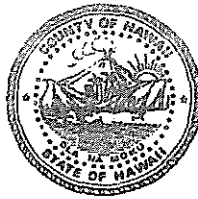


Harry Kim
Mayor



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 19, 2006

Mr. Hank Correa
HANK CORREA REALTY, LLC
630 Kilauea Avenue
Hilo, Hawaii 96720

Dear Mr. Correa:

**Special Management Area Use Permit Assessment Application No. 06-000154
(SAA 06-154)**

Special Management Area Minor Permit No. 06-000032 (SMM 06-32)

**Determination of Minor Structure or Minor Activity in the Shoreline Setback
Area**

Applicant: Hank Correa

Land Owner: Continental Pacific, LLC

Project: Clean up of pedestrian trail along portions of Pepe'ekeo
Coastal Trail

Location: Kapehu, Kaupakuea, Kahua & Makahanaloa, South Hilo,
Island and County of Hawaii

TMK: (3) 2-8-008:003 & 100

By this letter we acknowledge receipt of the subject Special Management Area Use Permit Assessment application (SAA 06-154) and issue our determination that a Special Management Area Minor (SMM) Permit is required for the proposed project. The approved SMM Permit No. 06-32 is enclosed.

From the application submittals, we understand that the proposed uses, activities and operations within the portions of the subject coastal parcels will include the use of heavy machinery to demolish and remove concrete pillars left on the property by the previous sugar processing operations. Additional activities include the removal of abandoned metal debris, fallen trees and tree stumps. It is our understanding that some of these activities may be within 40 feet of the top of the sea cliff.

Mr. Hank Correa
HANK CORREA REALTY, LLC.
Page 2
May 19, 2006

In lieu of a Certified Shoreline Survey, and **for the purposes of this project only**, we have determined that the shoreline setback area shall be that area 40 feet inland from the top of the sea cliff along the subject parcels.

Since most of the project area is atop sea cliffs, the proposed activities are not expected to affect beach processes or to artificially fix the shoreline. In the interest of public safety, public access along portions of the public access easement(s) may be temporarily interrupted. However, trail closure shall be limited to mitigate public exposure to hazardous demolition and debris removal activities. Public views to and along the shoreline are expected to be enhanced by the proposed project.

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.

Therefore, we have determined that proposed clean up and debris removal 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 06-32.

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

Sincerely,



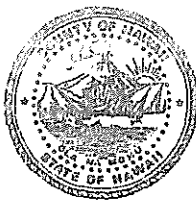
CHRISTOPHER J. YUEN
Planning Director

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Enclosure: SMM 06-32

xc w/encl: Long Range Planning - Ms. Deborah Chang
Planning Commission
DLNR-OCCL

Harry Kim
Mayor



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Special Management Area Minor Permit No. 06-000032

Project: Clean up of pedestrian trail along portions of Pepe'ekeo Coastal Trail
Applicant: Hank Correa
Land Owner: Continental Pacific, LLC
Location: Kapehu, Kaupakuea, Kahua & Makahanaloa, South Hilo, Island and County of Hawaii
TMK: (3) 2-8-008:003 & 100

Applicant's Request

1. Project Description:

The applicant proposes to conduct clean up activities within portions of the pedestrian trail located along the seacliff of the subject Tax Map Key parcels from the north side TMK 2-8-008:158 just north of Pepe'ekeo Point to Waima'aua Gulch. The proposed activities include the removal of concrete pillars and metal debris left on the land by the previous sugar cane processing operations. Fallen trees and tree stumps will also be removed. The project will require the use of some heavy machinery to break up concrete, to remove stumps and to load and haul debris.

2. Purpose of Project:

The purpose of the project is to make the shoreline trail more accessible, to improve view planes and to improve the condition of the local environment.

3. Project Valuation: \$1,000.00

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 of vegetation, soil or rock within the SMA.

Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The State Land Use designation for the portion of TMK 2-8-008:003 within the subject project area is Urban and the TMK 2-8-008:100 portion of the project area is designated Conservation and Agricultural.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the various portions of the project area for low-density urban, industrial, important agricultural and open uses.
3. **County Zoning:** Hawaii County zoning designations affecting the project area include Single-Family Residential (RS-7.5 and RS-20) General Industrial (MG-5a) and Agricultural (A-20a).
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 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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated total expenditures for the proposed project is \$1,000.00.

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 May 11, 2006, regarding the subject SMAA.

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated May 10, 2006 and have no objections to the request.

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

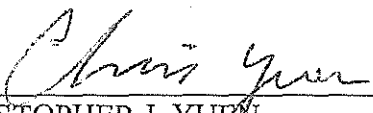
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 06-000032** is hereby approved to allow for proposed clean up and debris removal as described above.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 06-000032** 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. Prior to the commencement of any activities within the SLU Conservation district the applicant shall consult with the Department of Land and Natural Resources secure either written confirmation that the proposed activities are permitted or approval of a Conservation District Use Permit.
4. All green waste, concrete and metal debris shall be removed from the subject property and recycled or disposed of in accordance with the Department of Environmental Management rules and regulations.
5. Public access to and along the Public Access Easements encumbering the subject properties shall remain open in accordance with the approved Public Access Agreement unless temporary closure of a trail segment is necessary for the public's safety. In the event temporary closure of a trail segment is necessary, the applicant shall install signage at the appropriate mauka-makai access trails noting the reason and duration of the trail closure.
6. This permit does not allow for any grading, excavation (except for removal of concrete pillars and footings), or cutting or grubbing of live standing trees.
7. Should any of the conditions not be met the Planning Director shall initiate procedures to revoke the permit.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director

5/19/06
Date