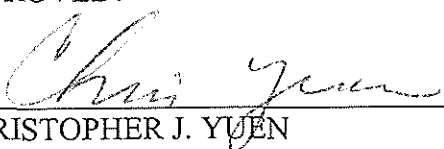
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 06-000022** is hereby approved to allow for the limited removal (grubbing) of non-native/noxious vegetation and pest species through the use of hand tools, chain saws and chemical spraying. A tractor may be used to remove the grubbed vegetation from the property. Citric acid will be sprayed as necessary to control the invasive coqui frog infestation of the subject property. This permit also allows for ongoing landscaping maintenance and invasive pest control measures subject to the conditions stated herein.

<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 06-000022** 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 comply with all applicable requirements of all State and County of Hawaii and Federal departments and agencies.
3. As required by the Department of Public Works, the applicant shall obtain a grubbing permit prior to the commencement of any tree cutting, clearing or grubbing activities.
4. Prior to the commencement of any grubbing or the application of any pesticide or herbicides, the applicant shall consult with the State Department of Health regarding any regulations and/or permits applicable to the proposed activities.
5. Prior to the application of any pesticide or herbicides, the applicant shall consult with the State Department of Health regarding any regulations and/or permits applicable to the proposed activities.
6. This permit does not allow for any excavation, grading or filling on the subject property.
7. All green waste material shall be removed from the subject property within 72 hours of being grubbed and disposed of at a County of Hawaii approved green waste facility. No green waste or any other material shall be deposited over the sea cliff or in the ocean.
8. No mechanized heavy equipment, such as bulldozers, backhoes, tractors, trucks, etc, shall be permitted within 40 feet of the top of the seacliff.
9. Should any of the conditions not be met the Planning Director shall initiate procedures to revoke the permit.

APPROVED:

  
CHRISTOPHER J. YUEN  
Planning Director

1/12/06  
Date