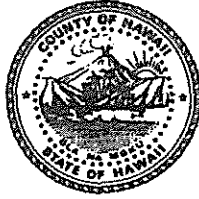


Harry Kim  
for



9/11/08  
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

March 3, 2008

Dr. Ann Kobsa  
Malama O Puna  
P.O. Box 1520  
Pahoa, HI 96778

Dear Dr. Kobsa:

**Subject: Special Management Area Use Permit Assessment Application (SAA 08-000312)**  
**Special Management Area Minor Permit No. 08-000075**  
**Applicant: Malama O Puna: Rene Siracusa, Ann Kobsa**  
**Land Owner(s): Vacationland Land Trust, Stanley I. Hara, Dianne H. Hara, Clyde Takashi Abe, and Arnold Tsuyoshi Abe**  
**Request: Wai Opae Habitat Restoration/ Mangrove Eradication Project**  
**Tax Map Key: 1-4-2:51 & 88, Kapoho Vacationland, Puna, Hawaii**

This letter is in response to the Special Management Area Assessment Application we received on February 6, 2008 for eradication of the alien invasive plant, red mangrove (*Rhizophora mangle*), from the Wai Opae area of Kapoho, Puna, Hawaii.

This property is designated Urban by the State Land Use Commission. It is also designated Low Density Urban and Open by the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map and zoned Single-Family Residential District (RS-10) by the County. The property is located entirely within the Special Management Area (SMA).

According to Chapter 205A-22(2) and (4), Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(ii) and (iv) relating to Special Management Area, the proposed project 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. 08-000075 is hereby issued for the Wai Opae Habitat Restoration/Mangrove Eradication Project on the subject parcels, subject to

Dr. Ann Kobsa  
Malama O Puna  
Page 2  
March 3, 2008

compliance with the conditions of approval as specified in the permit. Since the project does not involve the construction of any structures on the subject parcels, the requirement for a certified shoreline survey is hereby waived for the purposes of this project.

The applicant is responsible for securing appropriate permits from all other agencies with jurisdiction over the proposed project including, but not limited to, the State of Hawaii Department of Land and Natural Resources and the United States Army Corps of Engineers.

Should you have questions, please feel free to contact Dana Okano of this department at 961-8288, Extension 271.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

DO:pak  
P:\wpwin60\CZMASMM\2008\SMM 08-75L Malama O Puna.rtf

Enclosure - SMM No. 08-000075  
Department of Public Works Memorandum dated February 20, 2008

xc w/encls: Long Range Planning Division

Mr. Samuel J. Lemmo, Administrator  
State of Hawaii Department of Land and Natural Resources  
Office of Conservation and Coastal Lands  
P.O. Box 621  
Honolulu, HI 96809

Mr. George P. Young, P.E.  
Department of the Army  
U.S. Army Engineer District, Honolulu  
Fort Shafter, HI 96858-5440

xc ltr only: Mr. Abbey S. Mayer, Interim Director – Office of Planning, DBED&T  
(SMM 08-000075 will be emailed with the semi-monthly report)

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

0 20 PM 2 58

DEPARTMENT  
COUNTY OF HAWAII

DATE: February 20, 2008

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM: *for* Department of Public Works

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 08-312)**

Applicant: Malama O Puna: Rene Siracusa, Ann Kobsa

Request: Wai Opae Habitat Restoration / Mangrove Eradication Project

Tax Map Keys: 1-4-02: 051 & 088

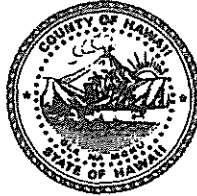
We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated February 14, 2008 and have no objections to the request.

The subject parcels are located within Flood Zones AE and VE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zones AE and VE are the Special Flood Hazard Area inundated by the 100-year coastal flood.

Questions may be referred to the Engineering Division at 961-8327.

038416

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

## Special Management Area Minor Permit No. 08-000075

**Project:** Wai Opae Habitat Restoration/Mangrove Eradication Project  
**Applicant:** Malama O Puna: Rene Siracusa, Ann Kobsa  
**Location:** Kapoho Vacationland, Puna, Hawaii  
**TMKs:** 1-4-2:51 & 88      **Land Area:** 52.4 and 52.926 acres respectively

### Applicant's Request

#### 1. Project Description:

The applicant proposes to eradicate the alien invasive plant, red mangrove (*Rhizophora mangle*), from the Wai Opae area of Kapoho, Puna, Hawaii. This entails the application of herbicide and physical cutting of the mangroves until they are successfully eradicated from the site. Large trees will be killed using a drill and inject method, while smaller trees will be manually sprayed with herbicide.

#### 2. Purpose of Project:

The purpose is to restore and protect the Wai Opae Marine Life Conservation District by eradicating the 16-acre infestation of red mangrove from the tidal zone and adjacent lands.

#### 3. Project Valuation: \$77,500.

#### 4. Determination:

According to Chapter 205A-22(2), Hawaii Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(10)A(ii) relating to the Special Management Area, "Grading, removing, dredging, mining, or extraction of any materials;" and HRS Chapter 205A-22(4) and PC Rule No. 9-4(10)A(iv) relating to the SMA, "Change in the intensity of use of water, ecology related thereto, or of access thereto," 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) and open (o).
3. **County Zoning:** The subject property is zoned residential (RS-10).
4. **Special Management Area (SMA):** The subject property is located in the SMA, and parcel 1-4-2:51 has frontage along the coastline.
5. **Flood Zone:** Zone AE and VE as designated on the Flood Insurance Rate Map (FIRM). Flood zones AE and VE are the Special Flood Hazard Area inundated by the 100-year coastal flood.

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

The project area is along the coastline and into the inter tidal zone of the Wai Opae Marine Life Conservation District. Therefore, the public access to the shoreline or public use of the shoreline area may be affected intermittently throughout the life of the project. However, the project area is currently infested with mangroves, which themselves impede accessibility to the shoreline. One outcome of the project is that it will improve accessibility to the shoreline with the removal this impassable vegetation.

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.

<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 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 \$77,500 is not in excess of \$125,000.

The enclosed Department of Public Works memorandum dated February 20, 2008, stated the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated February 14, 2008 and have no objections to the request.*

*The subject parcels are located within Flood Zones AE and VE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone AE and VE are the Special Flood Hazard Area inundated by the 100-year coastal flood."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 08-000075** is hereby approved for the eradication of the alien invasive red mangrove (*Rhizophora mangle*) from the subject parcels. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

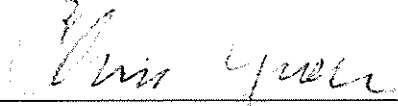
<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 08-000075** subject to the following conditions:

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 take care to minimize disturbance to the soil when removing the vegetation.
4. 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. Therefore, all debris from vegetation cutting shall be removed from the SMA to avoid the possibility of any cut material making its way to the tidal zones and marine waters.

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.

APPROVED:

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

\_\_\_\_\_  
Date