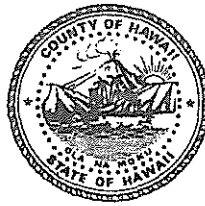


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

## County of Hawai'i

### PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

June 1, 2009

Ms. Ann Kobsa  
and Ms. Rene Siracusa  
P.O. Box 1520  
Pahoa, HI 96778

Dear Ms. Kobsa and Ms. Siracusa:

**Subject:** Special Management Area (SMA) Use Permit Assessment Application  
(SAA 09-000437)  
Special Management Area Minor Permit No. 09-000111  
**Applicant(s):** Ann Kobsa and Rene Siracusa for Malama O Puna  
**Request:** Coastal Habitat Restoration/ Red Mangrove Eradication  
**Tax Map Key:** (3) 1-6-001:003, Kea'au, Puna, Hawai'i

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We have reviewed the subject Special Management Area Use Permit Assessment Application (SMAA 09-437), which you submitted on April 15, 2009, to eradicate the alien invasive plant and establish plantings of native plants on the subject property.

The property consists of 1003.855 acres. The property is zoned Agricultural (Ag-1, Ag-20), by the County and is designated Agricultural and Conservation by the State Land Use Commission. In addition, the entire parcel is located within the Special Management Area (SMA).

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 either a Special Management Area Minor Permit or a Special Management Area (Major) Use Permit.

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 09-000111 is hereby issued for the Paki Bay

JUN 02 2009

Ms. Ann Kobsa  
and Ms. Rene Siracusa

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June 1, 2009

Restoration/Mangrove Eradication Project on the subject parcel, subject to 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 Hawai'i Department of Land and Natural Resources and the United States Army Corps of Engineers.

Should you have questions, please feel free to contact Bethany Morrison of this department at 961-8288, Extension 252.

Sincerely,



BJ LEITHEAD TODD  
Planning Director

BJM:cs

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Enclosure - SMM No. 09-000111  
Department of Public Works Memorandum dated May 21, 2009

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

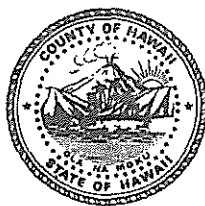
Mr. Samuel J. Lemmo, Administrator  
State of Hawaii Department of Land and Natural Resources  
Office of Conservation and Coastal Lands  
P.O. Box 621  
Honolulu, HI 96809

Ms. Ann Kobsa  
and Ms. Rene Siracusa  
Page 3  
June 1, 2009

xc w/encls: 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, DBEDT  
State of Hawaii Department of Business, Economic Development &  
Tourism  
P.O. Box 2359  
Honolulu, HI 96804-2359

William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

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### PLANNING DEPARTMENT

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Phone (808) 961-8288 • Fax (808) 961-8742

### Special Management Area Minor Permit No. 09-000111

**Project:** Paki Bay Restoration/Mangrove Eradication Project  
**Applicant:** Ann Kobsa and Rene Siracusa for Malama O Puna  
**Location:** Kea'au, Puna, Hawai'i  
**TMK:** (3) 1-6-001:003 **Land Area:** 1003.855 acres

#### Applicant's Request

##### 1. Project Description:

The applicant proposes to eradicate the alien invasive plant, red mangrove (*Rhizophora mangle*), from the Paki Bay area, Puna, Hawai'i. This entails the application of a coastline-approved herbicide by drilling and injecting and by foliar spraying, until they are successfully eradicated from the site. The applicant also proposes to establish plantings of native plants in the area where the mangroves are killed, particularly Hala, Milo, and Hilo beach grass, in order to prevent other invasives from becoming dominant there.

##### 2. Purpose of Project:

The purpose is the protection of the coastline of the island from the alien nuisance species red mangrove and to reclaim the Paki Bay area from the thick growth of mangrove that has invaded about 3 acres of the tidal zone there. With the removal of the mangroves, and with some replanting, the native terrestrial plant communities found in the area will recover and the integrity of the coastal ecosystems will be preserved, and the mangroves will no longer threaten the rest of the coastline.

##### 3. Project Valuation: \$11,750.

##### 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:** The subject property is designated Agricultural and Conservation by the State Land Use Commission.
2. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Extensive Agriculture (ea), Important Agricultural Lands (ial), and Open (o).
3. **County Zoning:** The subject property is zoned Agricultural (Ag-1, Ag-20).
4. **Special Management Area (SMA):** The subject property is located in the SMA, and has frontage along the coastline.
5. **Flood Zone:** Zone VE as designated on the Flood Insurance Rate Map (FIRM). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (tsunami) with velocity hazard.

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

The project area is along the coastline. 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 of 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 Hawai'i 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.

<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 Hawai'i 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 \$11,750 is not in excess of \$125,000.

The enclosed Department of Public Works memorandum dated May 21, 2009, stated the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 13, 2009 and have no objections to the request.*

*The subject parcel is located within Flood Zone VE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (tsunami) with velocity hazard.*

*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. 09-000111** is hereby approved for the eradication of the alien invasive red mangrove (*Rhizophora mangle*) from the subject parcel. 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. 09-000111** subject to the following conditions:

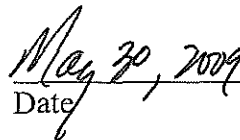
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
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 may be ponds in the area 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.
6. 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 beyond the scope of this project.
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 determination; 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. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

APPROVED:



B. J. LEITHEAD TODD  
Planning Director

  
Date