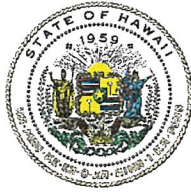


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

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CONSERVATION AND RESOURCES
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL: TF

CDUA: HA-3981

Acceptance Date: May 22, 2025

180-Day Exp. Date: November 18, 2025

John Pipan
Land Planning Hawaii LLC
194 Wiwoole Street
Hilo, HI 96720

05/22/2025

Dear John Pipan:

NOTICE OF ACCEPTANCE AND ENVIRONMENTAL DETERMINATION
Conservation District Use Application (CDUA) HA-3981
(BOARD Permit)

This acknowledges the receipt and acceptance for the processing of your client's CDUA for proposed consolidation and re-subdivision with the adjacent property identified as Tax Map Key (TMK): (3) 1-5-010:027, a single-family residence, agriculture, landscaping, and related improvements located at 15-2193 Government Beach Road, Popoki, Puna, Island of Hawaii. The subject property identified as TMK: (3) 1-5-010:026 is approximately 7.45-acres and lies in the Resource Subzone of the State Land Use Conservation District.

The applicant is applying for and proposing the following land uses:

Consolidation/Re-subdivision with Parcel 026 & Parcel 027

The applicant is proposing to consolidate the approximately 7.45-acres TMK: (3) 1-5-010:026 with the adjacent 3.00-acres TMK: (3) 1-5-010:027, which is owned by the applicant's father, and re-subdivide the consolidated parcels to create lots 2-A (approximately 4.048-acres) and 3-A (approximately 6.402-acres).

Single-Family Residence

On the proposed Lot 2-A, the applicant is proposing to construct an approximately 4,738.43 sq. ft single-family residence consisting of 3 bedrooms, 3 bathrooms and 1 half-bath, a study, a kitchen and living/dining room, covered lanai areas, 2 outdoor showers, furo, and garage. Proposed infrastructure and related improvements to support the dwelling include a 430 linear feet 15 feet wide gravel driveway along with a gravel auto court, 1 well for drinking water (or rain

catchment system), a liquid propane gas tank, and Individual Wastewater System (IWS), and roof-mounted solar panels and battery storage system for electricity generation.

Agriculture

On the proposed Lot 2-A, the applicant is proposing to fence a 0.83-acre portion of the property to keep and maintain grazing sheep. Additionally, the applicant is proposing to construct a 2-story approximately 588.78 sq. ft storage/animal shelter.

Landscaping

On the proposed Lot 2-A, the applicant is proposing to conduct approximately 11,650 sq. ft of landscaping including an approximate area of 5,050 sq. ft of fruit bearing or edible landscaping along the portion of the property that fronts Government Beach Road. Additionally, approximately 108 sq. ft of raised garden beds and approximately 3 30in tall dry-stack rock walls are proposed near the proposed residence as part of the applicant's landscaping project.

After reviewing the application, the Department finds that:

1. The proposed uses are identified land uses in the Resource Subzone of the Conservation District, pursuant to Hawaii Administrative Rules (HAR) §13-5-22 P-10 **SUBDIVISION OR CONSOLIDATION OF PROPERTY (C-1)** Consolidation and resubdivision into an equal number of lots that does not result in increased density; HAR §13-5-23 L-1 **AGRICULTURE (C-1)** Agriculture, within an area of one acre or less, defined as the planting, cultivating, and harvesting of horticultural crops, floricultural crops, or forest products, or animal husbandry; HAR §13-5-23 L-2 **LANDSCAPING (D-1)** Landscaping (including clearing, grubbing, grading, and tree removal), including chemical and mechanical control methods, in accordance with state and federal laws and regulations, in an area of or more than 10,000 square feet. Any replanting shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawaii. The introduction of invasive plant species is prohibited; and HAR §13-5-24 R-7 **SINGLE FAMILY RESIDENCE (D-1)** A single family residence that conforms to design standards as outlined in this chapter. Please be advised, however, that this finding does not constitute approval of the proposal;
2. Pursuant to HAR §13-5-40(a) a public hearing may not be required. However, the Chairperson has the authority to require a public hearing should public interest necessitate a public hearing on the application;
3. In conformance with the Hawaii Revised Statutes (HRS) Chapter 343, as amended, and HAR Chapter 11-200.1, the Final Environmental Assessment (EA) has been reviewed, accepted, and a Finding of No Significant Impact (FONSI) for the project(s) determined by the Department of Land and Natural Resources and Chairperson. The Final EA and FONSI were published in the March 8, 2024, issue of *The Environmental Notice*; and
4. Pertaining to the Special Management Area (SMA) requirements, the County of Hawaii Windward Planning Commission approved SMA Use Permit PL-SMA-2024-000055 to allow the consolidation and re-subdivision of two parcels totaling 10.45-acres and the

construction of one single-family residence and related improvements on each noted parcel subject to 15 conditions.

Further, the OCCL offers the following comments on the CDUA:

- Submitted plans for the proposed single-family residence appear to indicate that the structure's foundation will be slab-on-grade; however, it is not described or clarified in the CDUA. Please clarify.
- The CDUA notes that the proposed 2-story storage/animal shelter and its Level 2 will be utilized for storage. Are interior improvements proposed to the structure's Level 2? Please clarify.
- The application notes that without the proposed consolidation and re-subdivision of parcels 026 and 027 the area would not gain the approximately 3-acre conversion of the non-native forest to a native forest. Is it not possible that without the proposed consolidation and re-subdivision of the subject parcels that more of the subject areas could be converted to a native forest or coastal habitat? Please clarify.
- Under Existing Buildings/Structures, the application notes: *There are no existing buildings or structures on the Subject Property.* However, Figure 2 of the application and elsewhere in the application and its attachments there are noted existing rock walls, fences, Livestock shed, concrete pad, and gate. Please clarify.
- Similarly, the application under the description of proposed Best Management Practices to be implemented, the application states: *No new barbed wire will be used on the Subject Property to prevent bats becoming ensnared and killed by such fencing during flight.* This appears to imply that there is existing barbed wire on the property. Please clarify.
- Under the same section of the application, it notes: *Water features have the potential to attract vulnerable birds to the area that may host nonnative predators such as cats, rodents, and mongooses.* Are water features proposed? If so, please clarify, describe them and site them in a site plan.
- We note that the landowner has acknowledged that the property and proposed improvements in an area that is relatively isolated and has a high hazard assessment rating due to its exposure and susceptibility to storms, coastal hazards, and volcanic and seismic activity including land subsidence. The landowner understands that public services may be limited due to the area's isolation and exposure to hazards and are willing to assume the potential challenges and these risks.
- We note that the landowners of parcels 026 and 027 are filing separate CDUAs simultaneously for the proposed consolidation/re-subdivision of the properties and a single-family residence and related uses or improvements on each parcel. When looking at both applications and projects together and based on the applicants' previous submittals regarding the proposed projects, staff has concerns that the projects may not

be consistent with the purpose of the Conservation District and HAR Chapter 13-5 as it appears that the landowners will treat the area as an approximately 10.45-acres multi-dwelling estate.

This CDUA will be submitted to the Board of Land and Natural Resources (BLNR) for their consideration after all reviews and evaluations of the proposal have been made. Should you have any questions regarding this matter, contact Trevor Fitzpatrick of our Office of Conservation and Coastal Lands at (808) 587-0378 or trevor.j.fitzpatrick@hawaii.gov.

Sincerely,



Dawn H. S. Chang, Chairperson
Board of Land and Natural Resources

MC

CC: *Hawaii Board Member*
CWRM/HDLO/DAR/DOFAW/NAH/ENG/DOCARE/OHA/DOH/ERP
DLNR – Aha Moku
County of Hawaii Planning Department
County of Hawaii Department of Public Works
County of Hawaii Department of Water
Hawaii Fire Department
Pahoa Public Library
Malama O Puna