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KA 'OIHANA KUMUWAIWAI 'ĀINA
Office of Conservation and Coastal Lands
P.O. BOX 621
HONOLULU, HAWAII 96809

REF:OCCL:MK

CDUA HA-3978

Acceptance Date: January 12, 2026
180-Day Expiration Date: July 11, 2026

Jan 12, 2026

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

Dear John Pipan:

NOTICE OF ACCEPTANCE AND ENVIRONMENTAL DETERMINATION
Conservation District Use Application (CDUA) HA-3978
(Departmental Permit)

This acknowledges the receipt and acceptance for the processing of your client, William Benskin's After-the-Fact (ATF) CDUA for moderate modifications to the existing Single-Family residence (SFR) and expansion of its deck, located at 3300 Kaiwiki Road, Kaiwiki, South Hilo, Island of Hawaii, Tax Map Key (TMK): (3) 2-6-011:022. The project site is approximately 25.48 acres and lies within the Resource Subzone of the State Land Use Conservation District.

The existing SFR received ATF approval from the Board of Land and Natural Resources (BLNR) on August 9, 1991 through CDUP HA-2474. The approval covered the SFR and associated land uses, including a water tank, cesspool, a small gravel parking area, and the clearing of one acre of previously cleared land for experimental crop cultivation.

After paying a CRVS fine, William Benskin is seeking ATF authorization for unauthorized moderate modifications made to the existing SFR, primarily consisting of expansion of the SFR's deck of 220.2 feet², resulting in a total developed area of 762.2. feet². The unauthorized moderate modifications represent an approximately 40.6% increase to the SFR's total developed area. The ATF authorization will potentially resolve a Conservation District violation (ref. ENF HA 25-6) and bring the SFR into compliance.

After reviewing the application, the Department finds that:

1. The proposed use is an identified land use in the Resource subzone of the Conservation District, pursuant to Hawai'i Administrative Rules (HAR) §13-5-22 P-8 STRUCTURES AND LAND USES, EXISTING (C-1) *Moderate alteration of existing structures, facilities,*

uses, and equipment. 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 the public interest necessitate it on this application;
3. In conformance with Hawai'i Revised Statutes (HRS), Chapter 343, as amended and HAR §11-200.1-15 **General types of actions eligible for exemption.** (c)(3) *Construction and location of single, new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small equipment or facilities and the alteration and modification of the equipment or facilities, including, but not limited to:* (D) *Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements;* the OCCL and the applicant believe the project to be an exempt action.

At this time, it appears an Environmental Assessment or Impact Statement will not be required; however, should subsequent information be provided to OCCL that indicates the proposed project may have significant or adverse impacts, we reserve the right to require one or both; and

4. The subject area does not appear to be located in the Special Management Area.

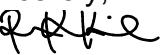
Further, the OCCL offers the following comments on the CDUA:

- Staff notes that there appears to inconsistencies in square footage of the original SFR stated in your application. Please clarify whether the original structure was 508 feet² or 542 feet², as both values are mentioned.
- Pursuant to HRS **§342D-72 Cesspools; mandatory upgrade, conversion, or connection.** (a) *Before January 1, 2050, every cesspool in the State, excluding cesspools granted exemptions by the director of health pursuant to subsection (b), shall be:*
 - (1) *Upgraded or converted to a director-approved wastewater system; or*
 - (2) *Connected to a sewerage system.*
- What is the status for cesspool conversion on the property? Has the applicant consulted with the Department of Health?

John Pipan
Land Planning Hawaii, LLC

CDUA HA-3978

Upon the completion of the application review process, this CDUA will be presented to the Chair for consideration. Should you have any questions, please contact Mari Kurosawa of our Office at (808) 587-0381 or at mari.i.kurosawa@hawaii.gov.

Sincerely,


mc Ryan K.P. Kanaka'ole, Acting Chairperson
Board of Land and Natural Resources

CC: *Hawaii Board Member*
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DLNR – Aha Moku
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