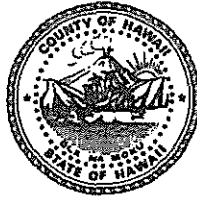


erry Kim
ayor



County of Hawaii
PLANNING DEPARTMENT

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

Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

June 12, 2008

Mr. Fred Blas
15-121 Kuna Street
Pahoa, HI 96778

Dear Mr. Blas:

Subject: Special Management Area (SMA) Assessment Application (SAA 08-000330)
Special Management Area Minor Permit No. 08-000083
Applicant: Fred Blas
Owner: David W. and Jeannie S. Nethery
Request: Grub and Mulch Vegetation on Vacant Land
TMK: 1-5-111:37, Hawaiian Shores, Puna, Hawaii

This letter is in response to the Special Management Area Assessment Application we received on April 10, 2008 to grub and mulch vegetation on the subject parcel.

The subject 8,333-square foot property is zoned Agricultural (A-1a) by the County and designated Urban by the State Land Use Commission. It does not have frontage along the coastline, but is located entirely within the SMA.

On March 27, 2008 you informed staff planner, Maija Cottle that an archaeologist from the State Historic Preservation Division (SHPD) would be conducting an inspection of the subject property to determine if archaeological sites are present. On April 11, 2008, Ms. Cottle called you to inquire about the status of the site inspection by SHPD, and to inform you that upon receipt by our office of a determination letter from SHPD, your application would be considered complete. A copy of SHPD's letter, which we received on May 5, 2008, is enclosed for your information.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)A(ii) relating to the 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.

Mr. Fred Blas
Page 2
June 12, 2008

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 08-000083 is hereby issued to allow for the grubbing and mulching of vegetation on the subject property. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

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,

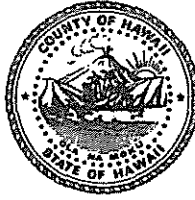

CHRISTOPHER J. YUEN
Planning Director

MJC/ETI:cs
P:\wpwin60\CZM\SMM\2008\SMM 08-83L Blas for Nethery.rtf

Enclosure: SMM No. 08-000083

xc w/encls: Long Range Planning Division
Mr. Norman Hayashi, Planning Commission
Mr. Abbey S. Mayer, Acting Director – Office of Planning, DBED&T

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. 08-000083

Project: Grub and Mulch Vegetation on Vacant Land
Applicant: Fred Blas
Landowner: David W. and Jeannie S. Nethery
Location: Hawaiian Shores, Puna, Hawaii
TMK: 1-5-111:037 **Land Area:** 8,333-square feet

Applicant's Request

1. Project Description:

The applicant requests to grub and mulch vegetation on the subject parcel.

2. Purpose of Project:

The applicant wishes to grub and mulch vegetation in order eradicate and control the spread of Coqui frogs on the subject parcel.

3. Project Valuation: \$1,000.

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*" 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 Open.
- 3. County Zoning:** The subject property is zoned Agricultural (A-1a).

4. **Special Management Area (SMA):** The subject property is located entirely within the SMA. It does not have frontage along the coastline.
5. **Flood Zone:** Zone X, outside the 500-year floodplain.

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 tsunamis, 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 project area does not have frontage along the coastline. Therefore, the proposed activity will not affect public access to the shoreline or public use of the shoreline area.

The estimated project cost of approximately \$1,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated May 20, 2008, stated the following:

"We have reviewed the subject application for compliance with Chapter 27, Flood Management, forwarded by your memo dated May 7, 2008 and have no objections to the request.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is labeled as an area of "minimal tsunami inundation." For development purposes, we designate such parcels as Zone X- areas determined to be outside the 500-year floodplain.

A grubbing permit will not be required for the subject request (under one acre)."

A letter from the State Historic Preservation Division (SHPD) dated April 23, 2008 indicates that the subject parcel is heavily vegetated with hala, milo, waiāwi, sword fern and ground-cover plants which limited the ability of the State's archaeologist to determine if archaeological sites were present on the property. Significant archaeological features and a burial have been identified on nearby parcels and the area is known to be rich in historical resources. In their letter, SHPD recommends that archaeological monitoring be conducted during any ground disturbing activities on the subject property.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 08-000083** is hereby approved to grub and mulch vegetation on the subject parcel. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

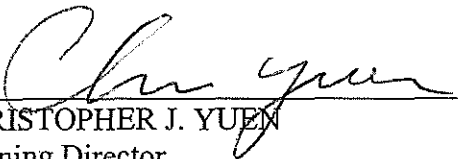
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 08-000083** 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 hire an archaeologist to monitor the proposed activities, and to ensure that no archaeological features are negatively impacted.
3. 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.
4. All land altering activities approved by this permit shall be completed within one (1) year from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon completion of the land altering activities.
5. This permit does not include the construction of any structures or other uses on the subject property. Another SMA Use Permit Assessment will be required for any uses or activities (such as a dwelling) beyond the scope of this project.
6. 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.
7. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:

- a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
 - b) Granting of the time extension would not be contrary to the original reasons for the granting of the permit; and
 - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
8. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director

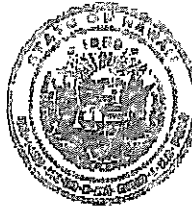
JUN 12 2008

Date

May-05-2006 13:20:00 Flow-STATE Historic Preservation

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1 008 1-002/006 P-006

LARRY L. BROWN
GOVERNOR OF HAWAII

MAY 05 2006

RECEIVED
COUNTY OF HAWAII
PLANNING
DEPT.LARRY L. BROWN
GOVERNOR
COUNTY OF HAWAII
PLANNING DEPARTMENTCHIEF OF BUREAU
PLANNINGJANIS KAWAHARA
DEPUTY DIRECTOR - WATERAQUATIC RESOURCES
LAND AND OCEAN RESOURCES
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCES MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENTENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
HAWAIIAN ISLAND RESERVATION COMMISSION
LAND
STATE PARKSSTATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCESSTATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

April 23, 2008

Ms. Maya Coddle, Planner
County of Hawai'i Planning Department
101 Aupuni Str, Suite 3
Hilo, HI 96720-4224LOG NO: 2008.1320
DOC NO: 0804TS13
Archaeology

Dear Ms. Coddle:

**SUBJECT: Chapter 6E-42 Historic Preservation Review -
Grubbing of Selected Properties in Hawaiian Beaches Subdivision
Waiakahiula Ahupua'a, Puna District, Island of Hawai'i
TMK: (3) 1-5-111: 32, 33, 34, 35, 36, 37, 119
(3) 1-5-88: 33, 55
(3) 1-5-63: 42, 43, 46, 47, 49**

At the request of Mr. Fred Blas, fourteen site inspections were performed by Tim Scheffler, Ph.D., Assistant Hawai'i Archaeologist, on April 8, 2008. The parcels range in size from 9,100 sq. ft. to 10,140 sq. ft. for a total of 3.057 acres. Mr. Blas, representing the lot owners, was met on-site and was present during the inspections. Grubbing and clearing of the parcels (see above TMK's) located inside or partially inside the Special Management Area (SMA) along the coastal Puna Trail in the Hawaiian Beaches subdivision is proposed. The clearing is being carried out in an effort to eradicate and control the spread of Coqui frogs. The field inspections consisted of walking the perimeter of the properties and at least two passes through their interiors in order to reconnaissance potential archaeological sites. The findings are as follows:

Two parcels on which intact and significant archaeological features were observed include (3) 1-5-63:42 and 43. We recommend no grubbing or ground alteration occur on these parcels until an Archaeological Inventory Survey (AIS) has been completed and a report submitted to our office for review and approval. These parcels were commented upon previously by the SHPD in May of 1998 (log# 21489, doc# 9805MS03) and found to contain a platform, mounds, cleared areas, paved areas and low walls. Subsequent to a request by owners in August of 1998 that the State purchase these properties, a report titled "Site Inspection and Limited Subsurface Testing at Two Parcels Hawaiian Beached Estates" was submitted by Paul H. Rosendahl, Ph.D., Inc. This resulted in the designation of two State Inventory of Historic Places sites (no. 50-10-45-19013 and 19014) as well as the identification of human remains (burial) on the property (log# 22096, doc# 9808PM08). No Burial Treatment Plan or Preservation Plan was ever submitted for these sites. This would also be necessary preceding any work on these parcels.

Three of the inspected lots have already been cleared, (3)1-5-63:46 and 47 as well as (3)1-5-88:33. (3)1-5-63:47 had been previously reported to contain the remains of an archaeological site which caused the machine operators to discontinue their grubbing activities (Lauren Morowski, SHPD-Oahu Island Assistant Archaeologist, personal communication). Upon the current inspection, the site was found in a very poor state of preservation, no intact facing or other architectural elements could be identified.

May-05-2008 17:20:00 From: STATE Historic Preservation

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However, its reported presence necessitates the completion of an AIS. The SHPD has no objection to any further work at 45 or 33, if any historic properties were present on these lots, they have been destroyed.

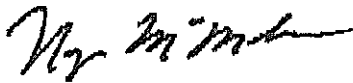
There is some reason to be concerned about parcel (3)1-5-88:55. Several possible prehistoric/historic features were observed including mounds, cleared areas, terraces and low platforms that extend into parcel 54 as well. This parcel should also be subject to an AIS and SHPD review and approval before any ground disturbing activities occur.

The remaining parcels, (3)1-5-63:49 and (3)1-5-111:32-37 and 119, are all covered by heavy vegetation including *hala*, *milo*, *waiāwi*, sword fern and other ground-cover plants, which severely limit visibility. Without systematic archaeological survey, including the hand clearing of suspect areas, it is not possible to determine without doubt if archaeological sites or burials are present. No definitive archaeological sites were observed during the course of the brief inspections conducted by Dr. Scheffler. However, given the proximity of the coastal trail, the burial and significant sites described above on parcels 42 and 43, as well as those observed on parcel 55, we recommend that grubbing on the remaining parcels proceed with caution. The imposition of conditions including archaeological monitoring during any ground disturbing activities would be favored by the SHPD as mitigation measures.

In summary, the SHPD recommends that an AIS be prepared preceding any work on parcels (3) 1-5-63:42 and 43 and (3)1-5-88:55, that precautionary monitoring be performed during work on parcels (3)1-5-63:49 and (3)1-5-111:32, 33, 34, 35, 36, 37 and 119, and that no further work is necessary for parcels (3)1-5-63:46 and 43.

If you have any questions or concerns regarding this letter please contact Assistant Hawaii Island Archaeologist, Tim Scheffler at (808) 981-2979 or, timothy.e.scheffler@hawaii.gov.

Aloha,



Nancy McMahon, Archaeology and Historic Preservation Manager
State Historic Preservation Division

TS

Cc

Mr. Fred Blas, 15-121 Kuna Str., Pahoa, HI 96778

Cottle, Maija

From: Timothy.E.Scheffler@hawaii.gov
Sent: Monday, May 05, 2008 1:58 PM
To: Cottle, Maija
Subject: Re: Site Inspection of TMK (3) 1-5-111:019

Dear Maija-

Sorry for the mistake, the incorrect parcel number was recorded in the field and carried through to the final letter.

SHPD letter (doc# 0804TS13) should refer throughout to parcel (3) 1-5-111:019 not parcel 119.

Aloha,

T.

Timothy E. Scheffler, Ph.D.
Assistant Hawai'i Island Archaeologist
State Historic Preservation Division
Department of Land and Natural Resources
70 Kanoelehua Avenue, Suite C-5
Honolulu, HI 96720

PHONE: (808) 981-2979
FAX: (808) 981-5207

"Cottle, Maija"
<mcottle@co.hawaii.hi.us>

05/05/2008 01:35 PM

To timothy.e.scheffler@hawaii.gov
cc
bcc
Subject Site Inspection of TMK (3) 1-5-111:019

Hi Tim,

As we discussed, your letter dated April 23, 2008 has a typo in that TMK 1-5-111:119 should read 1-5-111:019. You mentioned on the phone that you did in fact inspect parcel 019.

Please confirm this.

Thank you for your assistance and recommendations.

Maija Cottle
County of Hawaii- Planning Department
Ph: 961-8288 ext. 253 Fax: 961-8742
101 Pauahi Street, Suite 3
Honolulu, HI 96720-4224

5/5/2008

2008 MAY 21 PM 12:59

PLANNING DEPARTMENT
COUNTY OF HAWAII

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: May 20, 2008

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM:  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 08-000330)

Applicant: Fred Blas

Owners: David W. and Jeannie S. Nethery

Request: Grub and Mulch Vacant Land

Tax Map Key: 1-5-111: 037

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 7, 2008 and have no objections to the request.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) 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.

A grubbing permit will not be required for the subject request (under one acre).

Questions may be referred to Kelly Gomes at ext. 8327.

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