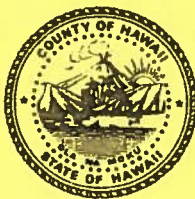


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

March 22, 2007

Mr. Samuel J. Lemmo, Administrator
DLNR, Office of Conservation and Coastal Lands
P. O. Box 621
Honolulu, HI 96809

Dear Mr. Lemmo:

**Request for Comments: CDUA HA-3407
Consolidation and Resubdivision
TMK: 8-7-5:1-2 & 10-19, Alae, South Kona, Hawaii**

This is in response to the request for comments on the consolidation and resubdivision of twelve (12) lots into twelve (12) lots.

On March 19, 2007, Special Management Area Minor Permit No. 07-000051 was issued to allow for the consolidation of twelve (12) lots and resubdivision into twelve (12) lots, subject to ten conditions of approval. A copy of the transmittal letter with permit is enclosed for your information.

Other than the foregoing, we have no further comments to offer. However, should you have questions, please feel free to contact Esther Imamura of our office at (808) 961-8288, extension 257.

Sincerely,

CHRISTOPHER J. YUEN
Planning Director

ETI:cd

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Enclosure

Mr. Samuel J. Lemmo, Administrator
DLNR, Office of Conservation and Coastal Lands
Page 2
March 22, 2007

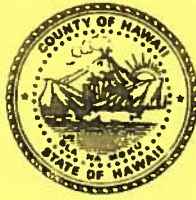
xc: Ms. Esther Imamura, Long Range Planning
Mr. Gregory Mooers
Planning Department, Kona

TRANSMISSION VERIFICATION REPORT

TIME : 03/23/2007 09:19
NAME : PLANNING
FAX : 9618742
TEL : 9618288
SER.# : BROE4J601474

DATE, TIME	03/23 09:17
FAX NO./NAME	918085870322
DURATION	00:02:50
PAGE(S)	10
RESULT	OK
MODE	STANDARD ECM

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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March 19 2007

Mr. Gregory R. Mooers
Mooers Enterprises, LLC
P. O. Box 1101
Kamuela HI 96743

Dear Mr. Mooers:

**SUBJECT: Special Management Area Use Permit Assessment Application (SAA 07-000230)
Special Management Area Minor Permit No. 07-000051
Applicant: Dan McKinley & Frank Foti
Land Owner: Kiowai Hui, LLC & Foti Alae Property, LLC
Request: Consolidation and Resubdivision of Twelve (12) Lots into Twelve (12) Lots
TMK: 8-7-5:1-2 and 10-19, Alae 1st & 2nd, South Kona, Hawaii**

This is to follow up on our February 15, 2007 letter relating to the above-referenced Special Management Area Use Permit Assessment for the consolidation and resubdivision of twelve (12) lots into twelve (12) lots.

These parcels are zoned Agricultural (A-5a) by the County. The State Land Use Commission's designation is Agricultural and Conservation.

Although the consolidation and resubdivision of twelve (12) lots into twelve (12) lots is not considered development, Planning Commission Rule 9-4(10)D, relating to Special Management Area states that "*Whenever the Director finds that any excluded use, activity, or operation may have a cumulative impact, or a significant adverse environmental or ecological effect on the Special Management Area, that use, activity, or operation shall be defined as 'development' for the purpose of this rule.*"

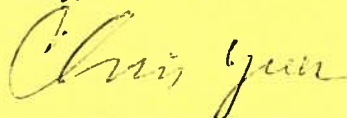
Mr. Gregory R. Mooers
Mooers Enterprises, LLC
Page 2
March 19, 2007

The requirement to provide public vehicular mauka-makai and public lateral shoreline pedestrian access, including public parking, will have a cumulative impact and ecological effect on the parcels. This requirement, included as a condition of final consolidation and resubdivision approval, is considered 'development'. However, it is anticipated that the cost of infrastructural improvements, if required, will not exceed \$125,000 in valuation and will not have a significant adverse impact to coastal resources. Therefore, pursuant to Planning Commission Rule 9-10(E), Special Management Area Minor Permit No. 07-000051 is hereby issued to allow for the consolidation and resubdivision of twelve (12) lots into twelve (12) lots, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Please note, however, that issuance of SMM 07-000051 does not imply tacit approval of the proposed consolidation and resubdivision project. All applicable Zoning and Subdivision Code requirements must also be satisfied.

Should you have questions, please feel free to contact Esther Imamura of this department at 961-8288, extension 257.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETI:cd

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Encl: SMM No. 07-000051

xc w/encl: Ms. Esther Imamura, Long Range Planning Division
Mr. Norman Hayashi, Planning Commission
Mr. Daryn Arai, Ministerial Division

xc ltr only: Ms. Laura H. Thielen, Director – Office of Planning, DBED&T (enclosure to be emailed with semimonthly report)