

**STATE OF HAWAI‘I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS  
Honolulu, Hawai‘i**

File No: HA-3921  
180-Day Exp. Date: December 30, 2023

November 9, 2023

**Board of Land and  
Natural Resources  
State of Hawai‘i  
Honolulu, Hawai‘i**

**REGARDING:** Conservation District Use Application (CDUA) HA-3921 for the Reese Single Family Residence, Landscaping, and Related Improvements.

**APPLICANT/  
LANDOWNER:** Carl J. & Anick L. Reese

**AGENT:** James M. Leonard of JM Leonard Planning, LLC

**LOCATION:** Government Beach Road, Wa‘awa‘a, Puna, Island of Hawai‘i

**TAX MAP KEY  
(TMK):** (3) 1-4-028:005

**AREA OF PARCEL:** 0.327 acres (14, 244 square feet)

**USE:** Structures – 2,102 square feet  
Landscaping & Related Improvements - ~4,850 square feet

**SUBZONE:** Resource Subzone

**Description of Area / Current Use**

The subject property is an undeveloped shoreline parcel located in the Resource Subzone of the State Land Use Conservation District. The parcel is primarily covered in vegetation that consists of hala (*Pandanus tectorius*), naupaka (*Scaevola taccada*), and non-native species. The property is located makai of Government Beach Road in the Puna District on the east side of the island of Hawai‘i. See **Exhibit 1**.

Portions of the Wa‘awa‘a Subdivision generally consist of larger residential-farm lots which are located to the west (mauka) of the subject property. The adjacent properties to the northwest and east are undeveloped. The properties to the south across

Government Beach Road are in the State Land Use Agricultural District and developed with residential farms. To the north of the subject property, there is an approximately 12.6-acre narrow shoreline parcel (noted as TMK: (3) 1-4-028:051) that lies between the Pacific Ocean and the other fifty (50) parcels within the Wa'awa'a Subdivision that are located makai of Government Beach Road.

The subject property sits at an elevation range of approximately 40ft above mean sea level at its makai boundary to approximately 60ft above mean sea level at the mauka boundary with the Government Beach Road. The area receives an average of about 103 inches of rain annually and experiences an average temperature around 75 degrees Fahrenheit.

The project site is located on the flank of the active volcano Kilauea in the District of Puna, in the Wa'awa'a Ahupua'a, on lava flows 750 and 1,500 years in age. It is about 1,000 feet southeast of an 1840 lava flow. A littoral (shoreline) cone created by the 1840 flow is present approximately a half mile to the northwest. Soil in the area is 'Opihikao extremely rocky muck (3-25% slopes), part of a series of well-drained thin organic soils developed over pāhoehoe bedrock. They are found from sea level to 1,000 feet in elevation and are rapidly permeable, with slow run-off and slight erosion hazard (U.S. Soil Conservation Service 1973). This soil is within subclass VIIs, which means it has limitations that make it unsuitable for cultivation and restrict its use to pasture, range, woodland or wildlife.

## **Hazards**

The volcanic hazard mapping produced by the U.S. Geological Survey places the property in Lava Flow Hazard Zone 2 on a scale of ascending risk from 9 (low) to 1 (high). The relatively high hazard risk is due to Kilauea being an active volcano. Zone 2 includes areas adjacent and downslope of active rift zones. Additionally, the island of Hawai'i experiences high seismic activity and the property is within Earthquake Zone 4 according to the County Building Codes. Structures that are poorly designed or built are at risk from major earthquake damage. The applicants understand that there are hazards associated with homes in this setting and have made the decision that a residence in the subject area is not imprudent to construct or inhabit. They also understand that there may be added structural requirements to address seismic hazards for any new construction.

A Flood Zone Map obtained from the State's Flood Hazard Assessment Tool website shows that the subject property is in Flood Zone X which is defined as areas that are outside of the 500-year floodplain. The proposed home site has no evidence of tsunami inundation although the shoreline areas of the subject parcel have been affected by high storm waves similar in magnitude as the storm waves generated by Tropical Storm Iselle. Since the subject property is located along the shoreline and has been prone to erosion caused by storm and tsunami waves, a coastal erosion study was performed for the parcel by tesARCH Services. The coastal erosion study which included the anticipated and accelerating effects of sea level rise and global warming found that the annual erosion rate for the property was 0.15 feet per year. Based on the requirements and standards of Exhibit 4 of Hawai'i Administrative Rules (HAR) Chapter 13-5, the minimum shoreline setback for a single-family residence on the property would be approximately 50.5-feet.

The landowners are proposing a minimum shoreline setback of 100-feet from where the presumed shoreline would be located (~75-feet from the property's makai boundary) which would site the house on an area of the property that is approximately 50-55-feet above sea level. See **Exhibit 2** and **Exhibit 4**.

## Flora and Fauna

The entire subject property was systematically inspected for plants by biologist Dr. Ron Terry of Geometrician Associates LLC in January 2021. Prior to human settlement of Hawai'i, the natural vegetation of this part of the Puna shoreline was mostly coastal forest and strand vegetation dominated by naupaka (*Scaevola taccada*), hala (*Pandanus tectorius*), 'ōhi'a (*Metrosideros polymorpha*), nanea (*Vigna marina*) and various sedges and coastal herbs (Gagne and Cuddihy 1990). Special attention was paid during several field visits to potential endangered species, particularly *Ischaemum byrone*, a State and federally listed endangered grass known to grow in the general area.

The vegetation presently found on the project site is dominated by native hala (*Pandanus tectorius*) and naupaka (*Scaevola taccada*) closer to the makai boundary. Most of the other species present are non-native species, and all of the natives are very common in Puna and throughout the State of Hawai'i. No rare, threatened or endangered plant species have been observed or are present on the parcel.

During the faunal survey, birds observed by the applicants' consultant are those that are common to the area. These included the common myna (*Acridotheres tristis*), northern cardinal (*Cardinalis cardinalis*), spotted dove (*Streptopelia chinensis*), Japanese white-eye (*Zosterops japonicus*), and house finch (*Carpodacus mexicanus*). It is possible that the Hawaiian 'amakihi (*Hemignathus virens*) may sometimes be present; however, was not observed during site visits. Common shorebirds, such as Pacific golden plover (*Pluvialis fulva*), ruddy turnstone (*Arenaria interpres*), and wandering tattler (*Heteroscelus incanus*) are often seen on the Puna coastline feeding on shoreline resources. The application notes that they would be unlikely to make much use of the property itself, which is densely vegetated and offers no habitat for them, but it is possible they may utilize the shoreline area makai of the property.

Several endangered native birds may be present in the area as they may fly, roost, nest, or utilize resources of the property. These included the endangered Hawaiian hawk (*Buteo solitarius*), the endangered Hawaiian petrel (*Pterodroma sandwichensis*), the endangered band-rumped storm petrel (*Oceanodroma castro*), and the threatened Newell's shearwater (*Puffinus auricularisnewelli*). No native birds were identified during site visits, and it is unlikely that many species of native forest birds would be expected to use the project site due to its low elevation, alien vegetation, and lack of adequate forest resources. To avoid potential seabird downing through interaction with outdoor lighting, no construction or unshielded equipment lighting will be used after dark between the months of April and October. Minimal exterior lighting will be included, and it will be shielded in strict conformance with the Hawai'i County Outdoor Lighting Ordinance (Hawai'i County Code Chapter 9, Article 14). Lighting will be constrained to utilize only low light-emitting fixtures using blue-deficient filtered LED lights with a Correlated Color

Temperature (CCT) of 2700 Kelvin or less, shielded to protect both transiting seabirds and dark skies. Despite the low probability of nesting Hawaiian hawk (*Buteo solitarius*) or Hawaiian short-eared owl (*Asio flammeus sandwichensis*), the application notes that trained biologist will survey the property for these birds prior to construction using standard protocol to further minimize the potential for impact to these species.

The application notes that it is highly likely that the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), the only native Hawaiian land mammals, are sometimes present on the property. No bats were observed during the surveys of the property. The application states that potential impacts to the Hawaiian hoary bat will be mitigated through the timing of vegetation removal by avoiding the bat birthing and pup rearing season (June 1 through September 15). Any other mammal species, such as feral cats (*Felis catus*), feral pigs (*Sus scrofa*), small Indian mongooses (*Herpestes a. auropunctatus*) and various species of rats (*Rattus spp.*), that may be present on the property are introduced or non-native and are not of conservation concern.

### Historic/Cultural

An archeological archaeological inventory survey and a cultural consultation report were prepared for the property. No gathering of plant or animal material was noted from the property. No consulted individuals with ties to and history with the area had any specific information concerning this parcel and no archaeological features were present. No specific traditional cultural sites or practices were identified to exist or have taken place within the property.

The applicants' consultants contacted six individuals know to have genealogical ties, long-standing residency, or knowledge of cultural and/or historical properties in the Wa'awa'a Ahupua'a. Cultural practitioners have and continue to gather lauhala (pandanus leaves) from the district for various items of cultural importance and ornamental value. Cultural practitioners, fisherman, and community members access the shoreline area to gather a variety of marine resources. The general area of Puna is known to contain *iwi kupuna* and consultees have stressed that landowners in the area take a proactive approach for care and preservation of human remains.

The applicants intend to replant hala trees that are removed for the project as well as replace removed invasive trees with hala trees. The project should not affect shoreline processes, nor the resources utilized by those fishing or gathering in the area. An archaeological survey of the entire property did not reveal the presence of human burials or *iwi kupuna*, and in the unlikely event that any archaeological resources are discovered during ground disturbing activity associated with the proposed development, the applicants or contractors will cease work in the area of the discovery and contact the State Historic Preservation Division (SHPD).

Part of the CDUA process requires that the applicant submit a Hawai'i Revised Statutes (HRS), 6E form developed by SHPD. Pursuant to HRS, §6E-42, prior to any agency or officer of the State [in this case the Board] approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may



affect historic property, aviation artifacts, or a burial site, the agency or office [OCCL] shall advise SHPD prior to any approval and allow SHPD an opportunity to review and comment on the effect of the proposed project on historic properties.

On July 10, 2023, SHPD issued the property owners a Chapter 6E-42 Historic Preservation Review letter and OCCL's request for SHPD's concurrence with the "No Historic Properties Affected" determination for the proposed use (SHPD Project No. 2023PR00810; Doc. No. 2307JG01). This letter reviewed and accepted the applicants' and project's archaeological inventory survey as well as its archaeological assessment. Due to the negative findings of significant historic properties during the archaeological inventory survey, SHPD concurred with the OCCL project effect of "no historic properties affected (**Exhibit 3**).

### **Proposed Use**

The applicants are proposing to construct a one story post-on-pier 2,102 sq. ft single-family residence consisting of 2 bedrooms, 1 bathroom, a living room, kitchen, living room area, laundry room, lanai, and single-car garage. This includes the total areas for the proposed residence and additional exterior facilities including an entry landing, 10,000-gallon water tank and propane tank with pad. All structures of the proposed residence [except the proposed water catchment and propane tank] will be connected. The application also notes that the proposed single-family residence will be approximately 20 ft 7 in and will not exceed the Maximum Allowable Building Envelope of 25 ft as noted in Exhibit 4 of HAR Chapter 13-5. The applicants are proposing that a portion of the residence's roof extend approximately 33.24 in into the parcel's 15 ft western side setback. Exhibit 4 of HAR Chapter 13-5 states, in relevant part, *Allowable building area extensions 36 inches in 15-foot setback 42 inches in 25-foot setback (e.g., eaves and cantilevered decks)*. Staff notes that it appears that the proposed residence can be located on the property so that no portion of the structure encroaches into the setbacks (**Exhibit 4**).

The applicants plan to install a roof-mounted photovoltaic system for electrical services as well as solar water heating panels. Water will be provided via rainfall water catchment and 10,000-gallon storage tank. The applicants also plan to utilize a propane tank for propane gas storage for cooking and backup water heating and electric power. Telecommunications will be provided by cell service and satellite receivers. Wastewater will be treated with a septic system in conformance with the requirements of the Department of Health and is planned to have a tank capacity of 1,000-gallons and a 200 sq. ft absorption field.

Access to the parcel is off the recently paved Government Beach Road which according to the application is a single lane lightly traveled road that connects several miles to the east at "Four Corners" of County Highway 132 and several miles to the west at Kahakai Boulevard. Access to the proposed residence will be provided by a gravel driveway that connects to Government Beach Road. The applicants are planning to construct a wood panel-gate at the entrance of the gravel driveway as well as install a wood panel fence along the mauka boundary of the parcel that borders Government Beach Road.

The project includes some landscaping which will emphasize bolstering the natural hala and naupaka vegetation currently found on the property, replacing the hala trees that need to be removed for the proposed driveway and residence and associated structures, and in areas that have already had or will have invasive trees removed. The application notes that approximately 48 hala trees will be removed and will be replaced with approximately 50 new hala trees and naupaka shrubs near the proposed home site and in other areas on the property where invasive trees or grasses will be removed. Land clearing and construction activities including the single-family residence, driveway, turnaround area, utility structures, catchment tank would occur over an approximate area of 0.12-acres leaving the remaining approximately 0.207-acres relatively undisturbed.

### **Other Alternatives Considered**

Alternative 1: No Action. Under the No Action Alternative, the residence would not be built. The lot would remain unused except for temporary camping and picnicking by the owners. The Environmental Assessment considers the No Action Alternative as the baseline by which to compare environmental effects from the project

Alternative 2: Proposed Project, Alternative House Sites, and Alternative Uses. The proposed project and its location are described above. Other locations on the property could serve as the site for a residence, but none offered the advantages of the proposed site in terms of breezes and views while also avoiding limiting potential impacts to coastal hazards and resources. The application notes that there are no known environmental or other reasons for seriously considering other sites on the property.

No other alternative uses for the property are desired by the applicants.

### **Summary of Comments**

OCCL referred the application as well as the Draft Environmental Assessment (EA) to the following agencies and organizations for review and comment:

#### **State Agencies**

DLNR: Water Resource Management, Division of Conservation and Resource Enforcement; Division of Aquatic Resources; Engineering Division, Division of Forestry and Wildlife, Hawai'i District Land Office, Nā Ala Hele, Aha Moku

Department of Health

Office of Hawaiian Affairs

#### **County Agencies**

County of Hawai'i, Department of Planning

County of Hawai'i, Fire Department

#### **Other Individuals and Organizations**

Malama O Puna

This application was also sent to the Pāhoa Public and School Library.

Comments were received by the following agencies and individuals and summarized by Staff as follows:

### State Agencies

Division of Aquatic Resources: We have no comments.

Division of Forestry and Wildlife: DOFAW concurs with the measures included in the DEA intended to avoid construction and operational impacts to State-listed species including the 'ope'ape'a or Hawaiian Hoary bat (*Lasiurus cinereus semotus*) and seabirds. We would also recommend that the use of barbed wire be avoided because bats can become ensnared and killed by such fencing during flight. We also appreciate the measures outlined to minimize the movement of plant and soil material to prevent the spread of invasive species and for the use of native plant species.

State-listed waterbirds such as nēnē or Hawaiian goose (*Branta sandvicensis*) could potentially occur at or in the vicinity of the proposed project site. It is against State law to harm or harass these species. If any of these species are present during construction, all activities within 100 feet (30 meters) should cease and the bird or birds should not be approached. Work may continue after the bird or birds leave the area of their own accord. If a nest is discovered at any point, please contact the Hawai'i Island Branch DOFAW Office at (808) 974-4221.

The endemic pueo or Hawaiian short eared owl (*Asia flammeus sandwichensis*) could potentially nest in the project area. Before any potential vegetative alteration, especially ground-based disturbance, we recommend that line transect surveys are conducted during crepuscular hours through the project area. If a pueo nest is discovered, a minimum buffer distance of 100 meters from the nest should be established until chicks are capable of flight.

The State listed 'io or Hawaiian hawk (*Buteo solitarius*) may occur in the project vicinity. Prior to undertaking vegetation clearing, DOFAW recommends that pre-construction surveys of the area be conducted by a qualified biologist following appropriate survey methods (Gorressen et al., 2008) to ensure no Hawaiian hawk nests are present, which may occur during the breeding season from March to September. The survey should be conducted at least 10 days prior to the start of construction. If an 'io nest is detected, a buffer zone of 100 meters (330 feet) should be established around it where no construction shall occur until the chick or chicks have fledged, or the nest is abandoned. DOFAW staff should be immediately notified. If adult individuals are detected in the area during construction, all activities within 30 meters (100 feet) of the bird should cease. Work may continue when the bird has left the area on its own.

Applicants' response: No barbed wire will be utilized on any fences. The applicants are also familiar with nēnē and will ensure that, in the unlikely event they are seen on or near the property, that they will not be harassed. The applicants are willing to include a condition that a trained biologist shall conduct hawk and owl surveys per your recommendations.

Office of Conservation and Coastal Lands: The OCCL offers the following comments:

- Reese Single-Family Residence Site and Floor Plan. Please clarify what the dotted line is around the dwelling and its measurements from the structure, and whether it extends into the 15ft setback. Please note that the allowable building area in a lot of this size is 36in in the 15ft setback and update the Site and Floor Plan with these clarifications.
- In the Reese Single-Family Residence Floor Plan, what are the measurements (sq. ft) for the interior spaces (Bedrooms #1 & #2, laundry, kitchen, bath, etc.) and other Maximum Developable Area (MDA) related structures under roof? Please clarify the area between BEDROOM #2 and BATH and identify its measurement in relation to the dwelling's 968 sq. ft tabulation. Please update the Floor Plan to include these measurements.
- In the Reese Single-Family Residence Elevation Drawings, please clarify the proposed height of the dwelling measured from the lowest point of the foundation to the highest point of the roof or any extension thereof. The dwelling appears taller than ~15ft noted in the application.
- Generally speaking, setbacks are for access/emergency access, greenery, buffer from neighbors, etc. Have the landowners and their agents considered alternative sites for the proposed propane tank on the property instead of in the setback? If so, please identify the alternative sites outside of the setback areas considered.
- Please identify the distance (setback) of the proposed dwelling from the makai property boundary of parcel 005.

Applicants' Response: The comments from OCCL are provided below.

- The dotted line shown around the dwelling on both the Site Plan and Floor Plan is the roof line, which extends 36 in from the dwelling on all sides. In the area of the side yard setback, on the side of the garage, the roof line extends approximately 33.24 in into the 15 ft setback area, which would be within the allowable Building Area Extension for a lot of this size, as delineated in the Single-Family Residential Standards (HAR Chapter 13-5, Exhibit 4). The updated Site Plan and Floor Plans, which include the labeling measurements for the roof eaves, are included in the Final EA.
- An updated Floor Plan with labels and square foot calculations for all the spaces, including the area between Bedroom #2 and the Bath (a closet), is included in the Final EA. The new Floor Plan includes a table summarizing the square feet of the interior and exterior portions of the residence. The plan for the home consists of

968 sq. ft of interior living space with two bedrooms and one bathroom and a living room, kitchen and laundry room. Additional exterior facilities totaling 930 sq. ft include an entry landing, a lanai, and a garage. Including the area for the 10,000-gallon water tank and a propane tank with pad totaling 204 sq. ft yields a Total Development Area of 2,102 sq. ft. These figures have been provided in the EA to indicate the size of the home in terms that lay readers would clearly understand.

- The maximum height of the dwelling, as measured from the lowest point of the foundation to the highest point of the roof or any extension thereof, as requested, is 20 ft 6 5/8 in, as shown in the updated Elevation Plan included in the Final EA for this project. If measured from the existing grade, excluding the allowed attached structures, such as the satellite dish, the maximum height is ~ 14 ft 7 1/2 in. Regardless of the measurement standard, the height of the structure is under the maximum allowable height of 25 feet.
- A few alternative sites for the propane tank were considered which would allow the tank to be accessed for refilling from the driveway or turn-around area, while also meeting the building setback requirements for a tank of this size. These included a location off the southern corner of the garage and two potential locations on the western side of the garage, near the proposed location. While normally there would be preference to locate the tank outside of the side-yard setback area, in this case, the side-yard along the northwestern boundary is also an area of the property that had been previously disturbed and was, therefore, free of the native hala trees that cover much of the lot. The proposed location was specifically selected to minimize the potential impact to the existing hala on the property and is located towards the northern corner of the garage to minimize the visual impact of the tank from the area of the property entry and driveway. Also, as shown on the Updated Landscape Plan, this will be further buffered by the proposed planting of new hala trees in the area between the turnaround and the proposed tank site. The applicants have stated that they are open to relocating the planned propane tank site to an area outside the setback area if recommended by DLNR; however, based on the analysis of their landscape, the proposed site minimizes land alteration and the impact to the native vegetation.
- The minimum distance from the dwelling to the makai property boundary is 74.88 ft, as shown on the updated Site Plan included in the Final EA.
- The statement within the CDUA that the proposed home site is completely outside the area affected by the high waves and tsunami inundation, on page 20, is correct, and was in reference to the prior sentences which describe the location of the house site in relation to the VE Flood Zone, shown in Figure 9 of the CDUA, which extends along the coast and is separated, both geographically and topographically, from the proposed house site.

This statement is consistent with the CES Report which concludes that: “(t)he project is not situated on a parcel that is impacted by waves, storms surges, high tide or shoreline erosion. Also, due to its elevation and distance from the shoreline, the property can be considered to be in a low-risk category in terms of other coastal hazards, such as tsunami hurricane, or stream flooding threats.”

This statement, however, is not intended to mean that there is no implications related to tsunami for residents of coastal areas of Puna. In deference to your comment, the fact that the property is within the Tsunami Evacuation Zone has been added to the Final EA, in Section 3.1.2 addressing Flood Zones and Shoreline Setting. We would note that the Tsunami Evacuation Zone is not equivalent to the area at risk for tsunami inundation. Instead, it is intended to allow orderly regional response to the threat posed by a tsunami, particularly by emergency response agencies.

### County Agencies

Planning Department: The property lies in the Special Management Area (SMA). The high-water level mark appears to be approximately 100 feet from the Eastern edge of the parcel and does not currently appear to be impacted by waves, high tide or storm surges. A SMA permit may be needed for this project. "Development in the SMA, including subdivision, shall only be approved if it is first found that it will not have any substantial adverse environmental or ecological effect". The Single-Family Residence is stated to be 968 square feet; according to Section 205a-22, "Development" does not include the following:

- (1) Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area, is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion, and is not part of a larger development.

Finally, the Planning Department requests additional detail and clarification regarding public shoreline access; specifically, the following in the DEA: "Although the lot is near the sea, a narrow, 12.6-acre shoreline lot lies between the ocean and this and 49 other lots in the subdivision. Subdivision residents and the general public can fish and gather resources in this area, which has ready access from State land 500 feet to the west. This helps ensure that no impacts to fishing or gathering would occur from use of the lot for a residence."

Applicants' response: Compliance with Special Management Area requirements was achieved in July 2023.

Regarding public access, the Draft EA on Page 29 contained additional information:

The nearest mauka-makai shoreline public accesses from the Government Beach Road is at the northwestern corner of the Wa'awa'a Subdivision, about 600 feet west of the Reese lot, within a 78.33-acre parcel (TMK 1-4-003:018). This property is owned by the State of Hawai'i and is a portion of the Nānāwale Forest Reserve. This parking spot and trail provide access to the Forest Reserve coastline to the west as well as the shoreline Beach Reserve property to the east that is held in common by the Wa'awa'a Subdivision owners. This strip provides a setback from the shoreline and an area for residents and the public to walk, fish or gather. Fishers and gatherers are often seen on this long coastal strip lot fishing for pāpio or menpachi or gathering opihi.

The Final EA includes an additional photo figure on Page 30 that illustrates these areas.

Civil Defense: No comments to submit.

Police Department: Staff, upon reviewing the documents available, does not anticipate any significant impact to traffic and/or public safety concerns.

### Analysis

Following review and acceptance for processing, the Applicant was notified, by correspondence dated June 27, 2023 that:

1. The proposed uses are identified land uses in the Resource Subzone of the Conservation District, pursuant to Hawaii Administrative Rules (HAR), §13-5-23 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 material 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 Chapter 13-5, HAR. Please be advised, however, that this finding does not constitute approval of the proposal;
2. Pursuant to HAR §13-5-40 HEARINGS, a Public Hearing will not be required;
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200.1, HAR, a finding of no significant impact to the environment (FONSI) is anticipated for the proposed project; and
4. The subject area within the Special Management Area (SMA). The applicant's responsibility includes complying with the provisions of Hawaii's Coastal Zone Management law (Chapter 205A, HRS) that pertain to the Special Management Area (SMA) requirements administered by the various counties. Negative action on this application can be expected should you fail to obtain and provide us, one of the following:
  - An official determination that the proposal is exempt from the provisions of the county rules relating to the SMA
  - An official determination that the proposed development is outside the SMA; or,
  - An SMA Use Permit for the proposed development.

On July 21, 2023, the County of Hawai'i Planning Department issued the applicants a letter stating the proposed project appears to be exempt from further SMA requirements

due to the proposed single-family residence being less than seven thousand five hundred square feet. The letter notes that any substantive changes to the proposed improvements, as well as any subsequent phases or activities may require further review by the County of Hawai'i Planning Department and possibly the submittal of another SMA Use Permit Assessment Application as well as comply with all other applicable Zoning and Building Code requirements. Additionally, the Director added ten (10) conditions that the landowners and project must comply with. See **Exhibit 5**.

The Final EA/Finding of No Significant Impact (FONSI) was issued by the DLNR Chairperson and published in the October 8, 2023 edition of the Environmental Review Program's *The Environmental Notice*.<sup>1</sup> The 30-day judicial challenge period for the project's Final EA and FONSI ends on November 7, 2023. Staff notes that at the time of writing this submittal, it appears no challenges have been filed. As a precautionary measure, staff is including a recommended condition that the Board's potential approval is temporarily stayed until the 30-day judicial challenge period has ended.

### **Conservation Criteria**

The following discussion evaluates the merits of the proposed land use by applying the criteria established in §13-5-30, HAR.

1) *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect, and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare. The applicants have stated that they are committed to management of the site in a manner that will support this objective.

The single-family residence and landscaping are identified land uses within the Resource Subzone of the Conservation District and each land use requires a Board Permit for such use.

The primary natural and cultural resources associated with the Wa'awa'a area appear to be the coastal resources and native *hala* vegetation. The proposed home and its associated uses will be sufficiently setback from the shoreline to have minimal to no impact on coastal related resources or lateral shoreline access. Any native vegetation such as *hala* that will be removed for the proposed residence and its associated uses will be replanted. The application notes that the landowners' goals for landscaping is to restore the property to as close to the natural character as practical.

There does not appear to be potentially threatened or endangered plant species, nor any historical or archaeological features found on the property.

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<sup>1</sup> The Final EA for the Reese Single-Family Residence in Wa'awa'a can be viewed at [https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2023-10-08-HA-FEA-Reese-Single-Family-Residence-in-Waawaa.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2023-10-08-HA-FEA-Reese-Single-Family-Residence-in-Waawaa.pdf)



- 2) *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

The objective of the Resource subzone is to ensure, with proper management, the sustainable use of the natural resources of those areas. A single-family residence is an identified land use pursuant to HAR, §13-5-24, R-7, **SINGLE FAMILY RESIDENCE (D-1)** A single family residence that conforms to design standard as outlined in Chapter 13-5.

The applicants are proposing that a portion of the residence's roof extend approximately 33.24 in into the parcel's 15 ft western side setback. Exhibit 4 of HAR Chapter 13-5 states, in relevant part, *Allowable building area extensions 36 inches in 15-foot setback 42 inches in 25-foot setback (e.g., eaves and cantilevered decks)*. The design and construction of the residence conforms to the design standards set forth in HAR, Chapter 13-5; however, staff notes that it appears that the proposed residence can be located on the property so that no portion of the dwelling and associated accessory structures encroach into the setback(s).

The property owners are committed to managing their property in a manner that is protective of the natural resources present. Staff believes the proposed land use is consistent with the objectives of the subzone, provided identified mitigation and best management practices are adhered to.

- 3) *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

The objectives, policies, and guidelines of the Coastal Zone Management (CZM) program contained in Chapter 205A, Hawai'i Revised Statutes (HRS), are focused on the preservation, protection, and where possible, the restoration of the natural resources of the coastal zone in Hawai'i. Staff believes the proposed project complies with the provisions and guidelines contained in Chapter 205, HRS regarding Coastal Zone Management. The proposed use would be consistent with Chapter 205A because it would not affect public access to recreational areas, historic resources, scenic and open space resources, coastal ecosystems, economic uses, nor be exposed to coastal hazards. As mentioned above, the County of Hawai'i Planning Department determined the proposed construction of the 2,102 sq. ft single-family residence and related improvements, as presented in PL-SAA-2023-000169, is exempt from the definition of "development" and shall not require further review against the SMA guidelines. Based on the information provided, the Director found that proposed development of a single-family residence and related improvements will not have a cumulative impact, or significant adverse environmental or ecological effect on the SMA.

- 4) *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

Because of the relatively minor nature of the project and the lack of threatened or endangered plant species or pristine native ecosystems, Staff believes that the proposed single-family residence is not likely to cause adverse biological impacts. The applicants have identified a number of mitigation measures that will be implemented during the construction and duration of the proposed land uses that should minimize or eliminate the interference, nuisance, harm, or hazard that the project may cause.

With implementation of a plan that includes ample setbacks from the coastal resources, as well as the protection of the existing native plantings, replanting of *hala* trees that will be removed for construction activities, and through the ongoing care and management of the property afforded by the creation of the family's residence, the proposed use of the property may have a positive and supportive impact to the native ecosystems. The proposed construction of the single-family home and its related improvements, together with the owners' commitment to management of the site will effectively serve to conserve, protect, and preserve the natural resources on the subject property.

- 5) *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

The subject parcel is a portion of a group of lots of various sizes located along and makai of the Government Beach Road in the area that is about 1.5 miles southeast of the Hawaiian Shores Subdivision. As part of the 51 lot Wa'awa'a Residential Subdivision, there are several other single-family residences nearby. The proposed uses are consistent with single-family residential and landscaping uses in the area.

The construction activities associated with the proposed single-family residence and its related improvements will be confined solely to the owner's lot and will not pose any adverse impact to the natural resources of the area, community, or region. The required setbacks have been integrated as part of the site planning and the planned use of the property as a homesite, would be consistent with the existing and planned uses of adjacent or nearby properties and will not negatively affect how these properties are utilized. The proposed house site is appropriately located towards the mauka portion of the property so to be outside the area of the native coastal vegetation and potential coastal influence and yet sufficiently removed from the potential dust and noise impacts from the adjacent public road. Additionally, being a relatively modest, single-story home, it is planned at a scale that is appropriate to the physical conditions and capabilities of the site. It should be noted that the Department's standards for a single-family residence within the State Conservation District, for a property of this size, limits the maximum development area to be less than 3,500 sq. ft, and the total development area

(TDA) for the planned residence, at 2,102 sq. ft, will be below this maximum developable area (MDA).

- 6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

The site does not contain unique features either topographically or geologically. The proposed use of the subject property for a single-family residence, landscaping, and related improvements will help conserve, protect, and preserve the natural features of the area. The proposed use of the subject property for a single-family residence and owners' stated commitment to the care and management of the site will help to conserve, protect, and preserve the natural features on the subject property.

According to the application, the landowners' goals for landscaping is to remove invasive trees and replant with *hala* to restore the property to as close to the natural character as practical which will help protect and possibly improve the area's natural beauty and open space characteristics.

- 7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

No subdivision of land is proposed for this project.

- 8) *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

Staff believes the proposed land use will not be materially detrimental to the public health, safety, and welfare as mitigated. With the incorporation of an appropriately designed and operated individual wastewater system, combined with other BMPs identified, the proposed residential land use will not result in materially detrimental impacts to public health, safety, and welfare.

### **Cultural Impact Analysis**

The subject property does not contain any springs, land features, or caves that might be of cultural importance. A Cultural Impact Assessment was completed for the parcel. No cultural resources or practices were identified on the undeveloped property. No consulted individuals with ties to and history with the area had any specific information concerning the property and no archaeological features were discovered on site. No traditional gathering of resources has been observed or is known to take place on the property. No party reviewing the Draft EA and its attachments supplied any cultural information.

As part of the oral consultations with residents and cultural practitioners of the area in development of the application, several conclusions were reached regarding cultural resources and practices in the general area of the Puna coastline. Hawaiian cultural practitioners have long gathered and continue to gather *lauhala* (pandanus leaves) from the Puna District. It is from the hala plant that various items of cultural importance and ornamental value were woven: *hīnaʻi* (burial baskets); *moena* (mats); *uluna* (pillows); and cordage. Additionally, hala is a key bio-cultural feature that has and continues to be synonymous with Puna District. Another constant through history has been the tradition of fishing and collecting food and other resources from the ocean, shoreline, and nearby groves. This orientation to the shoreline and the traditional practices developed in Hawaiʻi are still passed down from generation to generation. Fishers and gatherers employ knowledge of their ancestors to select fishing locations, proper bait, and techniques. Finally, the Puna coast area is well known to contain *iwi kupuna* and consultees have repeatedly stressed that landowners should take a proactive approach for the care and preservation of human remains.

The application notes that hala is a widespread resource that is readily available in the Puna area, including on much of the 1,275 acres directly adjacent to the subdivision in the Nānāwale Forest Reserve. There will continue to be abundant areas for gathering of hala for use in customary crafts and practices. The applicants are also proposing to replace and landscape the subject property with hala trees to ensure that it retains some its natural setting. The cultural practices of shoreline fishing and gathering on the narrow Beach Reserve lot between the Reese property and the sea would not be affected by the construction or occupation of the home. The home will be set back 100 feet from the shoreline to help ensure that it does not interfere with coastal access. The applicants are fully committed to not hindering in any active or passive manner lateral shoreline access for fishing, gathering or any other cultural purpose. The project does not involve effects on shoreline processes, or the resources utilized by those fishing and gathering in the area. No *iwi kupuna* or access to them will be affected. The applicants have stated that they are fully aware that the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area of the property is provided for by the State Constitution and State law. They also expect that their proposed use be conditioned to ensure the protection of such practices.

### **Discussion**

The proposed project entails a single-family residence, landscaping and related improvements, gravel driveway improvements, a redwood panel-entrance gate and fence along the Government Road boundary, and utilities consisting of a water catchment tank, rooftop solar photovoltaic panels for electricity and water heating, a propane tank for cooking and backup electricity, and an individual wastewater system meeting all regulatory requirements. Telecommunications will be provided by cell service and satellite receivers.

The residence is a one story post-on-pier 2,102 sq. ft single-family residence consisting of 2 bedrooms, 1 bathroom, a living room, kitchen, living room area, laundry room, lanai, and single-car garage. This includes the total areas for the proposed residence and

additional exterior facilities including an entry landing, 10,000-gallon water tank and propane tank with pad.

The proposed residence is consistent with Chapter 13-5, Hawaii Administrative Rules, Exhibit 4, Single Family Residential Standards. Compatibility provisions such as the use of earth toned or compatible colors with the surrounding area will be utilized on the exterior of the residence and all structures will be connected under one roof.

Landscaping will emphasize the natural hala and naupaka vegetation currently found on the property, replacing the hala trees that need to be removed for the proposed driveway and residence, and in areas that have already had or will have invasive trees removed. Land clearing and construction activities including the single-family residence, driveway, turnaround area, utility structures, catchment tank would occur over an approximate area of 0.12-acres leaving the remaining approximately 0.207-acres relatively undisturbed.

No streams or other water bodies are present on the property. All construction activities will follow Best Management Practices to mitigate impacts of earthwork and grading activities; water quality and hazardous materials; exterior lighting; and avoid impacts to endangered or rare native birds and the Hawaiian hoary bat. Additional conditions have been included below to protect and mitigate potential impacts to native, rare, and endemic species based on comments received from DOFAW (see conditions 25-29).

Based on the information provided, staff believes that the project will have negligible adverse environmental or ecological effects provided that best management practices and mitigation measures as described in the application and environmental assessment, and as required by rule or laws, are fully implemented.

### **Recommendation**

Based on the preceding analysis, staff recommends that the Board of Land and Natural Resources APPROVE Conservation District Use Application HA-3921 for a Single-Family Residence, Landscaping, and Related Improvements located at Government Beach Road, Wa'awa'a, Puna, Island of Hawai'i, TMK (3) 1-4-028:005 subject to the following conditions:

1. The Board's approval is temporarily stayed until the 30-day judicial challenge period for the project's Final Environmental Assessment and Finding of No Significant Impact (FONSI) has ended;<sup>2</sup>
2. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of HAR Chapter 13-5;
3. The permittee, its successors and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim, or demand for

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<sup>2</sup> The 30-day judicial challenge period ends on November 7, 2023. This submittal was due for Chair's signature and scheduling prior to the end of the challenge period; and thus, this condition is being included.

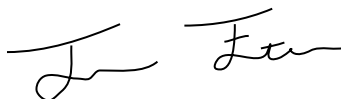
property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;

4. The permittee shall comply with all applicable Department of Health administrative rules;
5. The single-family residence shall not be used for rental or any other commercial purposes unless approved by the board. Transient rentals are prohibited, with the exception of wilderness camps approved by the board
6. The permittee shall provide documentation (e.g., book and page or document number) that the permit approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
7. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
8. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one (1) year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three (3) years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
9. All representations relative to mitigation set forth in the accepted application and environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit
10. The permittee shall plan to minimize the amount of dust generating materials and activities. Material transfer points and on-site vehicular traffic routes shall be centralized. Dusty equipment shall be located in areas of least impact. Dust control measures shall be provided during weekends, after hours and prior to daily start-up of project activities. Dust from debris being hauled away from the project site shall be controlled. Landscaping and dust control of cleared areas will be initiated promptly;
11. The permittee shall notify the Office of Conservation and Coastal Lands (OCCL) in writing prior to the initiation and upon completion of the project;
12. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD ((808) 692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;

13. The permittee shall utilize Best Management Practices for the proposed project;
14. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
15. The single-family residence shall conform to the single-family residential standards included as Exhibit 4 of HAR Chapter 13-5;
16. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
17. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
18. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply;
19. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
20. Obstruction of public roads, trails, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, or pathways acceptable to the department;
21. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
22. The permittee shall obtain a county building or grading permit or both if required;
23. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;
24. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawai'i, and by Hawai'i statutory and case law;
25. Any landscaping shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai'i. The introduction of invasive plant species is prohibited;

26. Trees taller than 15 feet shall not be removed or trimmed during the Hawai'i Hoary bat birthing and pup rearing season from June 1st to September 15th;
27. The use of barbed wire fencing is prohibited;
28. If nēnē or Hawaiian goose are present during construction, all activities within 100 feet (30 meters) should cease and the bird or birds should not be approached. Work may continue after the bird or birds leave the area of their own accord. If a nest is discovered at any point, the permittee shall contact the Hawai'i Island Branch DOFAW Office at (808) 974-4221;
29. The permittee shall conduct pre-construction surveys of the area by a qualified biologist following appropriate survey methods (Gorressen et al., 2008) to ensure no Hawaiian hawk nests are present, which may occur during the breeding season from March to September. The survey shall be conducted at least 10 days prior to the start of construction. If an 'o nest is detected, a buffer zone of 100 meters (330 feet) should be established around it where no construction shall occur until the chick or chicks have fledged, or the nest is abandoned. DOFAW staff ((808) 587-0160 or (808) 974-4221) shall be immediately notified. If adult individuals are detected in the area during construction, all activities within 30 meters (100 feet) of the bird shall cease. Work may continue when the bird has left the area on its own;
30. Twilight pre-construction surveys by a qualified biologist shall be conducted prior to clearing of vegetation and construction activities at least 10 days prior to the construction initiation. If pueo nests are present, a buffer zone (minimum of 100 meters) shall be established in which no clearing occurs until nesting ceases, and DOFAW staff ((808) 587-0160 or (808) 974-4221) shall be notified;
31. Other terms and conditions as may be prescribed by the Chairperson; and
32. Failure to comply with any of these conditions shall render this Conservation District Use Permit void under Chapter 13-5, as determined by the chairperson or board.

Respectfully submitted,



Trevor Fitzpatrick, Staff Planner  
Office of Conservation and Coastal Lands

Approved for submittal:

MC



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DAWN N. S. CHANG, Chairperson  
Board of Land and Natural Resources

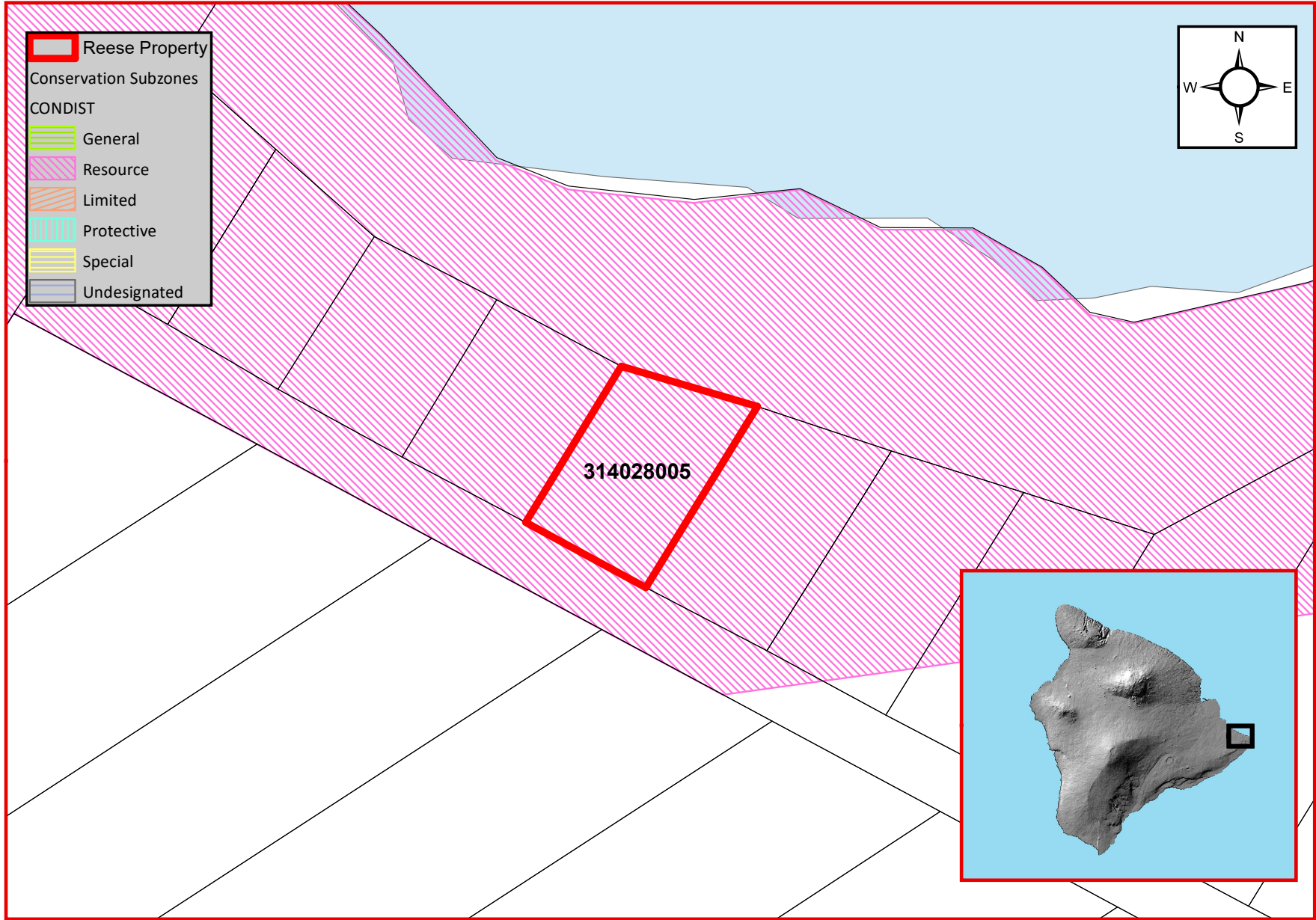
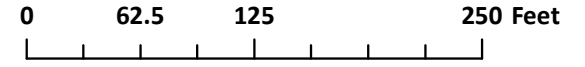


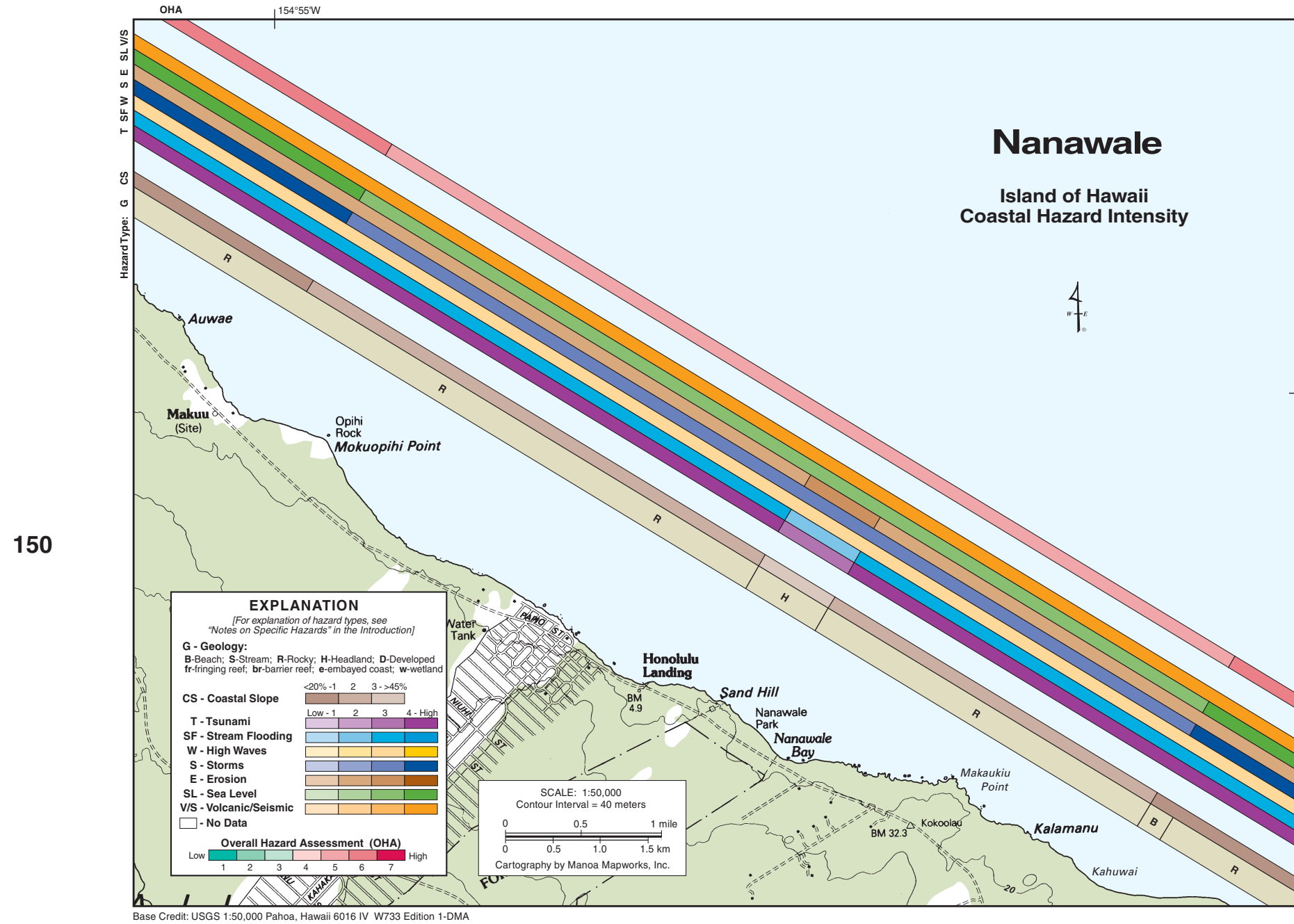
*Reese Single-Family Residence in Wa'awa'a Environmental Assessment*

**Project Location Map**



**TMK: (3) 1-4-028:005 Reese Parcel**





# Nanawale

**S**outheast of Auwae and Mokuopihi Point, the Nanawale coast ranges from 1000 to 1500 yr old, except the area between Honolulu Landing and Nanawale Park, which is the seaward edge of an 1840 flow that emanated from the east rift of Kilauea Volcano. Most of the coast is fronted by low rocky sea cliffs, above which is built the Hawaiian Beaches subdivision in the middle of this portion of coastline. A few small boulder beaches occur at Honolulu Landing, Nanawale Park, and along the southern stretch of coast to Kahuwai. The black sand beach at Kahuwai formed shortly after the 1960 Kapoho eruption which sent lava flowing into the sea just southeast of the Nanawale region. The Nanawale shoreline undergoes periodic morphologic changes due to tectonic and seismic activity associated with Kilauea Volcano. In April of 1924, a series of earthquakes caused the Honolulu Landing shoreline to sink, leaving the black sand beach buried in rounded basalt boulders and the boat landing less used by larger ships. High waves are common along the Nanawale coast often making the rugged coastal cliffs dangerous for fishermen.

The Overall Hazard Assessment (OHA) for the Nanawale coast is reduced from high (6) north of Makuu to moderate to high (5) south of Makuu to Kalamanu where the coast steepens and the sea cliffs help to mitigate against marine overwash and the impacts associated with sea-level rise. To the south of Makuu the tsunami hazard is ranked high while stream flooding is moderately high. An anomaly exists at the Sand Hill headland. Here the coast is even steeper, so flooding hazards are less threatening, but because the substrate is more unconsolidated it is more susceptible to erosion. As a result, tsunami and stream flooding at Sand Hill are moderately high and moderately low, respectively. The high wave threat is moderately high throughout Nanawale. The storm and sea-level hazards are ranked moderately high between Makuu and Kalamanu. Erosion is moderately low except at Sand Hill where it is increased to moderately high. The Nanawale coast is in lava flow hazard zone 2 (Table 10, p. 24). The volcanic/seismic hazard is high throughout the entire region due to its proximity to great seismic activity associated with Kilauea volcanism.

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The geologically young volcanic coast of Nanawale is rocky with small cliffs and few beaches or reefs.



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

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLEI, HAWAII 96707

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

LAURA H.E. KAAKUA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

July 10, 2023

Mr. Michael Cain, Acting Administrator  
Office of Conservation and Coastal Lands  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809  
C/O: Trevor Fitzpatrick  
[trevor.j.fitzpatrick@hawaii.gov](mailto:trevor.j.fitzpatrick@hawaii.gov)

IN REPLY REFER TO:  
Project No. 2023PR00810  
Doc. No. 2307JG01  
Archaeology

Dear Mr. Cain:

**SUBJECT: Chapter 6E-42 Historic Preservation Review  
Conservation District Use Application (CDUA) HA-3868  
Applicant: Carl and Anick Reese  
Wa'awa'a Ahupua'a, Puna District, Island of Hawai'i  
TMK: (3) 1-4-028:005**

This letter provides the State Historic Preservation Division's (SHPD's) review of the subject CDUA (HA-3868) received by our office on June 30, 2023. The submittal includes a HRS 6E Submittal Form, a Board Permit notice, an Office of Conservation and Coastal Lands (OCCL) cover letter, a draft environmental assessment, construction plans, photos of the proposed project area, and a draft archaeological inventory survey (AIS) titled, *An Archaeological Assessment of Lot 46 of the Wa'awa'a Subdivision, TMK: (3) 1-4-028:005, Wa'awa'a Ahupua'a, Puna District, Island of Hawai'i* (Barna 2023).

The project area comprises a 0.11-acre portion of the 0.32-acre parcel. The applicant proposes to construct a single family residence and improvements (water tank and driveway) within the project area. An estimated 35 to 40 cubic yards of imported material will be used for foundational bases for the planned residence, water tank, and driveway. The staging of the construction equipment and storage of materials will occur within an approximately 1,200-sq.-ft. area within the planned driveway and a previously disturbed area within the project area along the project parcel's the northwestern boundary.

The project parcel is bounded on the east and west by partially-cleared but undeveloped parcels, on the south by the Government Beach Road, and on the north by a 12.6-acre jointly-owned (all of the subdivision lot owners) conservation-zoned oceanfront parcel that extends along the entire length of Wa'awa'a Subdivision.

ASM Affiliates Inc. (ASM) conducted an AIS in support of the subject CDUA. The fieldwork included a 100 % coverage pedestrian survey using transects spaced 3 meters apart. Barna (2023) indicates no historic properties were identified. The negative AIS findings are presented in an archaeological assessment (AA) report in accordance with HAR §13-284-5(b)(5)(A).

Based on the Barna (2023) report findings, the OCCL has made a determination of "no historic properties affected."

SHPD concurs with the OCCL's determination of **no historic properties affected** for the proposed project. Pursuant to HAR §13-284-7(e), when the SHPD agrees that the action will not affect any significant historic properties, this is

Mr. Cain  
July 10, 2023  
Page 2

the SHPD's written concurrence and the historic preservation review ends. The historic preservation review process is ended. The permit issuance process may proceed.

The AA report meets the minimum requirements of HAR §13-284-5. **It is accepted.**

**SHPD requests the following revisions are included in the Final AA report:**

1. Run spell check and grammar check to correct the copy-editing errors throughout the draft AA.
2. Pg iv, Table, Table #2 listing: Table # 2 in the table list does not have a page listing for its location (it is currently labelled as Error! Bookmark not defined); please revise to include the Table 2's accurate page # (currently on pg 36).

Once the requested revisions have been completed, please send two hard copies of the document, clearly marked FINAL, along with a text-searchable PDF copy of the document and a copy of this acceptance letter to the Kapolei and Hilo SHPD offices, attention SHPD Library. Additionally, please upload a text-searchable PDF version of the AA report to HICRIS Project No. 2022PR00810 using the Project Supplement option and send a PDF copy to [lehua.k.soares@hawaii.gov](mailto:lehua.k.soares@hawaii.gov).

Attach to permit: If historic properties such as lava tube openings, concentrations of artifacts, structural remains or human skeletal remains are found during construction activities please cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808) 933-w7651.

Please contact Joshua Gastilo at [joshua.gastilo@hawaii.gov](mailto:joshua.gastilo@hawaii.gov) for questions regarding archaeological resources of this letter.

Aloha,  
*Susan A. Lebo*

Signed For  
Alan S. Downer, PhD  
Administrator, State Historic Preservation Division  
Deputy State Historic Preservation Officer

cc: James Leonard, [jmleonard@mac.com](mailto:jmleonard@mac.com)  
Carl and Anick Reese, [carl.reese@mac.com](mailto:carl.reese@mac.com)  
Matt Clark, [mclark@asmaffiliates.com](mailto:mclark@asmaffiliates.com)

**AREA TABULATIONS**

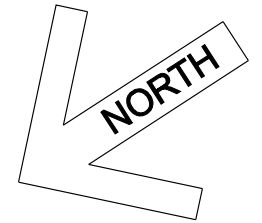
LOT AREA (.327 ACRES) 14,242 SQ FT  
 MAXIMUM DEVELOPED AREA ALLOWED 3,500 SQ FT

**PROPOSED DEVELOPED AREAS**

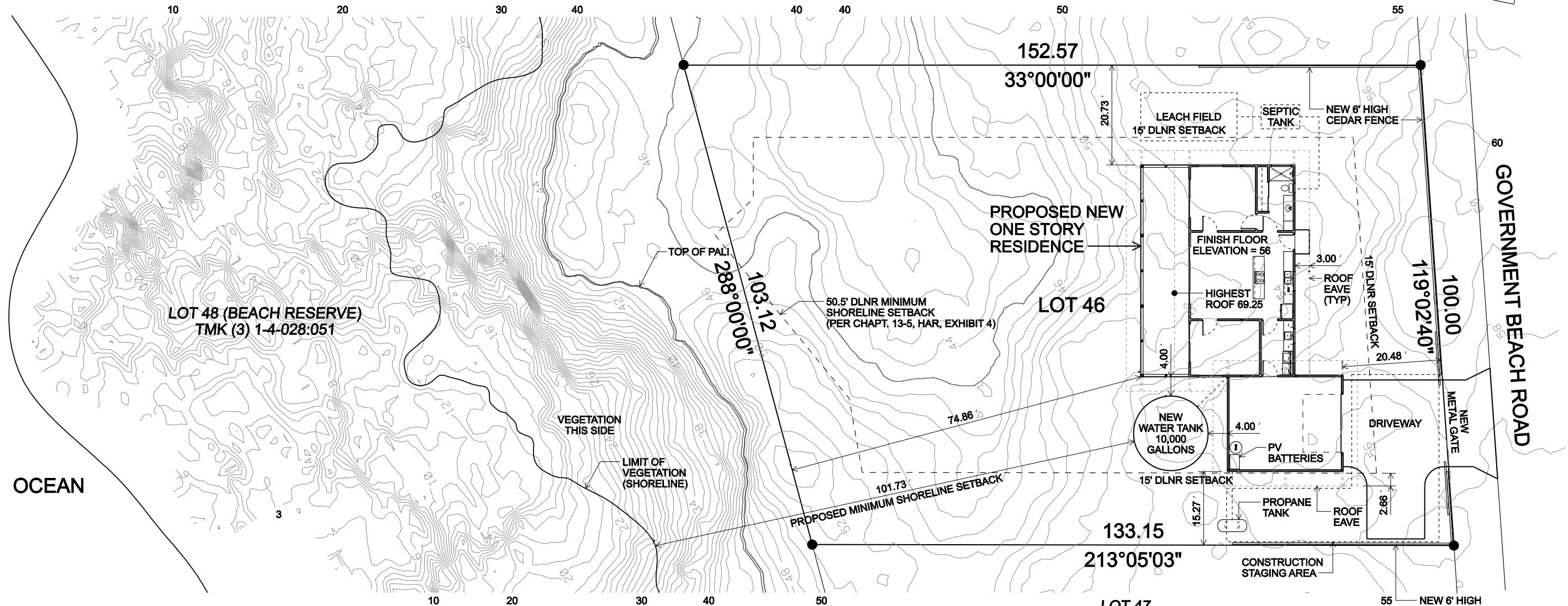
LIVING AREA 968 SQ FT  
 ENTRY LANDING AREA 15 SQ FT  
 LANAI AREA 440 SQ FT  
 GARAGE AREA 475 SQ FT  
 WATER TANK AREA 189 SQ FT  
 PROPANE TANK AREA 15 SQ FT  
 TOTAL OF PROPOSED DEVELOPED AREAS 2,102 SQ FT

**UTILITY TRENCH SPECIFICATIONS**

WASTEWATER LINE: 2' WIDE, 4' DEEP, 30' LONG  
 WATER LINE: 1.5' WIDE, 1.5' DEEP, 8' LONG  
 GAS LINE: 1.5' WIDE, 2' DEEP, 10' LONG



LOT 45  
 TMK (3) 1-4-028:006

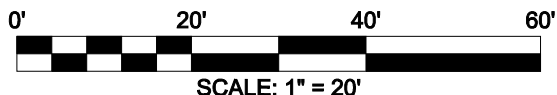


LOT 48 (BEACH RESERVE)  
 TMK (3) 1-4-028:051

OCEAN

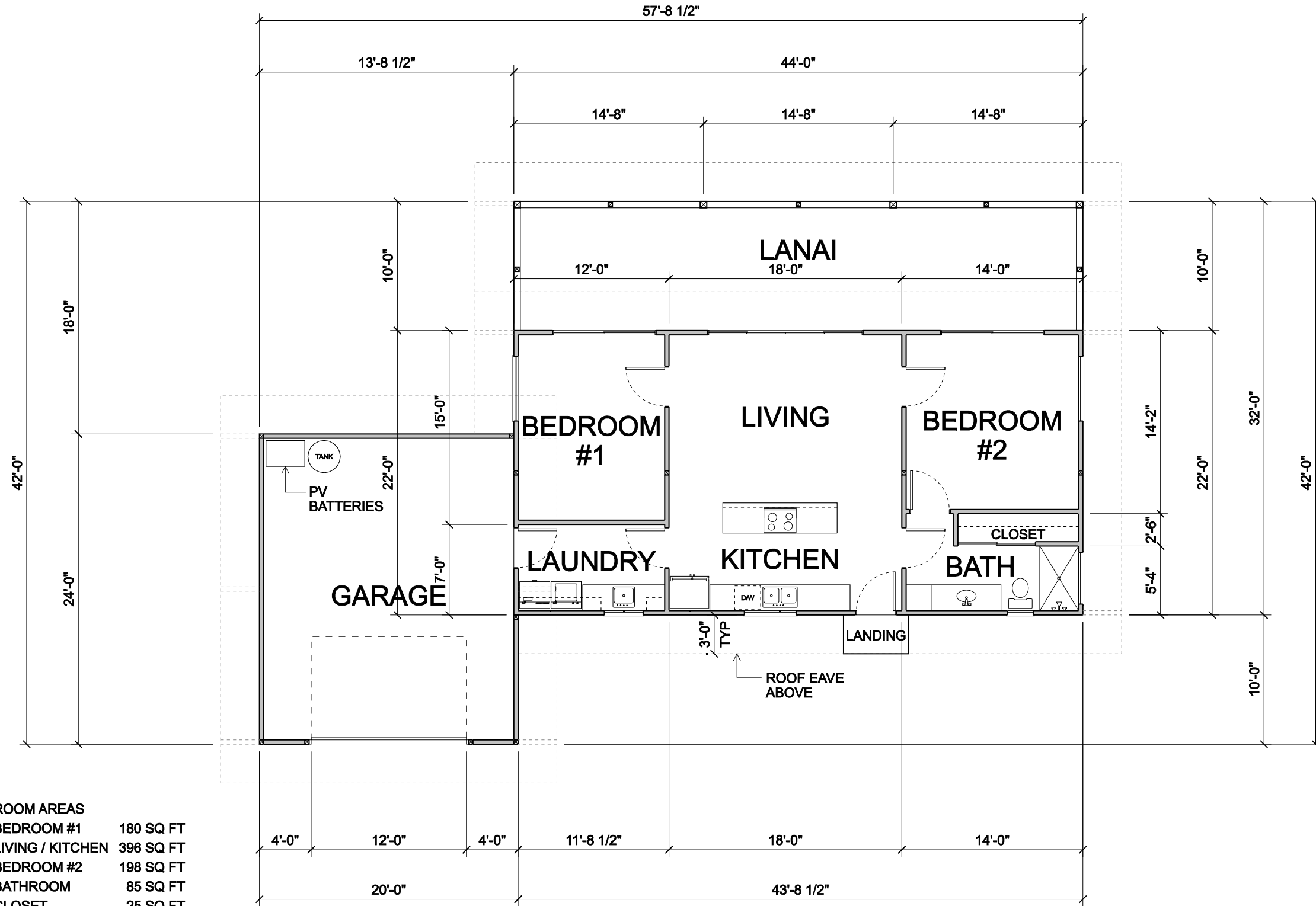
GOVERNMENT BEACH ROAD

**SITE PLAN**



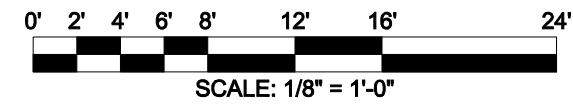
LOT 47  
 TMK (3) 1-4-028:004

A PROPOSED NEW RESIDENCE FOR:  
**CARL JOSEPH REESE & ANICK LEE REESE**  
 WAA WAA, PUNA, HAWAII  
 T.M.K. (3) 1-4-028:005 LOT 46  
 7/27/23

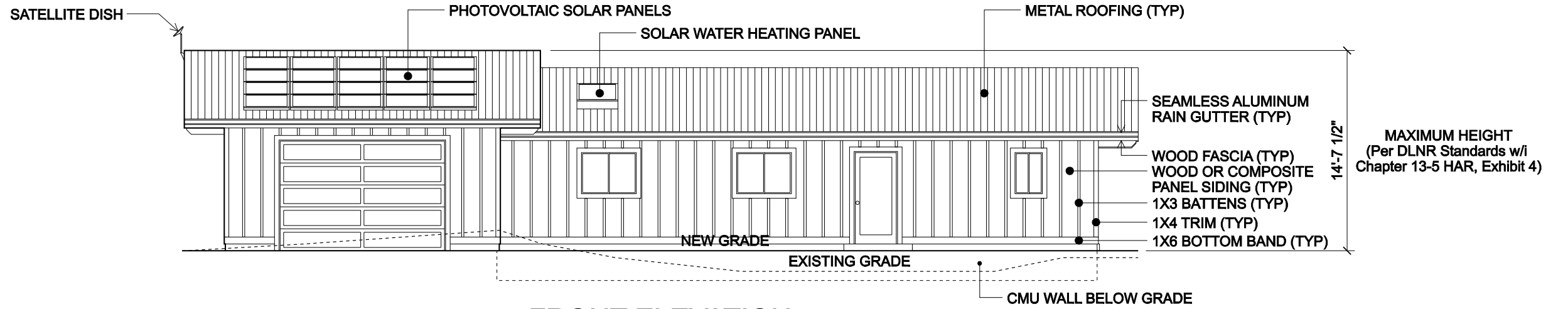


ROOM AREAS	
BEDROOM #1	180 SQ FT
LIVING / KITCHEN	396 SQ FT
BEDROOM #2	198 SQ FT
BATHROOM	85 SQ FT
CLOSET	25 SQ FT
LAUNDRY ROOM	84 SQ FT
LANAI AREA	440 SQ FT
GARAGE	475 SQ FT
<b>TOTAL</b>	<b>1,883 SQ FT</b>

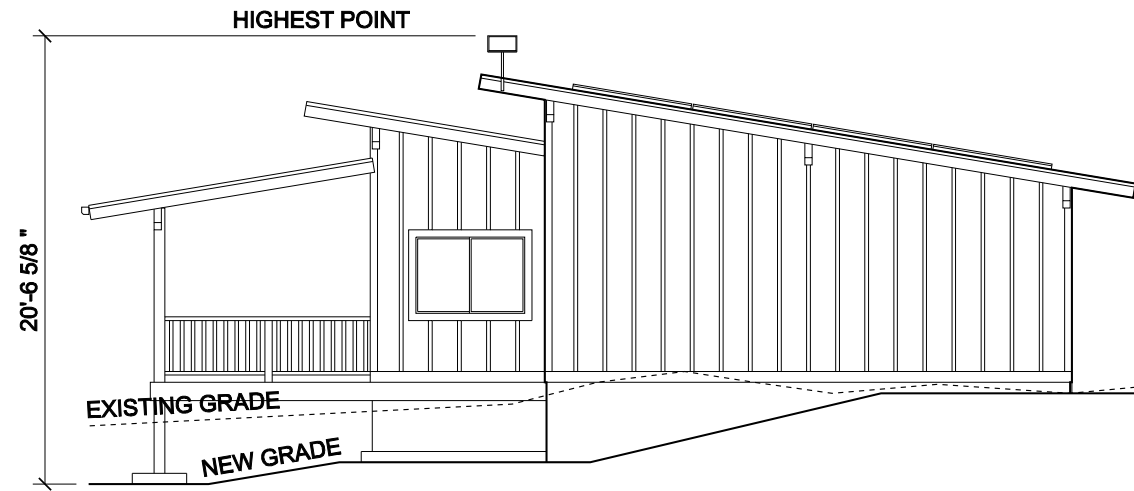
# FLOOR PLAN



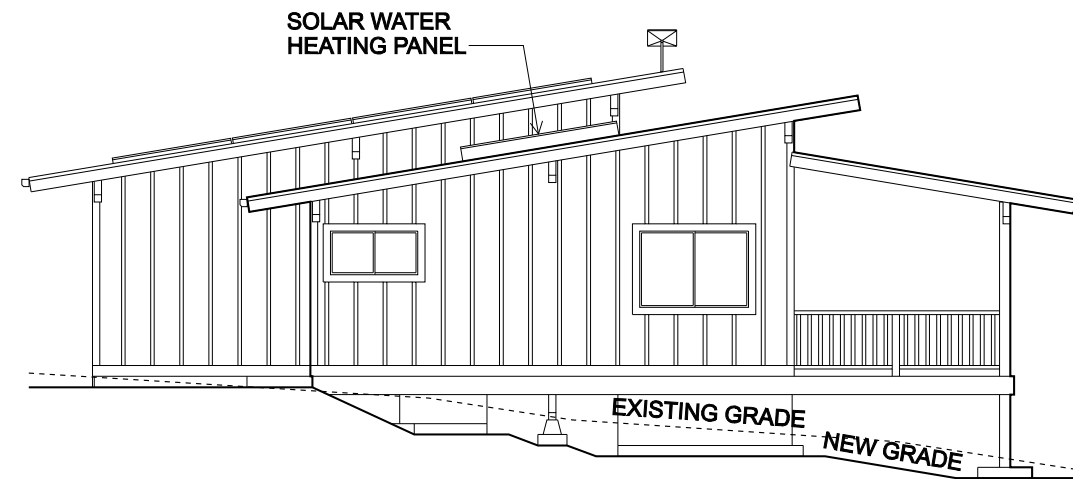
A PROPOSED NEW RESIDENCE FOR:  
**CARL JOSEPH REESE & ANICK LEE REESE**  
WAA WAA, PUNA, HAWAII  
T.M.K. (3) 1-4-028:005 LOT 46  
7/27/23



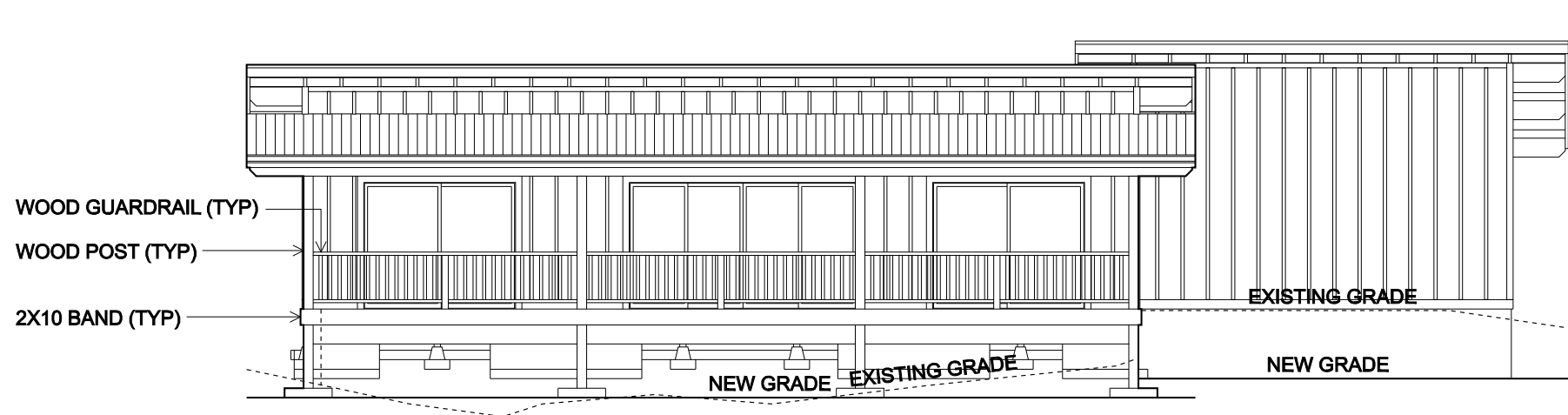
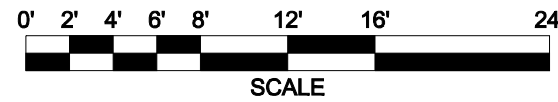
**FRONT ELEVATION**  
(SOUTH WEST)



**LEFT ELEVATION**  
(NORTH WEST)



**RIGHT ELEVATION**  
(SOUTH EAST)



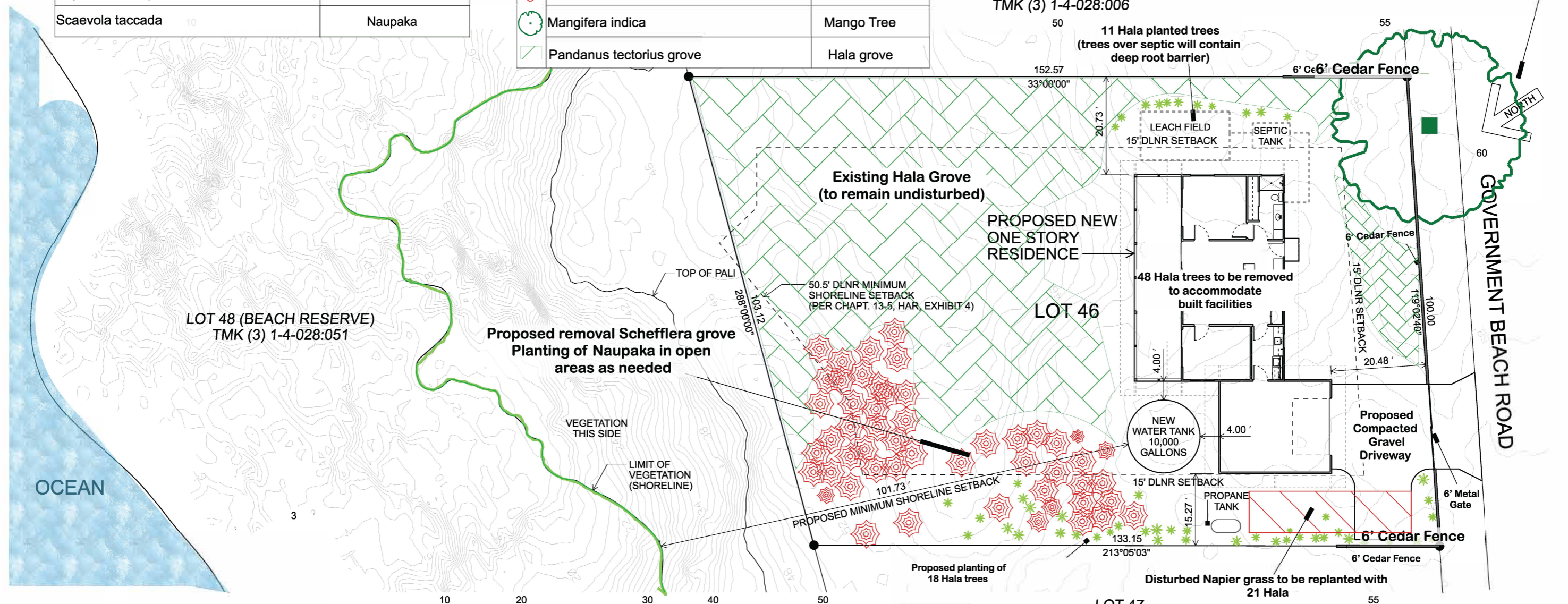
**REAR ELEVATION**  
(NORTH EAST)

A PROPOSED NEW RESIDENCE FOR:  
**CARL JOSEPH REESE**  
**& ANICK LEE REESE**  
WAA WAA, PUNA, HAWAII  
T.M.K. (3) 1-4-028:005 LOT 46 7/27/23



PLANT LIST	
Botanical Name	Common/Hawaiian
Pandanus tectorius	Hala
Phymatosorus grossus	Laua'e
Scaevola taccada	Naupaka

KEY	Scientific	Common/Hawaiian
	Pandanus tectorius (proposed)	Hala Tree
	Cenchrus purpureus	Napier Grass
	Schefflera actinophylla	Octopus Tree
	Mangifera indica	Mango Tree
	Pandanus tectorius grove	Hala grove



**LANDSCAPE PLAN**  
SCALE: 1" = 16'

Consultants: James Leonard Ron Terry Ph.D.  
Design: Gina DePasquale Carl Reese, CPI Anick Reese



A PROPOSED NEW RESIDENCE FOR:  
**CARL JOSEPH REESE & ANICK LEE REESE**  
WAA WAA, PUNA, HAWAII  
T.M.K. (3) 1-4-028:005 LOT 46

3/3/23



Mitchell D. Roth  
*Mayor*

Lee E. Lord  
*Managing Director*

West Hawai'i Office  
74-5044 Ane Keohokālole Hwy  
Kailua-Kona, Hawai'i 96740  
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Fax (808) 327-3563



**County of Hawai'i**  
PLANNING DEPARTMENT

2023 JUL 2  
WEST OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

Zendo Kern  
*Director*

Jeffrey W. Darrow  
*Deputy Director*

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

July 21, 2023

James M. Leonard  
56 Laukona St.  
Hilo, HI 96720  
VIA EMAIL

Dear Mr. Leonard:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(PL-SAA-2023-000169)**

**Applicant(s): Carl J. and Anick L. Reese**

**Landowner(s): Carl J. and Anick L. Reese**

**Project: Single-Family Residence and Related Improvements**

**TMK: (3) 1-4-028:005; Wa'awa'a, Puna District, Island of Hawai'i**

We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2023-000169), received by this office on July 7, 2023, with additional information received on July 10, 2023. The 14,242 square foot (sf) subject parcel is zoned Agricultural 3-acres (A-3a) by the County and designated Conservation by the State Land Use Commission (LUC). The subject parcel is designated as Open (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map.

The parcel is situated entirely within the Special Management Area (SMA); however, the project site is not located within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS) as there is a State-owned shoreline parcel between the subject parcel and the ocean. Additionally, a site visit by staff confirmed that there is fast land between the ocean and the makai property boundary of the subject parcel such that the proposed residence will be cited approximately 100-feet from the estimated shoreline location. Therefore, no shoreline certification is required for this SMA approval.

**Proposed Project:**

The applicant is proposing to construct an 1,883 square-foot, single story single-family residence consisting of two (2) bedrooms, one (1) bathroom, kitchen/dining area, living room, and an

James M. Leonard  
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individual wastewater system (IWS). The applicant is also proposing to construct 10,000-gallon water catchment tank, propane tank and pad, and the home will feature roof-mounted solar photovoltaic (PV) and solar hot water. The project also includes a compacted gravel driveway, and minimal landscaping to replace Hala trees cut for the house site.

Staff notes that as this proposed project is within the SLU Conservation District and as such, the applicant has submitted a Conservation District Use Application (CDUA) and Draft Environmental Assessment (DEA) for review and approval by the Department of Land and Natural Resources (DLNR).

**Special Management Area Determination:**

1. Pursuant to Hawai‘i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(2) relating to the Special Management Area, “*Development means any of the [listed] uses, activities, or operations on land or in or under water within the special management area.*” According to the application, the following definitions of “Development” can be applied to the proposed use:
  - *Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste.*
  - *Grading, removing, dredging, mining, or extraction of any materials; and*
  - *Construction, reconstruction, demolition, or alteration of the size of any structure.*
2. Pursuant to Hawai‘i Revised Statutes (HRS) §205A-22, as amended, “Development” does not include the following uses, activities, or operations, and therefore is determined to be exempt from the definition of “Development”:
  - *Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area, is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion, and is not part of a larger development.*
3. Pursuant to Planning Commission Rule 9-4(e)(4), “*whenever the Director finds that any excluded use, activity, or operation may have a cumulative impact, or a significant adverse environmental or ecological effect on the Special Management Area, that use, activity, or operation shall be defined as “Development” for the purposes of this rule.*”
  - Based on the information provided, the Director finds that the proposed development of a single-family residence and related improvements will not have a cumulative impact, or significant adverse environmental or ecological effect on the Special Management Area.

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Please note that any substantive changes to the proposed improvements, as well as any subsequent phases or activities may require further review by this office and possibly the submittal of another SMA Use Permit Assessment Application.

**Future Special Management Area Determinations:**

While further review of the proposed activities against the Special Management Area rules and regulations will not be required at this time, all other applicable Zoning and Building Code requirements must be satisfied.

Additionally, pursuant to Planning Commission Rule 9-10(g), *“the Director may impose certain conditions with the exemption determination to assure that the proposed use, activity, or operation does not have a substantial adverse effect on the Special Management Area.”* The Director has added the following conditions for the proposed project:

**Director’s Conditions:**

1. The applicant(s), its successor(s), or assign(s) (“Applicant”) shall be responsible for complying with all stated conditions of approval.
2. The Applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations, including a Conservation District Use Permit (CDUP).
3. Other than the proposed project as described in this determination, no further work is permitted under this approval.
4. The Applicant shall secure building permits for the proposed project within two (2) years from the date of the determination. If building permits have not been secured within that two (2) year period, this determination is automatically null and void, and a new Special Management Area Assessment Application must be submitted for review and approval.
5. The proposed work shall comply with the requirements of Hawai‘i County Code (HCC) Chapter 10, Erosion and Sedimentation Control.
6. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai‘i County Code.
7. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the



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demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

8. Any further development, including but not limited to, the construction of structures or improvements not included in this determination shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
9. That in issuing this determination, the Department has relied on the information and data that the applicant has provided in connection with this determination. If, subsequent to this determination, such information and data prove to be false, incomplete, or inaccurate, this determination may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this determination or require additional review against the Special Management Area rules and regulations.

If you have any questions, please contact Alex J. Roy of this office at (808) 961-8140 or via email at [Alex.Roy@hawaiiicounty.gov](mailto:Alex.Roy@hawaiiicounty.gov).

Sincerely,

Jeffrey W. Darrow

July 21, 2023: 12:57 PM

ZENDO KERN  
Planning Director

AJR:mds

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cc via email: Mr. Carl Reese  
GIS Section