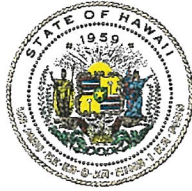


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

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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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF: OCCL: TF

CDUA: HA-3982

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-3982  
**(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) 1-5-010:026, a single-family residence, removal of invasive species, landscaping, and related improvements located off Government Beach Road, Popoki, Puna, Island of Hawaii. The subject property identified as TMK: (3) 1-5-010:027 is approximately 3.00-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, which is owned by the applicant's son, with the adjacent 3.00-acres TMK: (3) 1-5-010:027 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 3-A, the applicant is proposing to construct an approximately 4,983.74 sq. ft 2-story single-family residence consisting of 2 bedrooms, 2 bathrooms, a kitchen and living/dining room, and lanai areas including the proposed second story. Proposed accessory structures to the dwelling include a hot tub, pool, deck and lanai areas, and an approximately 893 sq. ft storage/art studio.

Proposed infrastructure and related improvements to support the dwelling include a 400 linear feet 15 feet wide gravel driveway along with a new gate, 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.

Removal of Invasive Species

On the proposed Lot 3-A, the applicant is proposing the removal of invasive species covering an area of approximately 3-acres at a rate of 1-acre per year over the course of 3 years.

Additionally, the applicant is proposing to replant the approximately 3-acres of parcel 027 where invasive vegetation will be removed with native, indigenous, and endemic plants over the course of 4 years. The application notes that no fencing is proposed in association with proposed native plantings.

Landscaping

On the proposed Lot 3-A, the applicant is proposing to conduct approximately 11,980 sq. ft of landscaping consisting primarily of Polynesian introduced and fruit bearing/edible plants.

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-4 **REMOVAL OF INVASIVE SPECIES** (B-1) Removal of invasive species including chemical and mechanical control methods, in an area greater than one acre, in accordance with state and federal laws and regulations, for the purpose of protecting, preserving, or enhancing native species, native habitat, or native ecosystem functions that results in no, or only minor ground disturbance. The department or board reserves the right to require departmental or board approval if it is determined that the proposed action may cause significant negative secondary impacts on natural and cultural resources, or the surrounding community. Any replanting shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to the State. For existing developed lots, compliance with section 13-5-23(L-2) satisfies the requirements of this section; §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-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 on June 6, 2024, 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.

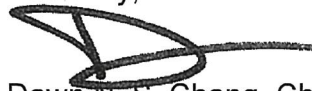
Further, the OCCL offers the following comments on the CDUA:

- 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.
- Are improvements proposed on Level 2 of the proposed single-family residence?
- The application notes that pool chemicals will be stored in the proposed storage/art studio. Are interior improvements proposed for the storage/art studio? What forms of art will the space be utilized for and by whom? Please clarify.
- Regarding the proposed single-family residence and storage/art studio, the Compatibility Provisions in HAR Chapter 13-5 Exhibit 4 Single Family Residential Standards states, in part, *All structures connected, or best alternative*. The proposed storage/art studio still appears to be a separate structure. Please clarify.
- How will water be sourced, and the proposed pool and hot tub filled? How and where will water be drained or disposed of? 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.
- Will irrigation be required to aid in establishing and ensuring the survival of the native forest or coastal habitat?
- 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 and fences. 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](mailto:trevor.j.fitzpatrick@hawaii.gov).

Sincerely,



Dawn N. 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*