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LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF: OCCL: TF

CDUA HA-3865
Acceptance Date: January 31, 2020
180 Day Expiration Date: July 29, 2020

JAN 30 2020

Mr. J. Spencer Wright & Ms. M. Ellen Bentley
P.O. Box 6686
Hilo, HI 96720

Dear Mr. Wright & Ms. Bentley:

NOTICE OF ACCEPTANCE AND PRELIMINARY ENVIRONMENTAL DETERMINATION
Conservation District Use Application (CDUA) HA-3865
(Board Permit)

This acknowledges the receipt and acceptance for the processing of your CDUA for a Single-Family Residence (SFR), removal of invasive species, and related improvements located at Kaiwiki Road, Kaiwiki, South Hilo, Hawai'i, Tax Map Key: (3) 2-6-011:033. The subject property is approximately 19.000-acres and lies within the Resource Subzone of the State Land Use Conservation District.

You are proposing to construct a one-story post-and-pier home that would contain three (3) bedrooms, two (2) bathrooms, a great room including the kitchen, dining area, a living area, a laundry room, a carport, storage and utility rooms, and front and back lanais. The height of the SFR from finished grade to top of the roof peak is approximately 25 ft and the total footprint of the SFR would be about 3,160 sq. ft. The property is not served by any public water distribution utility, wastewater collection utility, electric utility, or "landline" telecommunications utility. To provide these utility services to the SFR, you are proposing to construct a 10,000-gallon rainwater catchment water tank with a Fire Department Connection hook-up and an Individual Wastewater System that would be built according to the Department of Health regulations. Electrical service would be entirely supplied by an off-grid photovoltaic system and 30-pound propane tanks would be used for kitchen, laundry, and hot water use. Telecommunications would be provided through cellular telephone service and satellite internet service.

Access to the property is via Kaiwiki Road. Your application states that you are proposing to build a 240 ft long and 10 ft wide driveway that will be covered in a permeable gravel to provide access to Kaiwiki Road from the SFR. The SFR will be setback 161 ft from Kaiwiki Road, 185 ft from the eastern lot line, 442 ft from the western lot line, and 908 ft from Mā'ili Stream and

the southern lot line. Your application notes that the house site has been chosen to minimize the impact on the native forest and to displace much of the strawberry guava thickets. Additionally, the proposed SFR site utilizes the most level topography available on the lot so as to minimize grading. You anticipate that the total area impacted by the building site, driveway, and associated construction activity would be less than a half of an acre of the 19-acre property. An exclosure fence of four (4) feet high field fencing is also proposed to surround an area of 0.45 acres that will include the proposed home.

In addition to the SFR and related improvements, you are proposing to remove invasive species through the siting of the home and would like to restore the impacted and disturbed areas with native vegetation after you have built and occupied the SFR.

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 the Hawai'i Administrative Rules (HAR), §13-5-22 P-4 **REMOVAL OF INVASIVE SPECIES** (A-1) Removal of invasive species including chemical and mechanical control methods, not to exceed 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 site plan approval, departmental or board approval if it is determined that the proposed action may cause significant negative secondary impacts on natural or 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.; HAR, §13-5-22 P-13 **LAND AND RESOURCE MANAGEMENT** (A-2) Planting of native and endemic plants and fence maintenance. New fence ex-closures for small native plants or wildlife communities, in an area less than one acre. The department or board reserves the right to require a site plan approval or a departmental permit or a board permit if it is determined that the proposed action may cause secondary impacts on natural or cultural resources; and HAR, §13-5-24, R-7, **SINGLE FAMILY RESIDENCE** (D-1) A single family residence that conforms to design standards as outlined in HAR, §13-5. Please be advised, however, that this finding does not constitute approval of the proposal;

2. Pursuant to HAR, §13-5-40, a Public Hearing will not be required;

3. In conformance with Hawaii Revised Statutes (HRS), §343, as amended, and HAR, §11-200.1, a finding of no significant impact to the environment (FONSI) is anticipated for the proposed project.

4. The subject area is not located in the Special Management Area (SMA).

Further, the OCCL offers the following comments on the Draft EA and CDUA:

- Please clarify the design and operation of the rainwater catchment system
  - Will it be attached to the roof of the SFR or stand-alone tank?
  - What type of water storage tank will be used?
- Do you have an estimate of how many 'ōhi'a and koa trees will be impacted by the proposed activities and if or how they will be replaced?
- Please note that HAR §11-200 has been replaced by HAR §11-200.1. Please ensure the Final Environmental Assessment (EA) conforms and cites HAR §11-200.1.
  - Please double check the citations in the CDUA and Draft EA specifically regarding identified uses in the Conservation District in HAR §13-5 as they currently appear to be incorrect.

Since a Public Hearing will not be required, we are returning your check (#1209) of $250.00 for the Public Hearing Fee. Upon completion of the application review process, the subject CDUA will be reviewed by the Board of Land and Natural Resources for consideration. Should you have any questions, please feel free to contact Trevor Fitzpatrick of the Office of Conservation and Coastal Lands at 808-587-0373.

Sincerely,

SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

CC: Hawaii Board Member
DOCARE/DOFAW/HDLO
OHA
OEQC
County of Hawai'i, Planning Department
County of Hawai'i, Fire Department