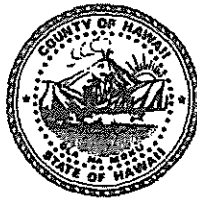


Harry Kim
Mayor



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

September 16, 2008

Mr. Rob Shallenberger
Puako Community Association
PO Box 44345
Kawaihae, HI 96743

Dear Mr. Shallenberger:

Subject: Special Management Area (SMA) Assessment Application (SAA 08-000359)
Special Management Area Minor Permit No. 08-000088
Applicant(s): Puako Community Association
Owner(s): State of Hawaii
Request: Maintenance of a Firebreak and Wildfire Mitigation
TMK: 6-9-01:015, Puako Beach Lots, Lalamilo, S. Kohala, Hawaii

This letter is in response to the Special Management Area Assessment Application we received on August 13, 2008 requesting to conduct maintenance activities on a firebreak for wildfire mitigation on the subject parcel.

The parcel has a total of 554.68 acres, is zoned Agricultural (A-5a) by the County of Hawaii. It is designated Conservation by the State Land Use Commission, and the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open. The parcel is located entirely within the SMA.

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

SEP 16 2008

Mr. Rob Shallenberger

Page 2

September 16, 2008

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 08-000088 is hereby issued to allow for the maintenance of the firebreak for wildfire mitigation on the subject parcel. 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 Dana Okano of this department at 961-8288, extension 271.

Sincerely,



CHRISTOPHER J. YUEN

Planning Director

DO:cs

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Enclosure: SMM No. 08-000088
Memorandum from Department of Public Works

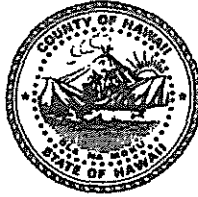
xc w/encls: Long Range Planning Division

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

Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

xc ltr only: Mr. Abbey S. Mayer, Director
State of Hawaii, Office of Planning
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, HI 96804

Harry Kim
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Director

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PLANNING DEPARTMENT

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

Special Management Area Minor Permit No. 08-000088

Project: Wildfire Mitigation and Firebreak Maintenance
Applicant: Puako Community Association
Landowner(s): State of Hawaii
Location: Puako Beach Lots, Lalamilo, South Kohala, Hawaii
TMK: Portions of 6-9-001:015 **Total Land Area:** 554.68 acres

Applicant's Request

1. Project Description:

The applicant proposes maintenance of the firebreak separating the residential housing from the kiawe forest and grasslands adjacent to it. Maintenance of the firebreak will include control of unwanted vegetation through use of weed wackers, loppers, chain saws and herbicides; growth of desired vegetation through outplanting, irrigation and hydroseeding; mitigation of wind-borne dust through establishment of desired vegetation and soil cover with wood chips and mulch; and removal of piles kiawe trunks and branches with contracted heavy equipment.

2. Purpose of Project:

To ensure there is an effective fuel break separating the Puako community from wildfire-prone vegetation, and mitigation of wind-borne dust originating from the firebreak area.

3. Project Valuation: \$120,000.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(i), (ii), and (iv) relating to the Special Management Area, "Placement or erection of any solid material of any gaseous, liquid, solid, or thermal waste," "Grading, removing, dredging, mining, or extraction of any materials," and "Change in the intensity of use of water, ecology related thereto, or access thereto" are 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:** Parcel 6-9001:015 is designated Conservation by the State Land Use Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open.
3. **County Zoning:** Parcel 6-9001:015 is zoned Agricultural (A-5a) by the County of Hawaii.
4. **Special Management Area (SMA):** The parcel is located entirely within the SMA.
5. **Flood Zone:** Partially located in Zone AE and Zone AO.

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 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 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 \$120,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated September 8, 2008, stated the following:

"We reviewed the subject application and our comments are as follows:

We have determined that portions of the subject property are located within Flood Zones 'AE' and 'AO', according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). These areas are subject to the requirements of Chapter 27 – Flood Control, of the Hawaii County Code.

Care shall be taken not to alter the drainage pattern during grubbing operations. A grubbing permit shall be obtained prior to grubbing an area in excess of one acre.

The applicant shall comply with Chapter 11-55, Water Pollution Control, Hawaii Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office a 327-3530."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 08-000088** is hereby approved for maintenance of the firebreak by controlling unwanted vegetation, growing desired vegetation, mitigation of wind-borne dust, and removal of kiawe trees on the subject parcels. This permit includes ongoing routine maintenance of the firebreak with regard to the control of unwanted vegetation and growth of desired vegetation described above. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

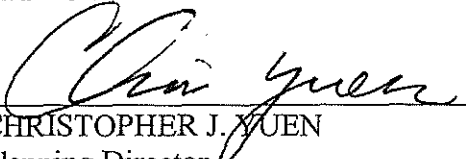
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 08-000088** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. 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.
3. All activities requiring use of heavy equipment for grubbing, or the removal of kiawe trunks and branches 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 activities requiring use of heavy equipment.

4. 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. This includes compliance with the enclosed memo from the Department of Public Works. This may also require appropriate permits from the Department of Land and Natural Resources since this parcel is within the State Land Use Conservation District.
5. 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).
6. 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

9/16/08
Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: September 8, 2008

Memorandum

TO : Christopher J. Yuen, Planning Director ✓
Planning Department

FROM : Galen M. Kuba, Division Chief *GK*
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 08-000359)
Applicant: Puako Community Association
Owners: State of Hawaii
Request: Wildfire Mitigation and Firebreak Maintenance
Location: Puako, Lalamilo, South Kohala, Hawaii
TMK: 3 / 6-9-001:015

We reviewed the subject application and our comments are as follows:

We have determined that portions of the subject property are located within Flood Zones "AE" and "AO", according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). These areas are subject to the requirements of Chapter 27 - Flood Control, of the Hawaii County Code.

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Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE
copy: ENG-HILO/KONA
PLNG-KONA

