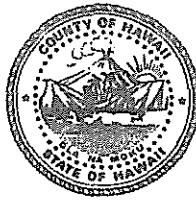


Harry Kim  
Mayor



**County of Hawaii**  
**PLANNING DEPARTMENT**

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

Debbie  
public access  
Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

June 6, 2006

Mr. Steve Shropshire  
P.O. Box 1146  
Hilo, Hawaii 96721

Dear Mr. Shropshire:

**Subject: Special Management Area Use Permit Assessment Application No. 06-000158  
(SAA 06-158)**

**Special Management Area Minor Permit No. 06-000033 (SMM 06-33)**

**Applicant: Shropshire Group, LLC**

**Land Owner: Shropshire Group, LLC**

**Project: Removal of approximately 35 invasive species trees growing along the top of  
the sea cliff**

**Tax Map Key: 2-9-002:079 & 081 Hakalau Nui, South Hilo, Hawaii**

This is in response to the subject application, which we received on May 8, 2006. We understand that you intend to remove approximately 35 trees along the pali of the subject properties. All of the trees designated for removal are invasive species such as Ironwood, African Tulip, Gunpowder, and Schefflera, which will be cut at ground level. The stumps of the cut trees will be "paint-brush" treated with an herbicide to prevent their re-growth. All of the cut trees will be removed from the subject property and relocated to the applicant's 800-acre property on upper Chinchuck Road in Hakalau mauka, where they will be allowed to decompose for eventual use as a soil enhancement. The area will be replanted on at least a one-to-one ratio with native species such as Naupaka, Hala and coconut palms.

Your application requests that we determine the proposed activities are exempt from the definition of "development" under Rule 9-4(10)B(i) of the Planning Commission Rules of Practice and Procedure (PC Rules). However, Rule 9-4(10)B(i) provides that the construction of a single-family residence that is not part of a larger development may be determined to be exempt from the definition of "development." Pursuant to Rule 9-4(10)A(i) and (ii), the placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste and the grading, removing, dredging, mining, or extraction of any materials within the SMA is "development." Therefore, we have determined that a Special Management Area Minor Permit is required to allow for the proposed tree removal and replanting activities.

Mr. Steve Shropshire

Page 2

June 7, 2006

Please find SMM 06-33 is enclosed.

The subject SMAA application does not include a recent Certified Shoreline Survey. Therefore, for the purposes of establishing the Shoreline Setback Area, we have determined that the top of the sea cliff along the subject parcels shall be considered the shoreline. Some of the proposed tree removal and replanting activities are likely to be within 40' of the top of the sea cliff, or Shoreline Setback Area.


Pursuant to Rule 11-7 of the Planning Department Rules of Practice and Procedure (PD Rules), the proposed activities are not permitted within the Shoreline Setback Area unless a Determination of Minor Structure or Minor Activity is approved by the Planning Director in accordance with Section 11-8, PD Rules, or a Shoreline Setback Variance is approved by the Planning Commission.

Rule 11-3(f) defines "minor activity" as an activity that does not alter the existing grade of the shoreline setback area and may include activities such as landscaping and minor clearing (grubbing) or vegetation. Pursuant to Rule 11-8, a Determination of Minor Structure or Minor Activity may be granted by the Planning Director if the Planning Department determines that the proposed structure or activity 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.

The Planning Department has determined that the proposed activities satisfy the requirements for approval of a Determination of Minor Structure or Minor Activity provided the applicant shall comply with the conditions of SMM 06-33.

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

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

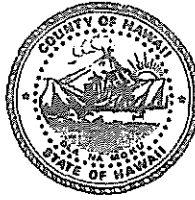
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Encl: SMM 06-33

xc: Ms. Deborah Chang – Long Range Planning  
Planning Commission

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

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**Special Management Area Minor Permit No. 06-000033**

**Project:** Invasive Species Tree Removal and Replanting with Native Species  
**Applicant:** Shropshire Group, LLC  
**Land Owner:** Shropshire Group, LLC  
**Location:** Hakalau, South Hilo, Island and County of Hawaii  
**TMK:** (3) 2-9-002:079 & 081

**Applicant's Request**

**1. Project Description:**

The applicant proposes to cut down approximately 35 invasive species trees, such as Ironwood, African Tulip, Gunpowder and Scheffelera. The trees will be cut near ground level and the stumps will be paint-brush treated with an herbicide to prevent their re-growth. The cut trees and associated green waste will be removed from the project site to the applicant's 800-acre property on upper Chinchuck Road in Hakalau mauka where they will be allowed to decompose for eventual use as a soil enhancement. The applicant will plant a variety of native species, such as Naupaka, Hala and coconut palm, as replacement vegetation on not less than a one-to-one ratio.

**2. Purpose of Project:**

The proposed project is anticipated to enhance the stability of the top of the sea cliff, to replace undesirable invasive species with native vegetation species, and to enhance view planes to the ocean.

**3. Project Valuation: \$10,000.00**

**4. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A) relating to the Special Management Area, "development" includes:

- (i) The placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste; and
- (ii) The grading, removing, dredging, mining, or extraction of any materials.

This includes planting of any vegetation and the removal of any 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 subject project area is Urban.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation for the subject properties is primarily for Open uses. The Industrial designation is assigned for the smaller mauka portions of each lot.
3. **County Zoning:** Hawaii County zoning designations affecting the project area include General Industrial (MG-5a).
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.

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

The estimated total expenditures for the proposed project is \$10,000.00.

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 24, 2006, regarding the subject SMAA.

*We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated May 17, 2006 and have no objections to the request.*

*The subject parcels are in area that is not mapped by the Federal Emergency Management Agency and is labeled as an area of "minimal tsunami inundation." For developmental purposes, we designate such parcels as Zone X-areas determined to be outside the 500-year floodplain (may include areas with unknown flood or drainage hazards).*

*Questions may be referred to the Engineering Division at ext. 8327."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 06-000033** is hereby approved to allow for proposed removal of approximately 35 invasive trees and the replanting with native species vegetation as described herein.

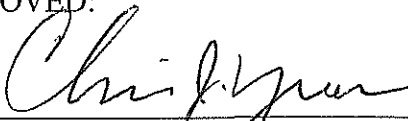
<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 06-000033** subject to the following conditions:

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. No trees shall be cut that are growing (base of trunk) below the top edge of the sea cliff.
4. The cut trees shall be lifted, rather than dragged, from the site so as not to destroy other vegetation or to disturb the overlying soils. The felled trees shall be removed from the subject properties to the applicant's acreage on Chinchuck Road in Hakalau mauka for disposal as specified in the project description.
5. Replacement vegetation shall include not less than one native or Polynesian introduction species tree for each invasive species tree being cut down. Naupaka or other shrubs do not count. Applicant shall maintain all replacement vegetation as necessary to achieve a self-sustaining status.
6. This permit does not allow for any clearing or grubbing activities beyond that described above.

7. This permit does not allow for any grading, excavation or other land altering activities on the subject parcels.
8. The applicant shall prepare and submit a public access plan for approval by the Planning Department to provide fishing access to the point on the south side of Hakalau Bay. Planning Department approval of the public access plan shall be required prior to submittal of any further land use applications.
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

6/7/06  
Date