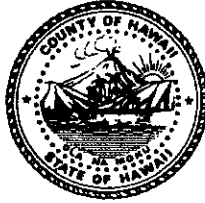


William P. Kenoi
Mayor



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

October 25, 2010

Mr. Singenellore Rajan
Ms. Indira Rajan
90 Wellington Court
Yorktown Heights, NY 10598

Dear Mr. and Ms. Rajan:

**Subject: Special Management Area Use Permit Assessment Application
(SAA 10-000594)
Special Management Area Minor Permit No. 10-000164
Applicant: Singenellore and Indira Rajan
Request: Grubbing and Landscaping
Tax Map Key: 7-7-4:82, North Kona, Hawaii**

This is to follow up on our September 13, 2010 letter relating to the above-referenced Special Management Area assessment for grubbing and landscaping of the subject parcel.

This 5.351 acre parcel is designated Agricultural by the State Land Use Commission and zoned Agricultural (A-5a) by the County. Although it is in the Special Management Area, it is not located within a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(e)(1)(B) relating to Special Management Area, the grubbing and landscaping is considered "*Grading, removing, dredging, mining, or extraction of any materials*" and defined as "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. 10-000164 is hereby issued to allow for grubbing and landscaping, subject to the applicant's compliance with the conditions of approval as required by the permit.

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

Mr. Singenellore Rajan
Ms. Indira Rajang
Page 2
October 22, 2010

Should you have questions, please feel free to contact Esther Imamura at 961-8139.

Sincerely,



BJ LEITHEAD TODD
Planning Director

ETI: cs
P:\Public\Wpwin60\CZM\SMM\2010\SMM 10-164L Rajan.Rtf

Enclosures - SMM No. 10-000164
Department of Land & Natural Resources – State Historic Preservation
Division letter dated July 20, 2009
Department of Public Works September 21, 2010 Memo

cc w/Encls.: Long Range Planning
Planning
Mr. Randy Lovato, Planning Department - Kona
Mr. Abbey S. Mayer, Director – Office of Planning, DBED&T

Ms. Theresa Donham
Acting Archaeology Branch Chief
State Historical Preservation Division
40 Po'okela Street
Hilo, Hawaii 96720

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELSEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAPOLI AND ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 20, 2009

Mr. Singenellore Rajan
srajanus@gmail.com

LOG NO: 2009.2527
DOC NO: 0907TD13
Archaeology

Dear Mr. Rajan:

**Subject: Chapter 6E-42 Historic Preservation Review –
County of Hawai'i Grubbing Permit for a 5.351-Acre Property
Holualoa 3rd Ahupua'a, North Kona District, Island of Hawai'i
TMK: (3) 7-7-04: 82**

Thank you for requesting our review of the subject grading permit, which was received in our office July 10, 2009. The property is located within an established subdivision that was subjected to an inventory survey and a mitigation program including data recovery and preservation (Rosendahl 2000). A draft preservation plan approved by the County of Hawaii in 2000 established two preservation easements that affect the subject property. These include the following:

- Great Wall of Kuakini : 15-foot permanent no build easement and a 23-foot construction buffer along the east side of the parcel
- Judd Trail: 10-foot permanent no build easement and a 30-foot construction buffer along the south side of the parcel.

We determine that no historic properties will be affected by this project, provided the following measures are implemented prior to initiation of the grubbing activities:

1. The construction buffers as indicated above for both easements are demarcated with bright orange construction fencing.
2. The buffer fencing is installed under the supervision of a qualified archaeologist, or is checked by a qualified archaeologist after installation.
3. Our office is notified by the archaeologist in writing via email that the fences are properly installed along both construction buffer lines.

In the event that historic resources, including human skeletal remains, lava tubes, and lava blisters/bubbles are identified during the construction activities, all work should cease in the immediate vicinity of the find, the find should be protected from additional disturbance, and the State Historic Preservation Division, Hawaii Island Section, should be contacted immediately at (808) 933-7653. Please contact Theresa K. Donham at (808) 933-7653 if you have any questions or concerns regarding this letter.

Aloha,

Theresa K. Donham, Lead Archaeologist
Hawai'i Island Section, Historic Preservation Division


PLANNING DEPARTMENT
COUNTY OF HAWAII
DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

2010 SEP 21 AM 9:21

DATE: September 21, 2010

Memorandum

TO : BJ Leithead Todd, Planning Director
Planning Department

FROM : Ben Ishi, Acting Division Chief 
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 10-000594)
Applicant: Singenellore and Indira Rajan
Land Owner: Singenellore and Indira Rajan
Request: Grubbing and Landscaping
Location: North Kona, Hawaii
TMK: 3 / 7-7-004:082

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

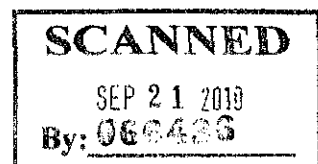
We have determined that the subject property is located within Flood Zone "X" according to the current Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone "X" is not a designated Special Flood Hazard Area.

The above information is based on the most recent FIRM for the County of Hawaii. This memo does not imply that the referenced property will be free from flooding or flood damage. Zone "X" is not a designated Special Flood Area. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map. Should a watercourse affect the property, it shall not be altered without first obtaining approval from DPW and a grading permit. A flood study may be required under Chapter 27 of Hawaii County Code for watercourse alterations.

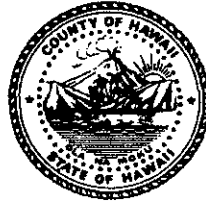
Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE
copy: ENG-HILO/KONA
PLNG-HILO

Hawaii County is an Equal Opportunity Provider and Employer



William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 10-000164

Project: Grubbing and Landscaping
Applicant: Singenellore and Indira Rajan
Land Owner: Singenellore and Indira Rajan
Tax Map Key: 7-7-4:82

Land Area: 5.351 acres

Applicant's Request

1. Project Description:

This proposal is for grubbing and landscaping of the subject parcel.

2. Purpose of Project:

There is an existing orchard on one acre. The applicant proposes to clear the other four acres of elephant grass and prepare it for the planting of trees and shrubs as landscaping for the future dwelling.

3. Project Valuation: \$1,300.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(B) relating to the Special Management Area, the "*Grading, removing, dredging, mining, or extraction of any materials*" is defined as "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 by the State Land Use Commission.
- 2. General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Urban Expansion.
- 3. Kona Community Development Plan (CDP):** The proposed activities are not contrary to the goals, objectives and policies of the CDP.

4. **County Zoning:** The subject property is zoned Agricultural (A-5a).
5. **Special Management Area (SMA):** Although it is in the SMA, it is not located within a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
6. **Flood Zone:** Flood Zone "X"
7. **Department of Land and Natural Resources – State Historic Preservation Division:**

According to enclosed letter dated July 20, 2009, there are two preservation easements:

Great Wall of Kuakini: 15 foot permanent no build easement and a 23-foot construction buffer along the east side of the parcel.

Judd Trail: 10-foot permanent no build easement and a 30-foot construction buffer along the south side of the parcel.

The following measures are required to be implemented prior to initiation of the grubbing activities:

- "1. The construction buffers as indicated above for both easements are demarcated with bright orange construction fencing.
2. The buffer fencing is installed under the supervision of a qualified archaeologist, or is checked by a qualified archaeologist after installation.
3. Our office is notified by the archaeologist in writing via email that the fences are properly installed along both construction buffer lines."

<p align="center">Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</p>

The subject parcel does not have frontage along the coastline. Therefore, the proposed activity will not affect public access to the shoreline or negatively affect shoreline recreational resources available to the public.

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 tsunامي, 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, 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 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 \$1,300 is not in excess of \$125,000.

By enclosed memorandum dated September 21, 2010, the Department of Public Works, Engineering Division had the following comments:

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

We have determined that the subject property is located within Flood Zone "X" according to the current Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone "X" is not a designated Special Flood Hazard Area.

The above information is based on the most recent FIRM for the County of Hawai'i. This memo does not imply that the referenced property will be free from flooding or flood damage. Zone "X" is not a designated Special Flood Area. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map. Should a watercourse affect the property, it shall not be altered without first obtaining approval from DPW and a grading permit. A flood study may be required under Chapter 27 of the Hawai'i County Code for watercourse alterations."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 10-000164** is hereby approved for the grubbing and landscaping of the subject parcel with the conditions of approval as specified below.

Conditions of Approval

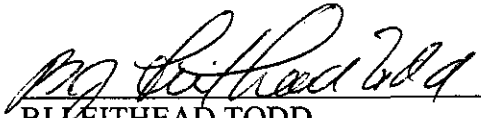
The Planning Director has approved **SMA Minor Permit No. 10-000164** subject to the following conditions:

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 comply with conditions required by the Department of Land and Natural Resources – State Historic Preservation Division letter dated July 20, 2009.

4. The proposed work shall be completed within one (1) year from the date of this permit.
5. All green waste shall be collected and disposed of off-site at appropriate locations designated by the Department of Environmental Management for green waste.
6. 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 form the State Historic Preservation Division of the Department of Land and Natural Resources.
7. Should any of the conditions not be met, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:

OCT 25 2010



BJ LEITHEAD TODD
Planning Director

Date