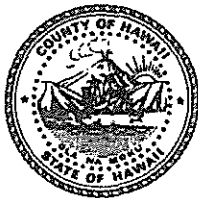


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224
(808) 961-8288 • FAX (808) 961-8742

November 29, 2007

Mr. Thomas Young
529 Kukuau Street
Hilo, HI 96720

Dear Mr. Young:

Subject: Special Management Area (SMA) Assessment Application (SAA 07-000287)
Special Management Area Minor Permit No. 07-000070
Applicant: Thomas Young
Request: Tree Cutting to Determine Topography
TMK: 1-4-68:79, Kapoho Vacationland, Puna, Hawaii

This letter is in response to the Special Management Area Assessment Application we received on October 16, 2007 to cut noxious trees and other vegetation by hand-clearing in order to determine the topography of the subject property.

This 8,713 square foot property is zoned residential (RS-10) by the County and designated Urban by the State Land Use Commission. It does not have frontage along the coastline and is mauka of Wai Opae Road.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)A(i) and (ii) relating to Special Management Area, the proposed activity does not qualify as exempt from the definition of "development". Therefore, a Special Management Area Minor Permit is required.

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 07-000070 is hereby issued to allow for tree cutting by hand to determine the topography of the subject parcel. It is the applicant/owner's responsibility to read and comply with the conditions listed in the enclosed permit.

Mr. Thomas Young

Page 2

November 29, 2007

During a visit to the subject property on November 8, 2007 staff planners did not observe convincing evidence that the ponds on the property have surface connection to the sea. Therefore the requirement for a certified shoreline survey has been waived. Please be aware however that the Department may require a shoreline survey certified by the Chair of the Board of Land and Natural Resources for any future use, activity or operation proposed in the SMA.

If you have questions, please feel free to contact Maija Cottle or Esther Imamura of this department at 961-8288, extension 253 and 257, respectively.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

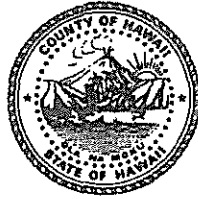
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Enclosure: SMM No. 07-000070

xc w/encls: Long Range Planning Division
Mr. Norman Hayashi, Planning Commission
Ms. Mary Lou Kobayashi, Acting Director – Office of Planning, DBED&T

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Special Management Area Minor Permit No. 07-000070

Project: Routine Maintenance and Tree Cutting
Applicant: Thomas Young
Location: Kapoho Vacationland, Puna, Hawaii
TMK: 1-4-68:79 **Land Area:** 8,713 square feet

Applicant's Request

1. Project Description:

The applicant proposes to cut noxious trees and other vegetation by hand-clearing the subject property. The applicant also intends to mulch the cut trees and place the mulch on the ground. No soil disturbance is proposed because the trees will be cut above ground, and Round-up will be placed on the trunks to prevent the trees from re-growing.

2. Purpose of Project:

The purpose is to determine the topography of the parcel.

3. Project Valuation: \$500.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(ii) relating to the Special Management Area, "*Grading, removing, dredging, mining, or extraction of any materials*" and 9-4(10)A(i) relating to the SMA, "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" 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:** The subject property is designated Urban by the State Land Use Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as low density urban (ldu).
3. **County Zoning:** The subject property is zoned residential (RS-10).
4. **Special Management Area (SMA):** Although the subject property is located in the SMA, it does not have frontage along the coastline. It is also mauka of Wai Opae Road.
5. **Flood Zone:** Zone AE, with a base flood elevation of 14-feet based on FIRM. Flood zone AE is the Special Flood Hazard Area inundated by the 100-year flood where base flood elevations are determined.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area

The project area does not have frontage along the coastline and is mauka of Wai Opae Road. Therefore, the proposed improvements will not affect public access to the shoreline or public use of the shoreline 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 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 \$500 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated November 15, 2007, stated the following:

"We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated November 13, 2007 and have no objections to the request.

The subject parcel is located within Flood Zone AE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year flood where base flood elevations are determined."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000070** is hereby approved for the cutting of noxious trees and other vegetation on the subject parcel for routine maintenance and surveying purposes. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

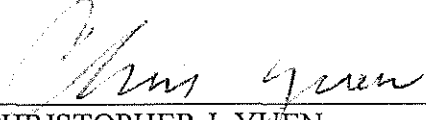
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 07-000070** 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. The applicant shall cut trees and vegetation by hand only and shall not remove the tree trunks or disturb the soil.
4. Wood chips float and can easily be moved by tidal or runoff water. Since there are several ponds in the Kapoho Vacationland subdivision that have surface connection to the sea, property located a good distance from the sea can still be affected by tidal action. If the mulch from the subject parcel were to enter the sea due to tidal action this would negatively impact the coastal ecosystem. Therefore, all debris from tree cutting shall not be mulched and placed on the property, but instead shall be removed from the subject property.

5. 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.
6. The U.S. Army Corps of Engineers shall be consulted prior to any land altering or construction activity affecting any standing water, tide pools, or anchialine ponds on the subject property. Ponds that do not have a surface connection to the sea may be regulated as "wetlands" by the U.S. Army Corps of Engineers.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director

NOV 29 2007

Date