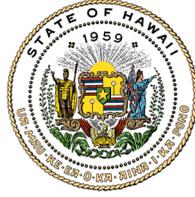


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

CDUA: HA-3993

Acceptance Date: February 26, 2026

180-day Exp. Date: August 25, 2026

Greg Nakai
PBR Hawai'i & Associates, INC.
1001 Bishop Street, Suite 650
Honolulu, Hawai'i 96813

February 26, 2026

NOTICE OF ACCEPTANCE AND ENVIRONMENTAL DETERMINATION

Conservation District Use Application (CDUA) HA-3993
(Departmental Permit)

This acknowledges the receipt and acceptance for the processing of your clients, the Trustees of the Stephen D. Winter Trust's and Cheryl A. Winter Trust's CDUA for the proposed improvements on portions of two parcels located at Papa'anui and Haina, Hāmākua, Hawai'i. The makai portions of tax map keys: (3) 4-5-002:016 & 080 lies within the Limited subzone of the Conservation District.

The applicants are proposing to install approximately 1,986 linear feet of hog wire cross-fencing across the two parcels and construct a 299 linear feet rock wall on the western boundary of parcel 80. Additional work being proposed in the Conservation District includes tree removal and the removal of invasive vegetation. Removed vegetation will be replaced with native or Polynesian-introduced trees and plants. In addition, the installation of non-potable irrigation lines to support the native and Polynesian-introduced flora are also proposed.

After reviewing the application, the Department finds that:

- 1) The proposed land uses are identified land uses within the Limited 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.

P-11 TREE REMOVAL

(B-1) Selective removal of individual trees for non-commercial purposes provided that each tree is replaced on a one-to-one-basis with trees that are appropriate to the site location with preference to trees that are endemic or indigenous to Hawaii;

P-13 LAND AND RESOURCE MANAGEMENT

(C-1) Installation of a new fence or shelter; and

(B-2) Planting of native and endemic plants and fence maintenance... in an area greater than one acre. 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 or cultural resources;

- 2) Pursuant to HAR, §13-5-40 of, a public hearing will not be required;
- 3) In conformance with Hawaii Revised Statutes (HRS), Chapter 343, as amended, and HAR §§11-200.1-15/16, the proposed use falls under General Exemption Type 1 Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing, and pursuant to DLNR Comprehensive Exemption List dated 11/10/2020, GE 1 Part 1 #27 *"Maintenance of lands and waters to remove weeds, brushes, grass and other unwanted vegetation"*; and General Exemption Type 3 (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; and pursuant to DLNR Comprehensive Exemption List dated 11/10/2020, GE 3 Part 1 #2 "Construction of security features, including fencing, gates, cameras, and other similar items."*, and General Exemption Type 4 Minor alterations in the conditions of land, water, or vegetation, and pursuant to DLNR Comprehensive Exemption List dated 11/10/2020, GE 4 Part 1 #2 *"Minor vegetation clearing and management, including mowing, pruning, trimming, and application of federal and state approved herbicides in conformance with label instructions"*, the project is exempt from the filing of an Environmental Assessment (EA); and
- 4) On April 4, 2024, The Windward Planning Commission approved Special Management Area (SMA) Use Permit Application (PL-SMA-2023-000043) that allows the development of a Farm with a Single-Family Residence, Caretaker's Cottage, Greenhouse, Barn, Pasture and Related Improvements for the subject parcels.

Regarding the proposed fence and rock wall, what are the proposed dimensions of these features? Please describe the methodology of work for all proposed land uses. Heavy equipment, tools and applications should also be disclosed. This CDUA will be reviewed by

the Chairperson of the Board of Land and Natural Resources for consideration after all reviews and evaluations of the proposal have been made. Should you have any questions, please contact Tiger Mills of our Office of Conservation and Coastal Land at (808) 587-0373 or at Kimberly.mills@hawaii.gov.

Sincerely,



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

C: Hawai'i Board Member
HDLO/ENG/DOCARE/DOFAW/AM
OHA/DOH
County of Hawai'i-Planning
Honoka'a Public Library