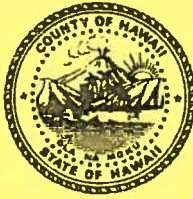


Harry Kim
Mayor



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

August 1, 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 07-000228)
Special Management Area Minor Permit No. 07-000059
Applicant: Dick Chun
Land Owner: Yee Hop Ltd.
Request: Consolidation and Resubdivision of Five (5) Lots into Five (5) Lots
TMK: 8-8-2:14, 17 & 22, Alika, 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 five (5) lots into five (5) lots.

After review of documents received on June 15, 2007, we concur that TMK: 8-8-2:14 consists of three legal lots of record.

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

All of these parcels are partially in the Special Management Area (SMA). However, the proposed consolidation and resubdivision will result in only one lot containing all of the SMA areas.

Although the consolidation and resubdivision of five (5) lots into five (5) 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
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The requirement to provide a public lateral shoreline pedestrian access easement as a condition of final subdivision approval is considered "development". Further, it is anticipated that the cost of any required infrastructural improvements 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. 07-000059 is hereby issued to allow for the consolidation and resubdivision of five (5) lots into five (5) lots, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Please note, however, that issuance of SMM 07-000059 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. 07-000059

xc w/encl: Mr. Samuel J. Lemmo, Administrator, DLNR, OCCL
Ms. Esther Imamura, Long Range Planning Division
Mr. Norman Hayashi, Planning Commission
Mr. Daryn Arai, Ministerial Division

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