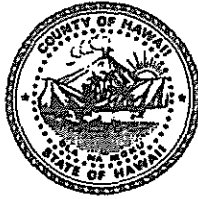


Harry Kim
Mayor



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

October 31, 2008

Mr. Emil Mansat, Jr.
Tas Man Co, LLC
5601 Hauaala Road
Kapaa, HI 96746

Dear Mr. Mansat:

Subject: Special Management Area (SMA) Assessment Application (SAA 08-000372)
Special Management Area Minor Permit No. 08-000089
Applicant(s): Tas Man Co, LLC c/o Emil Mansat, Jr (agent)
Owner(s): Tas Man Co, LLC c/o Emil Mansat, Jr (agent)
Request: Implementation of a Proposed Landscaping Plan
TMK: 3-2-002:105, Ninole, Kahuku to Kapena, North Hilo, Hawaii

This letter is in response to the Special Management Area Assessment Application we received on October 1, 2008 requesting to implement a landscaping plan on the subject parcel. After consultation with staff planner Dana Okano, you submitted a revised landscaping plan via email on October 20, 2008. In addition, to the Special Management Area Assessment Application, there was also a letter dated September 29, 2008 "requesting a shoreline setback variance waiver for this proposed project under Rule 8."

The parcel has a total of 1.098 acres, is zoned Residential and Agricultural (RA-.5a) by the County of Hawaii. It is designated Rural by the State Land Use Commission, and the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Rural. 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) and (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. Emil Mansat, Jr.

Page 2

October 31, 2008

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 08-000089 is hereby issued to allow for implementation of the proposed landscaping plan of October 20, 2008 on the subject parcel. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

According to Rule 11-8 Determination of Minor Structure and Minor Activity Planning Department Rules of Practice and Procedure, "*A minor structure or activity proposed in the shoreline setback area shall not need a shoreline setback variance if the Planning Department determines that it 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.*" As such, the proposed landscaping within the shoreline setback area is determined to be a minor activity and is hereby permitted, subject to 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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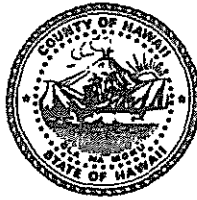
Enclosure: SMM No. 08-000089
Memorandum from Department of Public Works

xc w/encls: **Long Range Planning Division**

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

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
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Deputy Director

County of Hawaii
PLANNING DEPARTMENT
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(808) 961-8288 • FAX (808) 961-8742

Special Management Area Minor Permit No. 08-000089

Project: Landscaping
Applicant: Tas Man Co, LLC c/o Emil Mansat, Jr (agent)
Landowner(s): Tas Man Co, LLC c/o Emil Mansat, Jr (agent)
Location: Ninole, Kahuku to Kapena, North Hilo, Hawaii
TMK: 3-2-002:105 Total Land Area: 1.098 acres

Applicant's Request

1. Project Description:

The applicant proposes landscaping to restore area disturbed during site clearing.

2. Purpose of Project:

To landscape with the objective of removing alien and invasive plant species, and restoring native and indigenous plants characteristic and appropriate to a lowland rainforest.

3. Project Valuation: \$11,206.

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,*" and "*Grading, removing, dredging, mining, or extraction of any materials,*" 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 3-2-002:105 is designated Rural 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 Rural.

3. **County Zoning:** Parcel 3-2-002:105 is zoned RA-.05a Residential and Agricultural District (minimum building site area of .5 acre) by the County of Hawaii.
4. **Special Management Area (SMA):** The parcel is located entirely within the SMA.
5. **Flood Zone:** The subject parcel is located in Zone X.

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</p>

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 has frontage along the coastline, though this is at a cliff bluff of several hundred feet. 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 \$11,206 is not in excess of \$125,000.

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

"We reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated October 14, 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 areas as Zone X—determined to be outside the 500-year floodplain

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

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 08-000089** is hereby approved for landscaping the subject parcel by removing alien and invasive plant species, and restoring native and indigenous plants characteristic and appropriate to a lowland rainforest. 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. 08-000089** 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 landscaping 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 activities requiring use of heavy equipment. Use of heavy equipment within 40 feet of the top bank of the cliff facing the ocean is strictly prohibited. Any planting activity taking place in this area shall be done manually.
4. Silt barriers, jute netting, or other appropriate barriers approved by the landscape architect shall be used to prevent erosion or sedimentation from entering either the ocean or the stream. These measures must remain in place until replacement vegetation is sufficiently rooted to prevent surface erosion.
5. All green waste shall be collected and disposed of off-site at appropriate locations outside of the SMA site.
6. All landscaping work must be done under the authority and direction of a landscape architect.
7. 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.
8. Implementation of the proposed landscaping plan shall be completed within one (1) year from the date of this permit.

9. 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).
10. 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

OCT 31 2008
Date

PLANNING DEPARTMENT
COUNTY OF HAWAII

2008 OCT 21 PM 3:39

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: October 20, 2008

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM:  for Department of Public Works

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 08-000372)**

Applicant: TasMan Co., LLC c/o Emil Mansat, Jr.

Owner: TasMan Co., LLC c/o Emil Mansat, Jr.

Request: Landscaping

Tax Map Key: 3-2-02: 105

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated October 14, 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 areas as Zone X - determined to be outside the 500-year floodplain.

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

