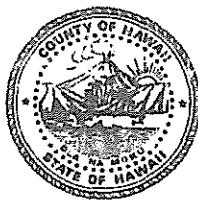


Debbie

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

County of Hawaii  
PLANNING DEPARTMENT

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

May 22, 2006

Mr. Larry L. Leach, President  
Kapoho Beach Community Association  
RR Box 3914  
Pahoa HI 96778

Dear Mr. Beach:

**Subject: Special Management Area Use Permit Assessment Application (SMAA 06-000146)**  
**Special Management Area Minor Permit No. 06-000031**  
**Applicant: Kapoho Beach Community Association**  
**Land Owner: Kapoho Land and Development Company, Ltd.**  
**Request: Grubbing of Less than One Acre to Eradicate and Prevent the Spread of Coquis**  
**Tax Map Key: 1-4-2:Portion of 3, Puna, Hawaii**

This is to follow up on our April 27, 2006 letter relating to the above-referenced Special Management Area assessment for the grubbing of less than one acre to eradicate and prevent the spread of coquis.

The subject property is zoned Single-Family Residential (RS-10) and Open (O) by the County. It is designated Urban and Conservation by the State Land Use Commission. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Conservation Area, Low Density Urban and Open. The project site is zoned RS-10, is in the Urban District and is in an area designated Low Density Urban.

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 grubbing of less than one acre to eradicate and prevent the spread of coquis does not qualify as exempt from the definition of "development". Therefore, a Special Management Area Minor Permit is required.

Mr. Larry L. Leach, President  
Kapoho Beach Community Association  
Page 2  
May 22, 2006

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 06-000031 is hereby issued to allow for the grubbing of less than one acre to eradicate and prevent the spread of coquis.

As a reminder, however, any substantial change to the project site as represented in the application will require the submittal of another Special Management Area Use Permit Assessment Application.

Should you have questions, please feel free to contact Esther Imamura or Larry Brown of this department at 961-8288.

Sincerely,



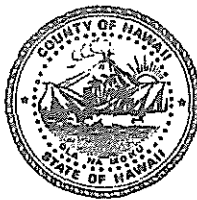
CHRISTOPHER J. YUEN  
Planning Director

ETI:cd  
P:\WPWIN60\CZM\SMM\2006\SMM 06-31 Kapoho Beach Comm Assn ltr.rtf

Enclosures: SMM No. 06  
Department of Public Works May 4, 2006 Memo

xc w/encs: Ms. Deborah Chang - Long Range Planning  
Mr. Norman Hayashi - Planning

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
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**Special Management Area Minor Permit No. 06-000031**

**Project:** Grubbing of Less than One Acre to Eradicate and Prevent the Spread of Coquis  
**Applicant:** Kapoho Beach Community Association  
**Land Owner:** Kapoho Land and Development Company, Ltd.  
**Location:** Puna, Hawaii  
**TMK:** 1-4-2:Portion of 3      **Parcel Land Area:** 182.446 acres

**Applicant's Request**

**1. Project Description:**

The applicant proposes to grub less than one acre to eradicate and prevent the spread of coquis.

**2. Purpose of Project:**

Due to the dense foliage, it is impossible to get the spraying equipment to the coqui nest. The objective is to create a level spray area to prevent the coquis from going into the Kapoho Beach Lots subdivision while keeping as many of the Ohias as possible.

**3. Project Valuation:** \$5,000.

**4. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area, the grubbing of less than one acre to eradicate and prevent the spread of coquis is not exempt from the definition of "development." Therefore, the proposed project requires a SMA Minor Permit.

**State and County Plans**

- 1. State Land Use District:** Although the subject property is designated Urban and Conservation by the State Land Use Commission, the project site is in the Urban area.

2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Conservation Area, Low Density Urban and Open. The project site is in the Low Density Urban area.
3. **County Zoning:** The subject property is zoned Single-Family Residential (RS-10) and Open (O). The project site is in the RS-10 zoned area.
4. **Special Management Area (SMA):** Although the subject property is located in the SMA, the project site is approximately half a mile from the coastline.
5. **Flood Zone:** The subject parcel is in an area designated as Flood 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 (may include areas with unknown flood or drainage hazards). According to the May 4, 2006 Department of Public Works, Engineering Division memorandum, they have no objections to the request. Further, a grubbing permit would not be required.

<p style="text-align: center;"><b>Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</b></p>
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The project area is approximately half a mile 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, 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 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 \$5,000 is not in excess of \$125,000.

Upon review of the subject application, the Department of Public Works, Engineering Division has no objections to the request.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 06-000031** is hereby approved to allow for the grubbing of less than one acre to eradicate and prevent the spread of coquis. This approval is 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. 06-000031** 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. Any substantial change to the project site as represented in the application will require the submittal of another assessment application.
4. 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, work in the immediate area 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.

APPROVED:

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

5/23/06  
\_\_\_\_\_  
Date

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HAWAII

HILO, HAWAII

2006 MAY 4 PM 1 58

PLANNING DEPARTMENT  
COUNTY OF HAWAII

DATE: May 4, 2006

*Memorandum*

TO: Christopher J. Yuen, Planning Director

FROM: *DG*  
for Department of Public Works

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 06-000146)**

Applicant: Kapoho Beach Community Association

Owner: Kapoho Land and Development Company, Ltd.

Request: Grubbing of Less than One Acre

Tax Map Key: 1-4-02: Portion of 003

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated April 27, 2006 and have no objections to the request.

A grubbing permit will not be required from the Department of Public Works.

The subject area is designated as Zone X on the Flood Insurance Rate Map by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain (may include areas with unknown flood or drainage hazards).

Please refer questions to the Engineering Division at ext. 8327.

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