

COUNTY OF HAWAI‘I PLANNING DEPARTMENT
BACKGROUND REPORT

ATLAS SURREY LLC
SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION
(PL-SMA-2025-000074)

ATLAS SURREY LLC has submitted the following application for a Special Management Area Use Permit for the after-the-fact construction of a one-story, approximately 1,809-square-foot single-family dwelling that includes five separate structures. The living space is divided between a 685-square foot main structure, two 198-square-foot detached bedrooms, and a 195-square foot detached laundry/bath. Additional development includes a 532-square-foot detached garage, a water tank, pump house, and related improvements on a 6.37-acre shoreline parcel within the Special Management Area. The subject property is located at 34-1230 Hawai‘i Belt Rd., approximately 0.4 miles southeast of the intersection of Hawai‘i Belt Road and Kaihuiki Road, Kahinano, Pohakupuka, North Hilo, Hawai‘i, TMK: (3) 3-4-003:021.

PROPOSED DEVELOPMENT

1. **Request:** Atlas Surrey LLC is requesting a Special Management Area (SMA) Use Permit for the after-the-fact (as-built) approval of a residential and agricultural development by Atlas Surrey LLC located at 34-1230 Hawai‘i Belt Road, North Hilo, Hawai‘i, identified by TMK (3) 3-4-003:021. The project site comprises 6.37 acres within the Special Management Area (SMA) and is zoned Agricultural 20 acres (A-20a). Notably, this parcel is a shoreline property bounded by an approximately 200-foot-high sea pali, which serves as the shoreline. The as-built development includes a single-family dwelling and multiple accessory structures. The residential improvements are confined to roughly 0.5 acres of the parcel and are complemented by approximately 1.5 acres of lychee orchard. The residential complex includes: A main dwelling with approximately 256 sq. ft. of interior living space and 500 sq. ft. of lanai/storage, two (2) detached trailered bedrooms, each with around 120 sq. ft. of interior space and 100 sq. ft. of lanai, a detached laundry/bath structure of 150 sq. ft. interior and 85 sq. ft. lanai space, a detached garage with 435 sq. ft. of enclosed space and 85 sq. ft. of lanai, and a rainwater catchment tank, pump house, and associated infrastructure. No certified shoreline survey is required due

to the topographic cliff barrier, but a 2024 site survey has been included to establish compliance with shoreline setback rules. **(Planning Department Exhibit 1 – SMA Use Permit Application Packet dated February 27, 2025).**

2. **Project Objectives:** The purpose of the project is for after-the-fact SMA Use Permit approval for an already-developed agricultural-residential homestead.
3. **Cost/Time of Project:** The total estimated cost of the project is \$510,000, which exceeds the \$500,000 threshold for requiring an SMA Major Use Permit. The project will begin as soon as all permits and approvals are granted.
4. **Landowner:** Atlas Surrey LLC

BACKGROUND INFORMATION

5. **Chapter 343, HRS:** The proposed improvements are not subject to the requirements of Chapter 343, Hawai'i Revised Statutes regarding Environmental Impact Statements as there is no work proposed within either the Conservation District or the Shoreline Setback Area.
6. **Building Permit B2022-1289:** This was a demolition permit for a historic single-family residence that previously existed on the property. The demolition was approved and completed in 2022.

STATE AND COUNTY PLANS

7. **State Land Use Designation:** Agriculture and Conservation (coastal Pali only).
8. **General Plan LUPAG MAP:** Open (ope) and Important Ag. Lands (ial).
9. **County Zoning:** Agricultural 20-acres (A-20a).
10. **Hamakua Community Development Plan (HCDP):** The Hamakua Community Development Plan was developed under the framework of the February 2005 County of Hawaii General Plan and was adopted in 2018 via Ordinance 2018-78 by the Hawaii County Planning Commission.
11. **Special Management Area (SMA):** The entire project area is located within the Special Management Area (SMA) as well as located within the "shoreline area" as defined by section 205A-41, Hawai'i Revised Statutes (HRS). Based on the project being completed the Director did not require a certified shoreline survey, however, an un-certified

shoreline survey to determine the location of the top-of-pali was required by the Planning Director and submitted as part of the application.

DESCRIPTION OF PROJECT AREAS AND SURROUNDING AREA

12. **Subject Project Area:** The landscape of the parcel features gently sloping terrain from mauka to makai, terminating in the steep coastal pali. The upper portion of the parcel, where development is concentrated, consists of moderately weathered volcanic soils typical of the Hāmākua coast. The site is accessible via a shared driveway from the Hawai‘i Belt Road and is bordered by other agricultural parcels and undeveloped land. The general floral composition of the property includes both cultivated and natural vegetation. The majority of the parcel is overgrown with grass and shrubs, with several larger native and non-native trees interspersed throughout. Approximately 1.5 acres of the property is planted in lychee (*Litchi chinensis*) orchard, which represents the principal agricultural use. Other portions of the site support common tropical vegetation such as guava, ti, and ferns, reflecting a mixture of introduced and endemic species that are typical of disturbed agricultural lands in the region. The property is bounded on the makai side by an approximately 200-foot-high sea cliff (pali), which forms a natural barrier separating the developable upland area from the ocean and serves as the official shoreline boundary. The site sits at an elevation of around 220 feet above sea level and is situated outside of both the 500-year flood zone (Flood Zone X) and the tsunami evacuation zone, indicating relatively low risk from coastal inundation.
13. **Surrounding Land Zoning/Uses:** The surrounding land uses are largely consistent with the agricultural 20-acre (A-20a) zoning designations. Adjacent and nearby properties are predominantly undeveloped or sparsely developed agricultural lands, with a mix of orchards, pastures, and rural homesteads. Many neighboring parcels contain limited residential development—often in the form of farm dwellings or accessory agricultural structures—and are characterized by similarly overgrown or partially cultivated landscapes. No commercial or industrial land uses are present in the immediate vicinity. The area retains a predominantly rural and agricultural character, with development intensity being low and dispersed. The project’s as-built improvements, consisting of a small residential footprint and lychee orchard, are compatible with both the A-20a zoning

and the existing land use pattern in the surrounding area.

14. **Soil Type:** The subject parcel consists of Akaka silty clay loam (soil map unit 275), which is a well-drained soil type commonly found along the Hāmākua Coast. This soil is typically derived from volcanic ash and supports a variety of agricultural uses, including orchard crops like lychee. The Akaka series is generally characterized by moderate to high fertility and good moisture retention, making it well-suited for cultivation.
15. **Land Study Bureau's Detailed Land Classification System:** The subject property is classified as “Class B” (Good) under the LSB system. This classification reflects lands with good potential for agricultural productivity.
16. **Flood Insurance Rate Map (FIRM):** The subject property is located within FEMA Flood Zone X, which denotes areas outside the 500-year floodplain and considered to be of minimal flood hazard.
17. **Flora/Fauna Resources:** The flora and fauna of the project site reflect a mix of cultivated, introduced, and naturalized species typical of the rural Hāmākua Coast. Floral species on the site include both agricultural plantings and opportunistic vegetation. A notable cultivated species is lychee (*Litchi chinensis*), a non-native fruit tree occupying approximately 1.5 acres in orchard rows. Other introduced and commonly found species observed on the site include guava (*Psidium guajava*), ti (*Cordyline fruticosa*), and various grasses and ferns, many of which are naturalized or invasive. There is no indication of rare, threatened, or endangered plant species on the property, and the vegetative cover largely consists of secondary growth consistent with long-term agricultural or residential disturbance. The faunal composition of the site includes a typical assemblage of species found in disturbed rural landscapes in East Hawai‘i. Observed or expected species include coqui frogs (*Eleutherodactylus coqui*), as well as common avian species such as the common myna (*Acridotheres tristis*), spotted dove (*Spilopelia chinensis*), and zebra dove (*Geopelia striata*), all of which are non-native. Domesticated animals, such as chickens, may also be intermittently present. The applicant did not observe any native or listed endangered animal species on-site, and no critical habitat areas are identified within the parcel boundaries. Overall, the biological profile of the property reflects that of a previously cleared and actively used agricultural

parcel with limited native habitat value.

18. **Archaeological Resources:** The project site does not contain any known or documented archaeological or historic resources. The applicant conducted a literature review using the Hawai‘i State Historic Preservation Division (SHPD) records and GIS database to assess the cultural and archaeological sensitivity of the area. This review indicated that no previously recorded archaeological sites exist within the boundaries of the subject parcel. Furthermore, the property is located in an area where past land use—primarily agricultural and low-density rural development—has typically resulted in limited cultural site density, particularly given the site’s elevation and distance from traditional coastal settlement zones. The steep sea cliff (pali) that bounds the makai side of the property also makes traditional coastal access unlikely. Based on the lack of known archaeological features and the disturbed nature of the area due to past development and clearing, the potential for subsurface cultural resources is considered low. At the time of the application, no formal archaeological inventory survey (AIS) had been conducted, and no cultural materials, artifacts, or features were discovered during development of the as-built structures. However, the applicant acknowledges that in the event any inadvertent discoveries are made during future construction or excavation activities, work will cease and appropriate protocols under Hawai‘i Revised Statutes Chapter 6E will be followed, including notification to SHPD. Staff notes that a Ch. 6E-42 review request was submitted to SHPD for the proposed project; to date no response has been provided.
19. **Cultural/Historic Resources:** The cultural and historical resources review for the subject property indicates no known traditional cultural properties, practices, or historic sites occur within the project boundaries. As part of the application, a review of State Historic Preservation Division (SHPD) records and regional cultural studies was conducted. This review found no documented cultural sites or known traditional land uses specifically associated with the parcel. The property lies within the historical ahupua‘a of Kahuku, in the moku of Hāmākua, a region known for traditional Hawaiian agriculture, including wetland taro and dryland farming in suitable areas. However, the project site is located at an elevation of approximately 220 feet above sea level and is bounded by a steep sea cliff, which would have made traditional coastal access difficult.

These topographic features, along with the parcel's agricultural zoning and history of prior disturbance, reduce the likelihood that the site served as a locus of traditional cultural practices. No oral history interviews or community consultations were required as part of the application, and no evidence of customary or historic use was identified by the applicant. Thus, based on current available information, there are no known cultural or historical resources on the project site. Staff notes that a Ch. 6E-42 review request was submitted to SHPD for the proposed project; to date no response has been provided.

20. **Recreational/Scenic and Open Space Resources:** The project site is primarily an agricultural parcel and does not contain any designated recreational, scenic, or open space resources within its boundaries. The property is bounded by a steep 200-foot-high sea cliff (pali), which effectively eliminates direct coastal access and precludes any practical use of the shoreline for recreation or traditional access. As a result, there are no formal or informal trails, beach access routes, or public recreation areas on or directly adjacent to the property. The site is fully enclosed with fencing and is privately owned, with existing residential and agricultural use occupying a small portion of the upland area. The nearest known shoreline access is located at Kolekole Beach Park, which lies approximately 4.7 miles to the south of the project site along Hawai'i Belt Road (Highway 19). This County beach park provides coastal access for recreational use, including fishing, picnicking, and swimming. There are no known public coastal trails or lateral shoreline access routes near the subject parcel.
21. **Coastal Hazards:** The project site is not subject to significant coastal hazards due to its elevated position atop a steep 200-foot-high sea cliff (pali), which forms a natural shoreline barrier along the makai edge of the property. According to the Flood Insurance Rate Map (FIRM), the entire parcel lies within Flood Zone X, indicating that it is located outside of the 500-year floodplain and is considered to have minimal flood risk. Additionally, the property is located outside the tsunami evacuation zone, and there are no recorded impacts from storm surge, wave run-up, or sea level rise affecting this site. In terms of stormwater run-off, the as-built development is limited in scale and confined to approximately 0.5 acres of the 6.37-acre property. The modest building footprints and use of permeable surfaces—including open gravel driveways and surrounding vegetative

buffers—minimize impervious areas and help manage overland flow. The site's gently sloping topography allows for natural infiltration of rainfall and surface water, and no engineered drainage structures are proposed or required. Overall, the as-built development poses no identifiable risk to coastal water quality or marine resources, as there is no erosion, sedimentation, or pollutant discharge anticipated. The presence of a large, vegetated buffer between the built area and the pali contributes to natural stormwater filtration. Consequently, the project site is considered to have a low risk for coastal hazards, and the as-built improvements do not contribute to or exacerbate any adverse environmental impacts to the shoreline or nearshore coastal zone.

PUBLIC UTILITIES AND SERVICES

22. **Access:** The site is accessed from Hawai'i Belt Road (Highway 19) via a private driveway, which provides direct vehicular access to the developed portion of the property situated on the makai side of the highway.
23. **Water:** Potable water for the project site is provided by an on-site rainwater catchment system, as the property is located outside the service area of the County of Hawai'i Department of Water Supply (DWS). There is no DWS water infrastructure in the immediate vicinity, and the parcel is not eligible for connection to a public water system. The as-built development includes a dedicated catchment tank and pump system that supplies water for domestic use.
24. **Wastewater:** Wastewater for the project site is managed through an individual wastewater system (IWS), serving the as-built residential structures. As part of the permitting process, the applicant consulted with the State of Hawai'i Department of Health (DOH), which indicated that an upgrade or formal approval of the existing IWS may be required to ensure compliance with current wastewater regulations. The applicant intends to coordinate with DOH to secure any necessary approvals or modifications to bring the system into full regulatory compliance.
25. **Other Essential Utilities and Services:** Electricity, telephone, and internet services are available to the site.

AGENCIES' COMMENTS

26. **DLNR - Engineering: (Planning Department Exhibit 2 – June 18, 2025, Memo).**

27. State Office of Planning and Sustainable Development (OPSD): (Planning Department Exhibit 3 – June 25, 2025, Letter).

AGENCIES - NO RESPONSE

28. County Dept. of Public Works – Engineering & Building; County Dept. of Environmental Management, County Fire Dept.; DLNR- SHPD; State Dept. of Health

AGENCIES – NO COMMENTS

29. Department of Water Supply; County Police; DLNR - OCCL

PUBLIC COMMENTS

30. No comments have been received.

SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION

COUNTY OF HAWAII PLANNING COMMISSION

(Type or legibly print the requested information)

APPLICANT(S): Atlas Surrey LLC

APPLICANT'S SIGNATURE: Crystal Hefner DATE: Feb 27 2025 16:34 PST

ADDRESS: 7119 W Sunset Blvd, #1210, Los Angeles, CA 90046

LIST APPLICANT'S INTEREST (if not owner): _____

PHONE: (Bus.) 310-926-4126 (Res.) _____ (Email) hefnercrystal@gmail.com

REQUEST: To permit an after the fact farm dwelling, garage and associated improvements

TAX MAP KEY: (3) 3-4-003:021 ZONING: A-20a

SIZE OF PROPERTY / AREA OF REQUESTED USE: 6.37 acres / 0.5 acres

LANDOWNER(S): Atlas Surrey LLC

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION

(may be provided by letter with the below statement included):

DATE: _____

Crystal Hefner
DATE: Feb 27 2025 16:34
PST

AGENT: Land Planning Hawaii - John Pipan

AGENT ADDRESS: 194 Wiwoole St, Hilo, HI 96720

PHONE: (Bus.) 808-333-3393 (Res.) _____ (Email) info@landplanninghawaii.com

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: Agent COPIES: Applicant

Planning Dept. Exhibit <u>1</u>

**SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION
ALTAS SURREY LLC
WAIKAUMALO-MAULUA HOMESTEADS, NORTH HILO, HAWAII
TMK: (3) 3-4-003:021**

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EXHIBITS

- Exhibit A: Archaeological Field Investigation Report
Exhibit B: State Historic Preservation Division “No Effect” Letter

I. BACKGROUND INFORMATION

A. EIS

The proposed project was evaluated with respect to Hawai‘i Revised Statutes Chapter 343-5 and no triggers were identified. Therefore, further environmental review should not be required beyond what is detailed in this report.

B. Project Description

Atlas Surrey LLC (“**applicant**”) is seeking a Special Management Area Use Permit for the after-the-fact construction of a single-family dwelling and associated improvements on the subject property. The property is located at 34-1230 Hawai‘i Belt Rd., North Hilo, Hawai‘i approximately 0.4 miles southeast of the intersection of Hawai‘i Belt Road and Kaihuiki Road in North Hilo, Hawai‘i (**Figure 1**). It is identified by Tax Map Key (3) 3-4-003:021.

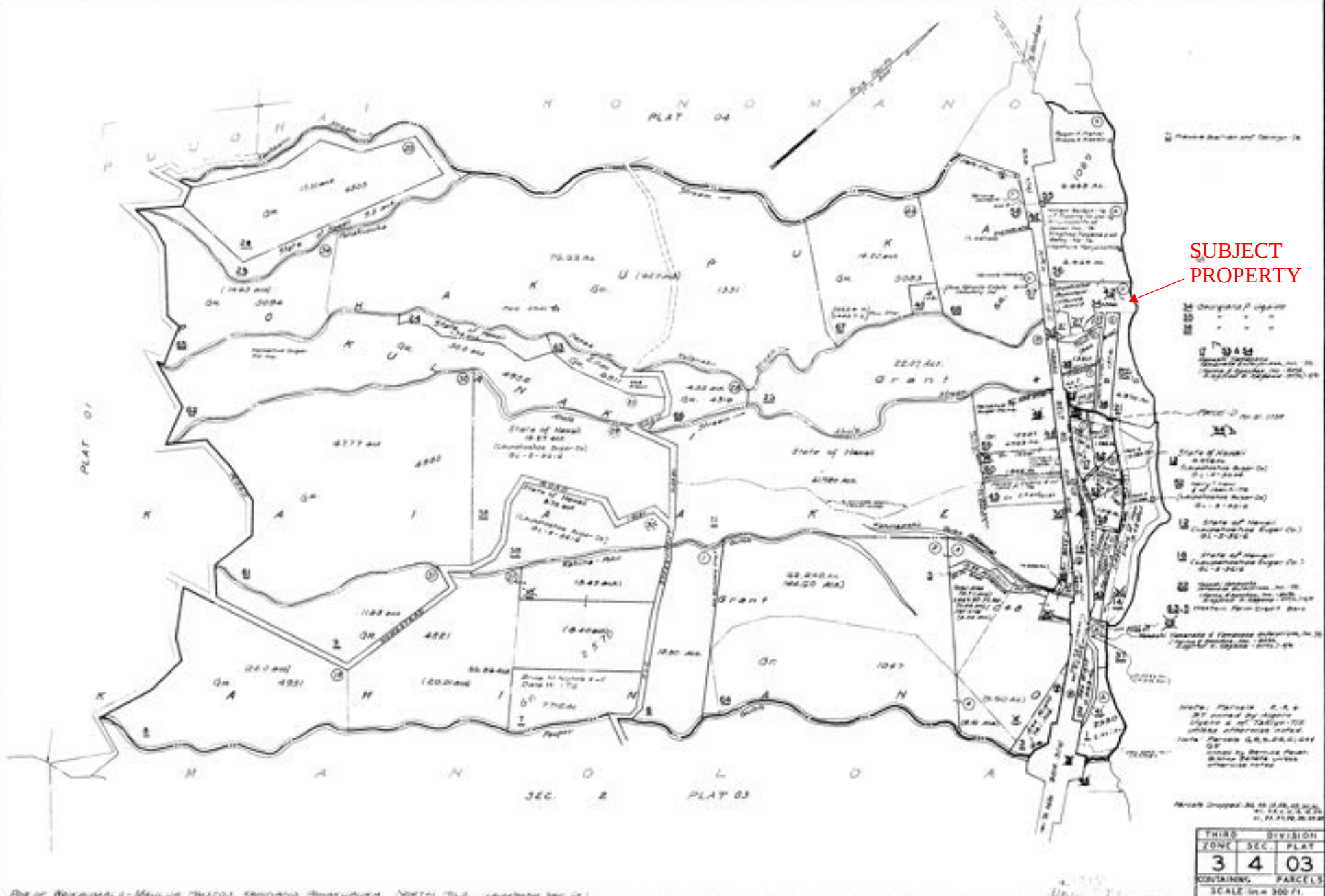
It is a shoreline parcel located within the Special Management Area (SMA). The makai boundary of the property terminates at an approximately 200-foot high sea pali as depicted in the attached survey (**Figure 2**). The sea pali, therefore serves as the shoreline.

The parcel consists of 6.37 acres of land zoned Agricultural 20 acres (A-20a). Approximately 1.5 acres of the property contains a productive lychee farm. The “As-Built” dwelling and associated improvements are contained to an approximately 0.5-acre portion of the property. The dwelling contains three (3) bedrooms and totals approximately 650 square feet of living space and 1,300 square feet of accessory space. The living space is divided between the approximately 256-square foot main structure, two approximately 120-square foot detached trailered bedrooms and an approximately 150 square foot detached laundry/bath structure. The main structure also contains approximately 500-square feet of lanai/storage space, each detached bedroom contains approximately 100-square feet of lanai space and the laundry/bath structure contains approximately 85-square feet of lanai space. Additionally, the property also contains an approximately 435-square foot detached garage with an 85 square foot lanai, a water tank and small water pump house. Site, floor plans and elevation drawings are attached as **Figures 3-8**. The applicant intends to use the “As-Built” dwelling as a residence.

The applicant wishes to pursue after-the-fact SMA approval for the single-family dwelling, including the detached bedrooms, detached laundry/bath structure, the detached garage and associated improvements.

Upon obtaining SMA approval, the applicant intends to pursue “As-Built” building permits for all unpermitted improvements.

Copy No. 2222
 Survey: The Main Section & Section Chart
 No. 2222-03-1933



**SUBJECT
PROPERTY**

THIRD DIVISION		
ZONE	SEC.	PLAT
3	4	03
CONTAINING PARCELS		
SCALE 1 in. = 300 ft.		

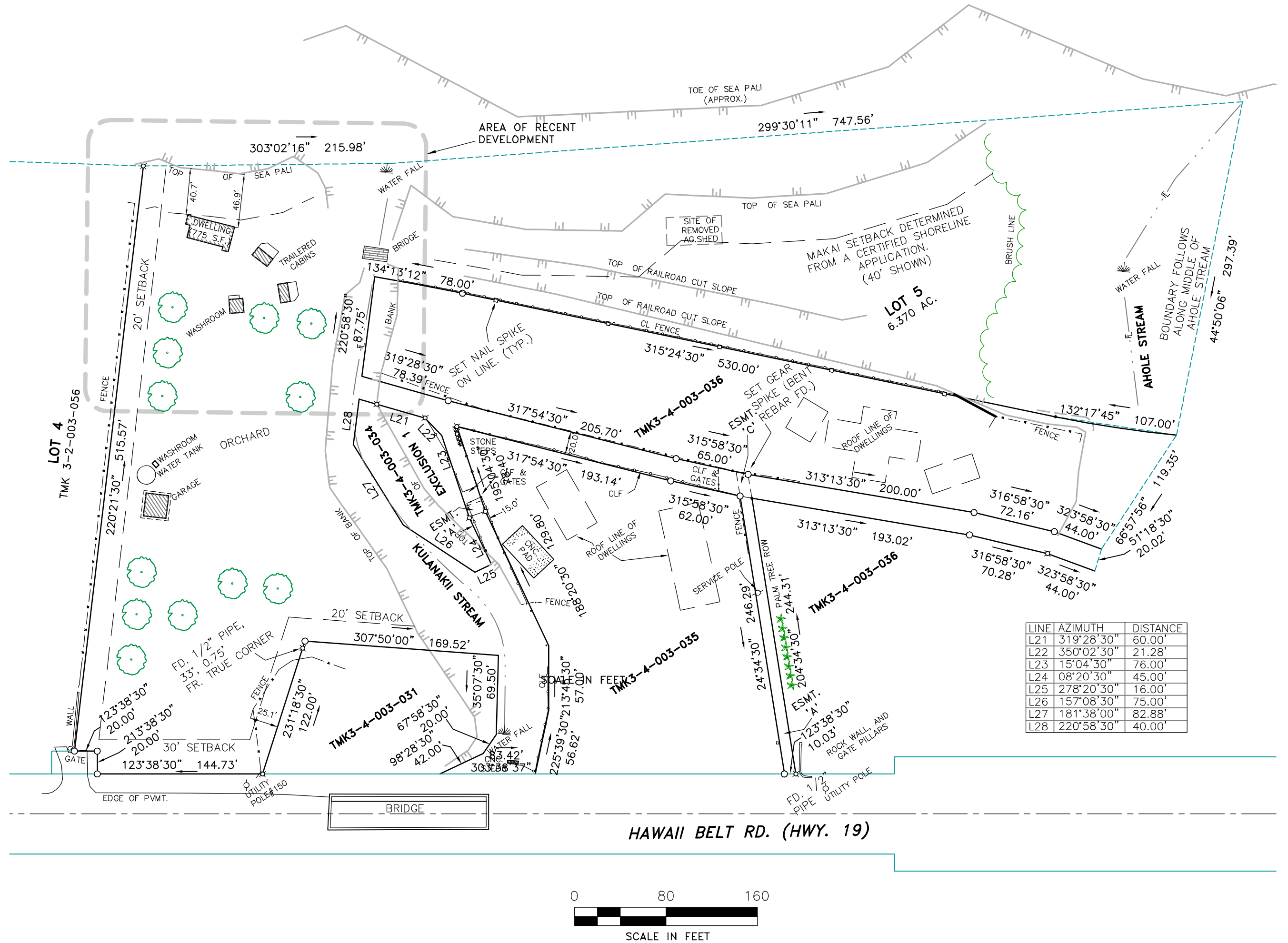
FIGURE 1



VICINITY MAP
NO SCALE



NEW IMPROVEMENTS,
VIEWING MAUKA



NOTES:

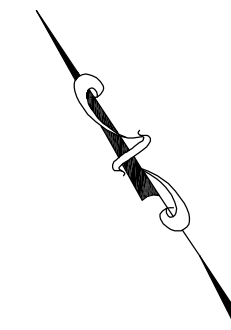
- Various field surveys completed Jan.6, 2022 to Sep. 2024.
- Courses are record dimensions per:
Plan of Consolidation and Resubdivision approved May 1985 by HCPD as SUB#5245
- Owners:
ATLAS Surrey LLC
7119W.Suset Blvd. #1210
Los Angeles, CA. 90046-4411
- Site Address:
34-1230 Hawaii Belt Road (Hwy. 19)
Ninole, HI. 96773
- Land Use Zone: A-20a

Easements servient by Lot 5:

- Esmt A appurtenant to tmk parcels 035, 022 and 036 for access purposes.
- Esmt B appurtenant to tmk parcel 036 for access purposes.
- Esmt. C appurtenant to tmk parcel 035 for access purposes.

- FD, REBAR AT LOT CORNER, UNLESS NOTED OTHERWISE
- FD, 1/2"PIPE AT LOT CORNER
- SET 3/4" IRON PIPE IP UNLESS NOTED OTHERWISE

Exhibit Map
Lot 5,
Being Portions of Grant 2150 to
Nakaikuaana and Grant 1029 to Kahapa
Sited at Kulanakii and Pohakupuka, No. Hilo,
Island and County of Hawaii, Hawaii
TMK(3) 3-4-003:036



This work was prepared by me
or under my direct
supervision.
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PLS 11245

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ATLAS SURREY LLC
TMK (3) 3-4-003:021
SITE PLAN OF PROJECT AREA

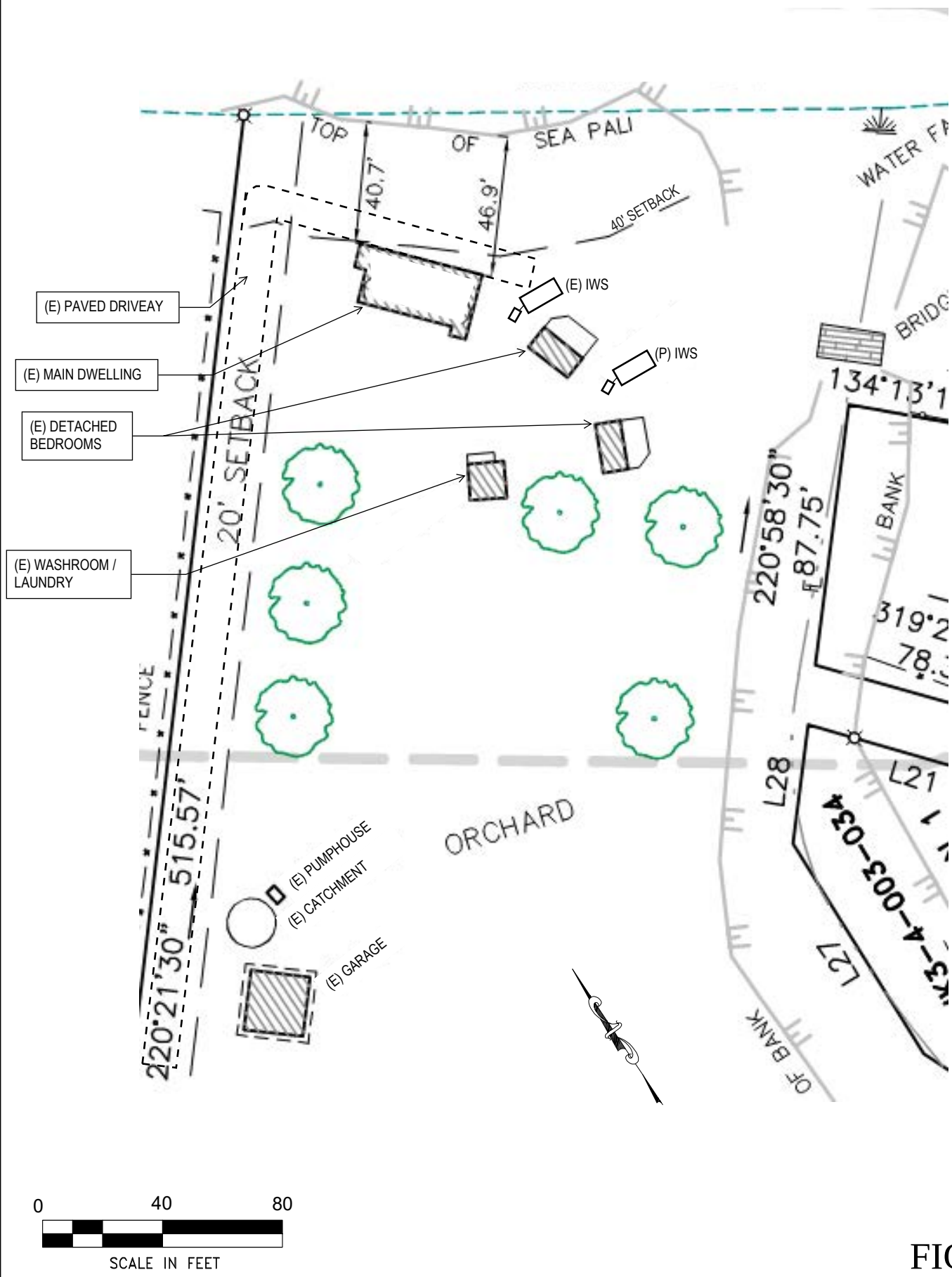
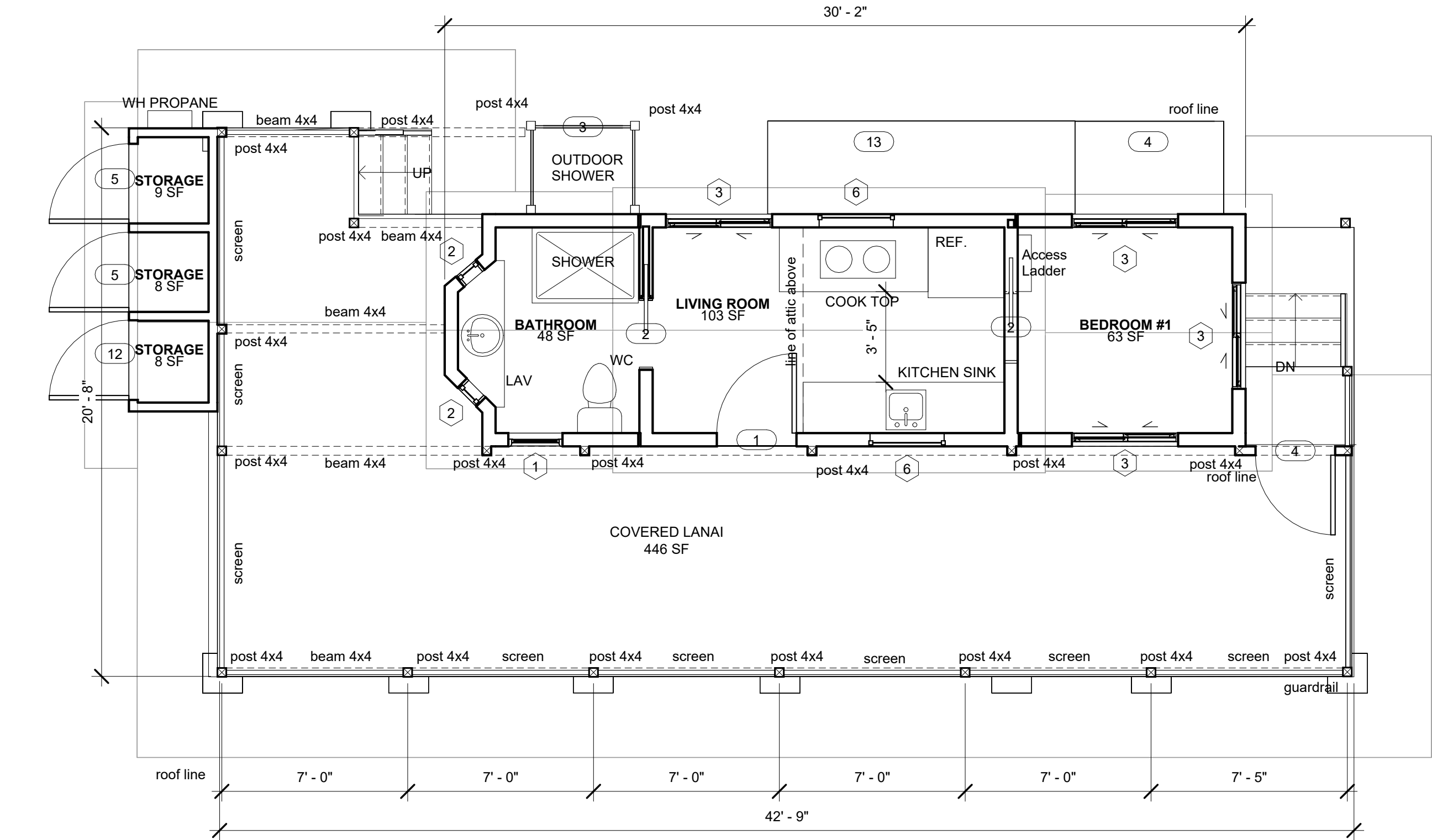


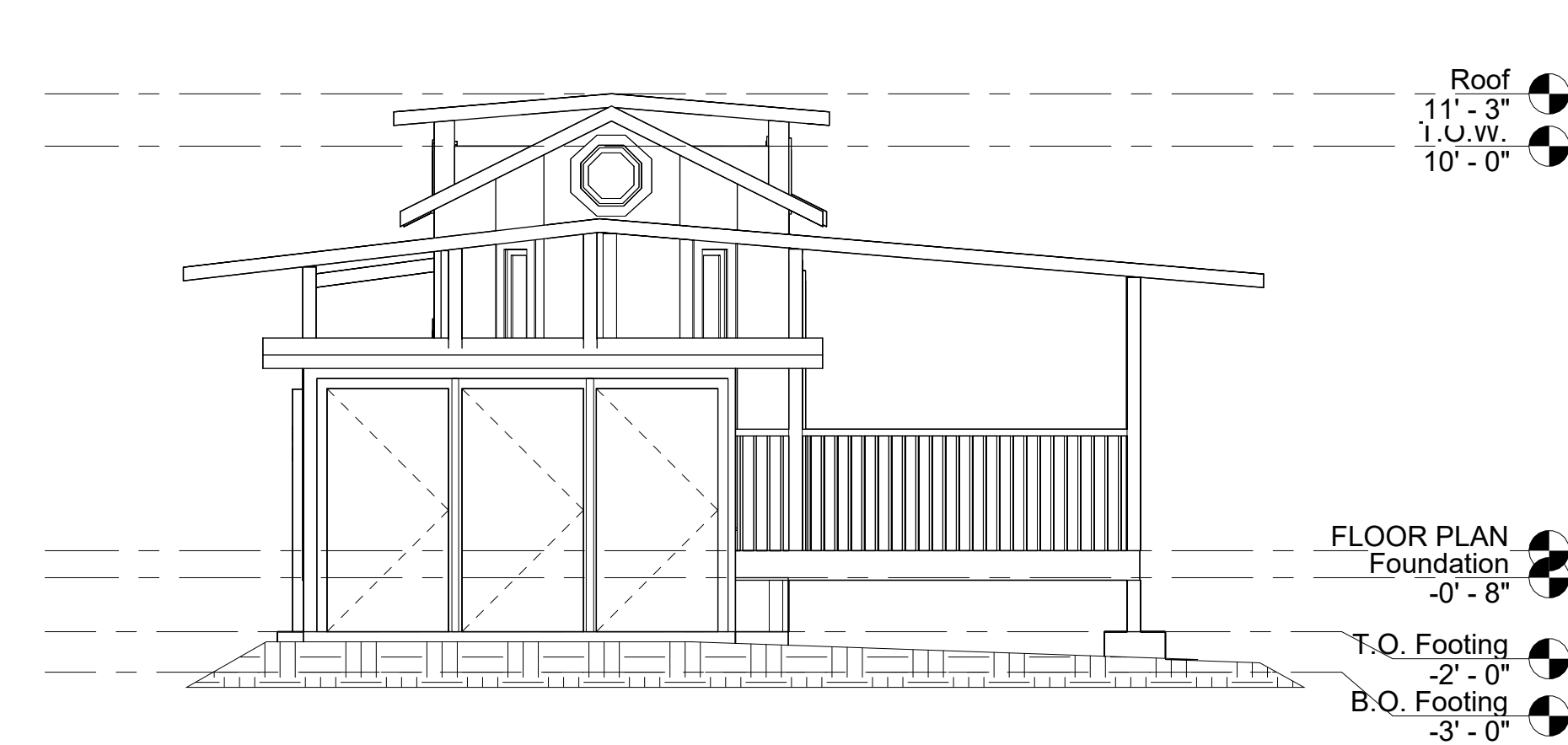
FIGURE 3

Window Schedule				
Type Mark	Rough Opening		Count	Comments
	Width	Height		
1	2' - 0"	3' - 0"	1	HUNG
2	1' - 0"	7' - 0"	2	
3	4' - 0"	4' - 0"	4	SLDR
4	3' - 0"	1' - 6"	4	AWNING
5	2' - 0"	2' - 0"	1	
6	3' - 0"	1' - 6"	2	AWNING
7	1' - 6"	1' - 6"	2	

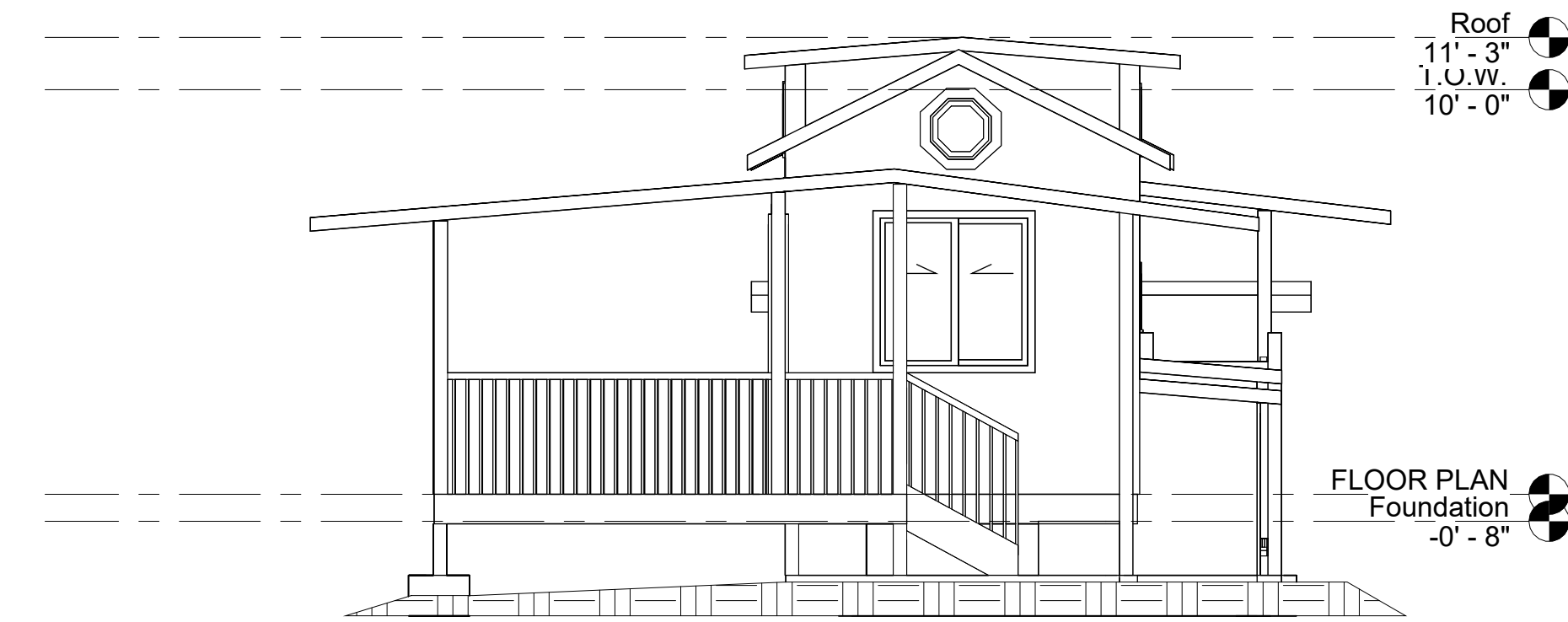
Door Schedule				
Door Type	Door Size	Count	Finish	
			Comments	
1	36" x 80"	1		
1	36" x 80"	1		
2	2.8'x6.8'	1		
2	2.8'x6.8'	1		
3	36" x 48	1		
4	4 x4	1		
4	4 x4	1		
5	36" x 72"	1		
5	36" x 72"	1		
5	36" x 72"	1		



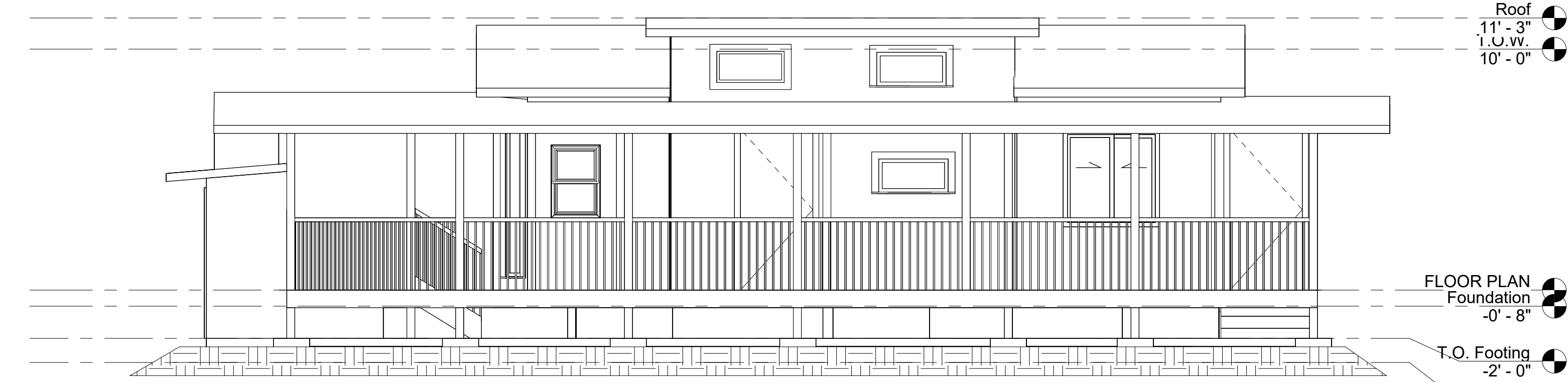
① FLOOR PLAN
1/4" = 1'-0"



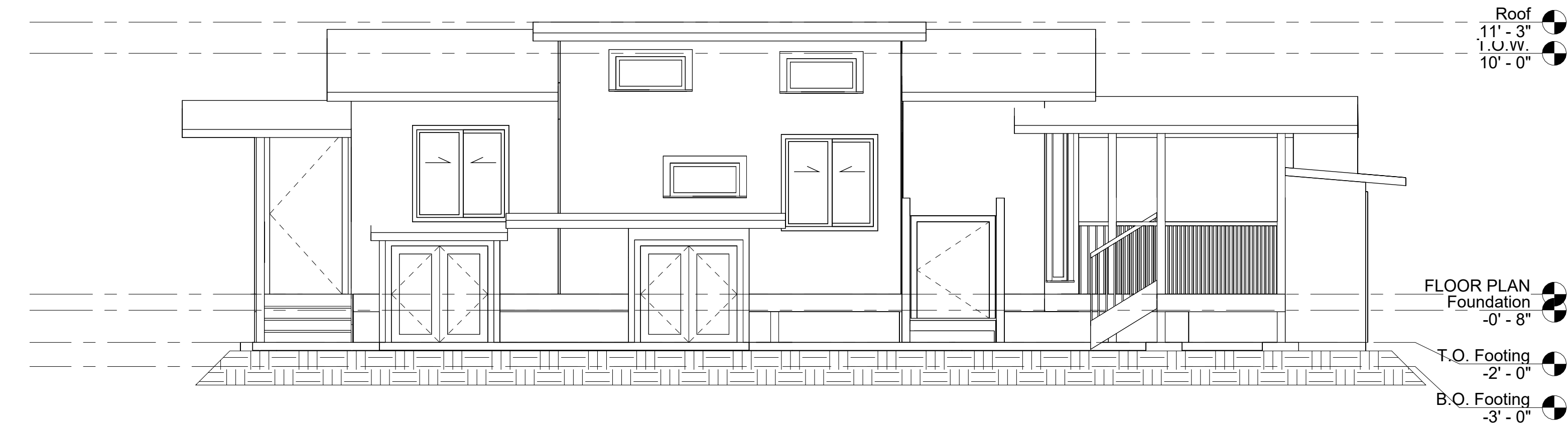
④ LEFT
1/4" = 1'-0"



⑤ RIGHT
1/4" = 1'-0"



② FRONT
1/4" = 1'-0"



③ REAR
1/4" = 1'-0"

FIGURE 4

AREA TABULATION

INTERIOR 214 SF
ACCESSORY 471 SF

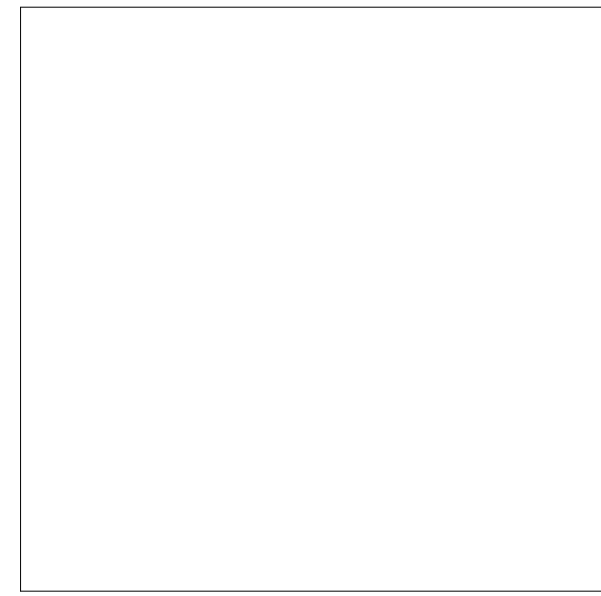
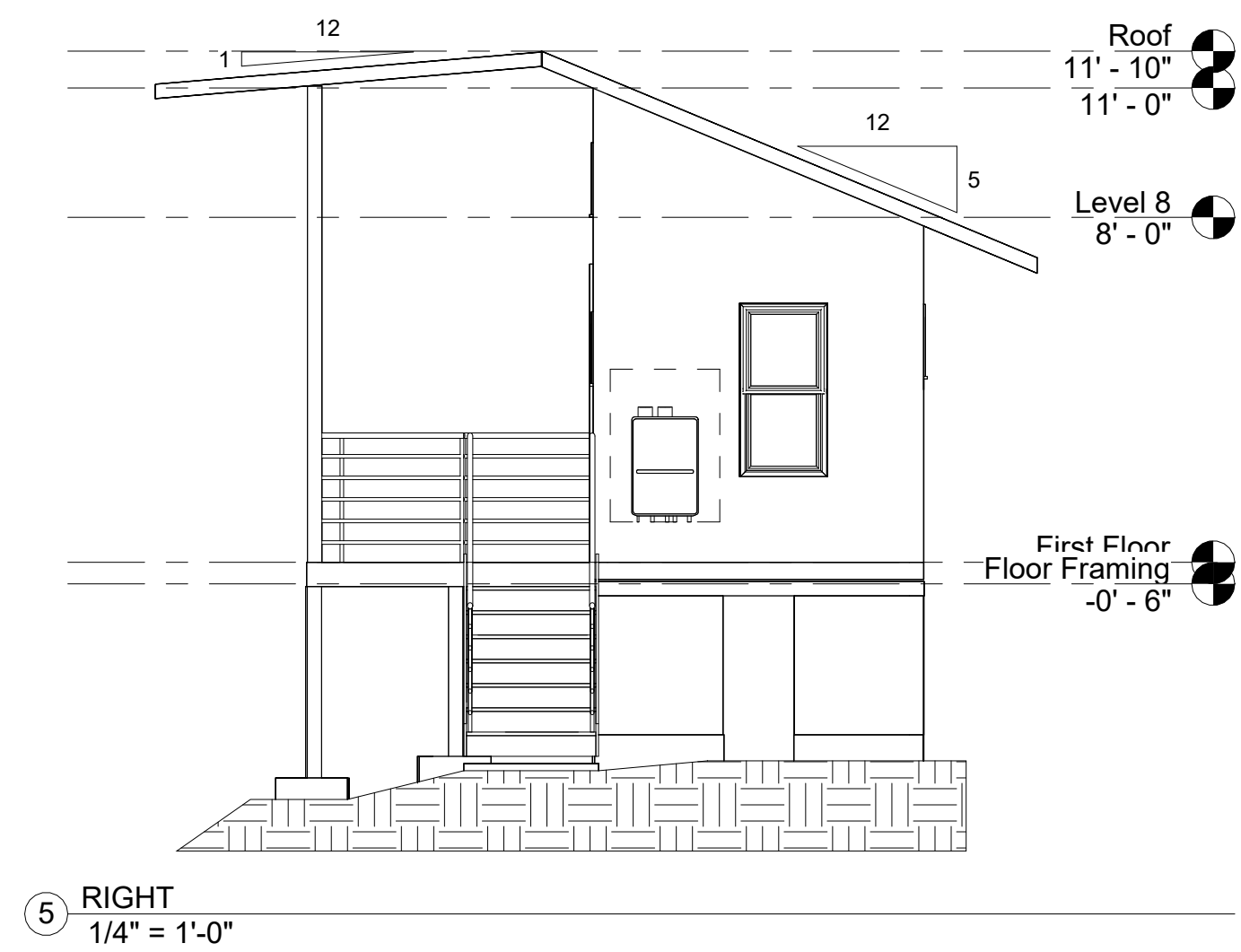
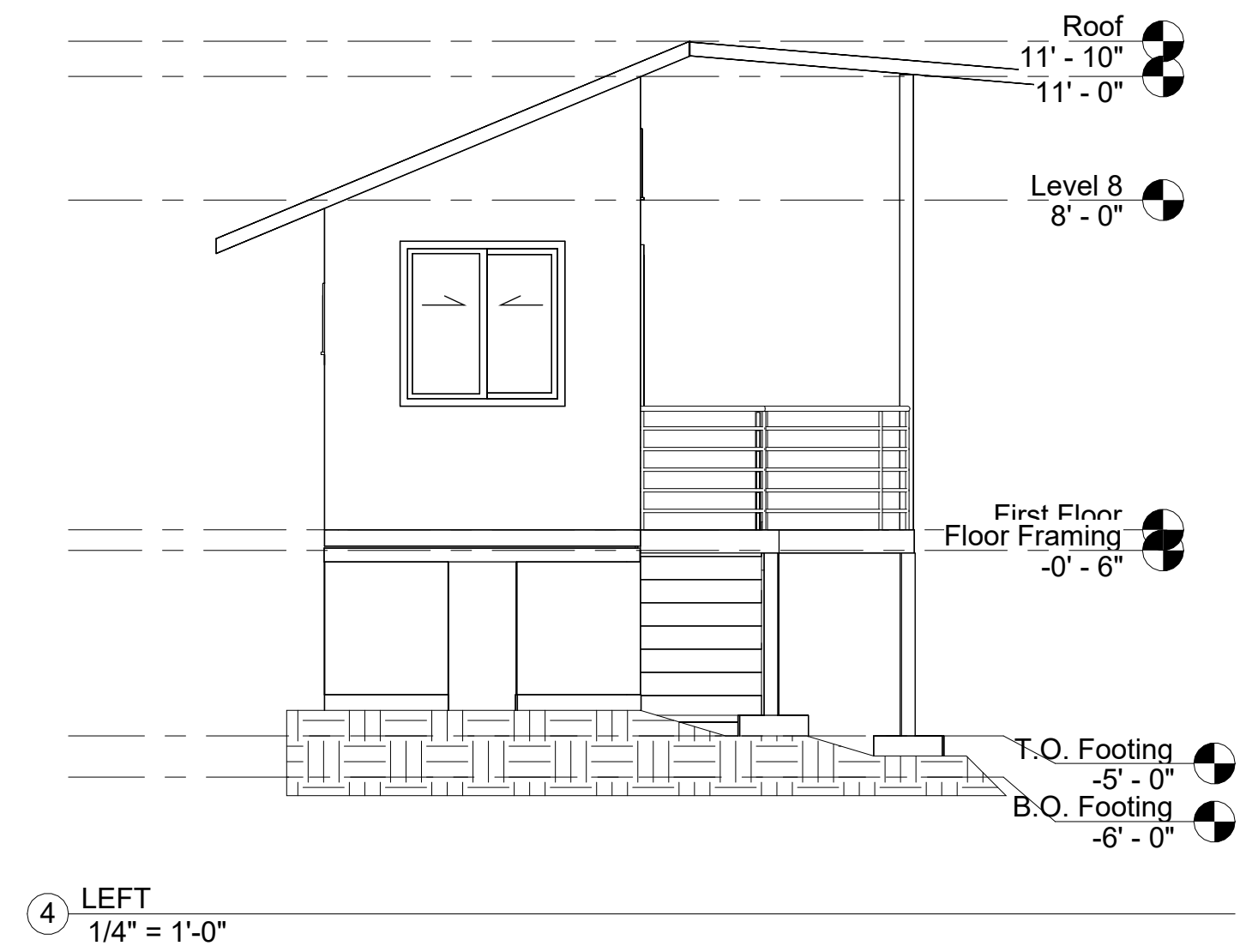
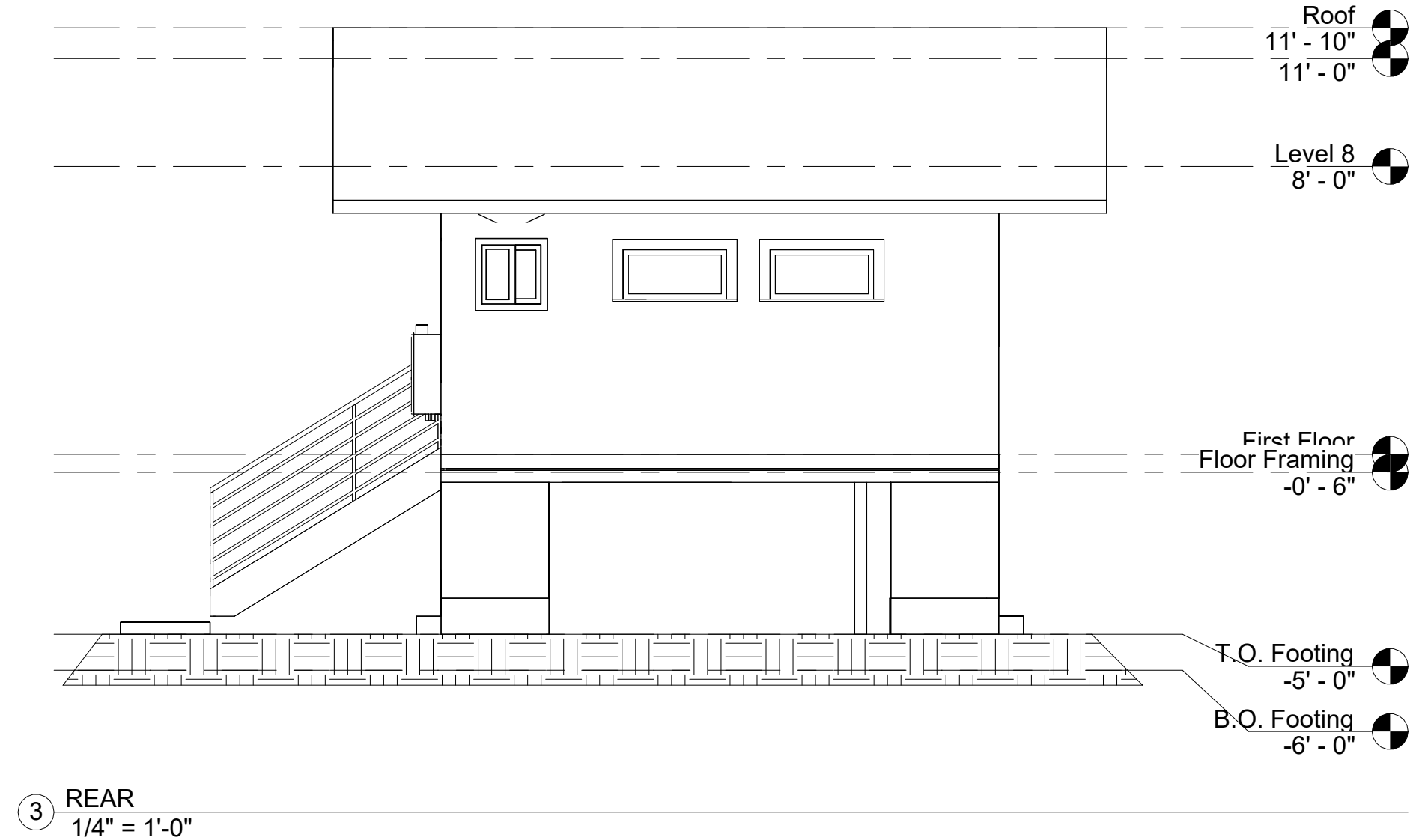
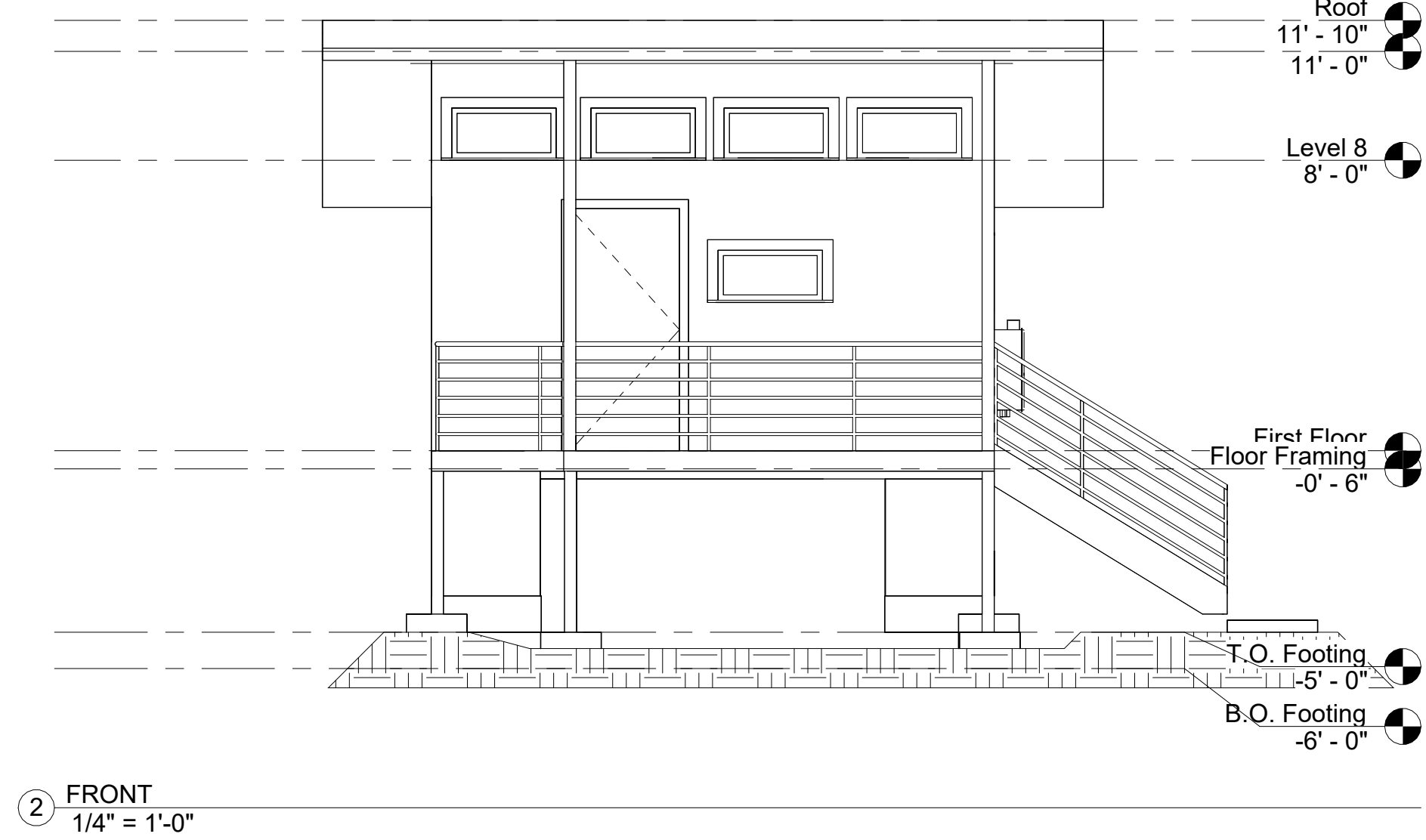
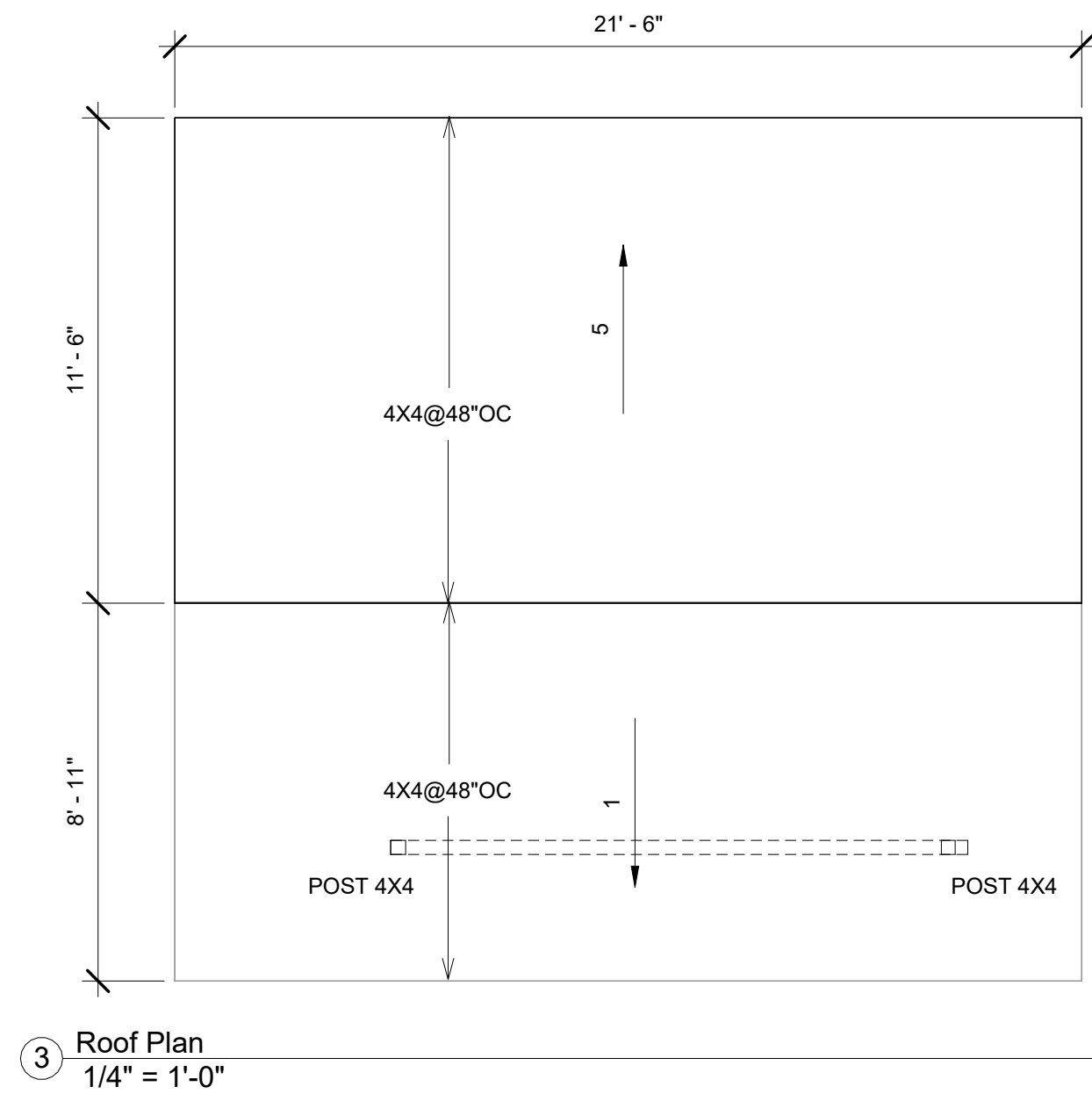
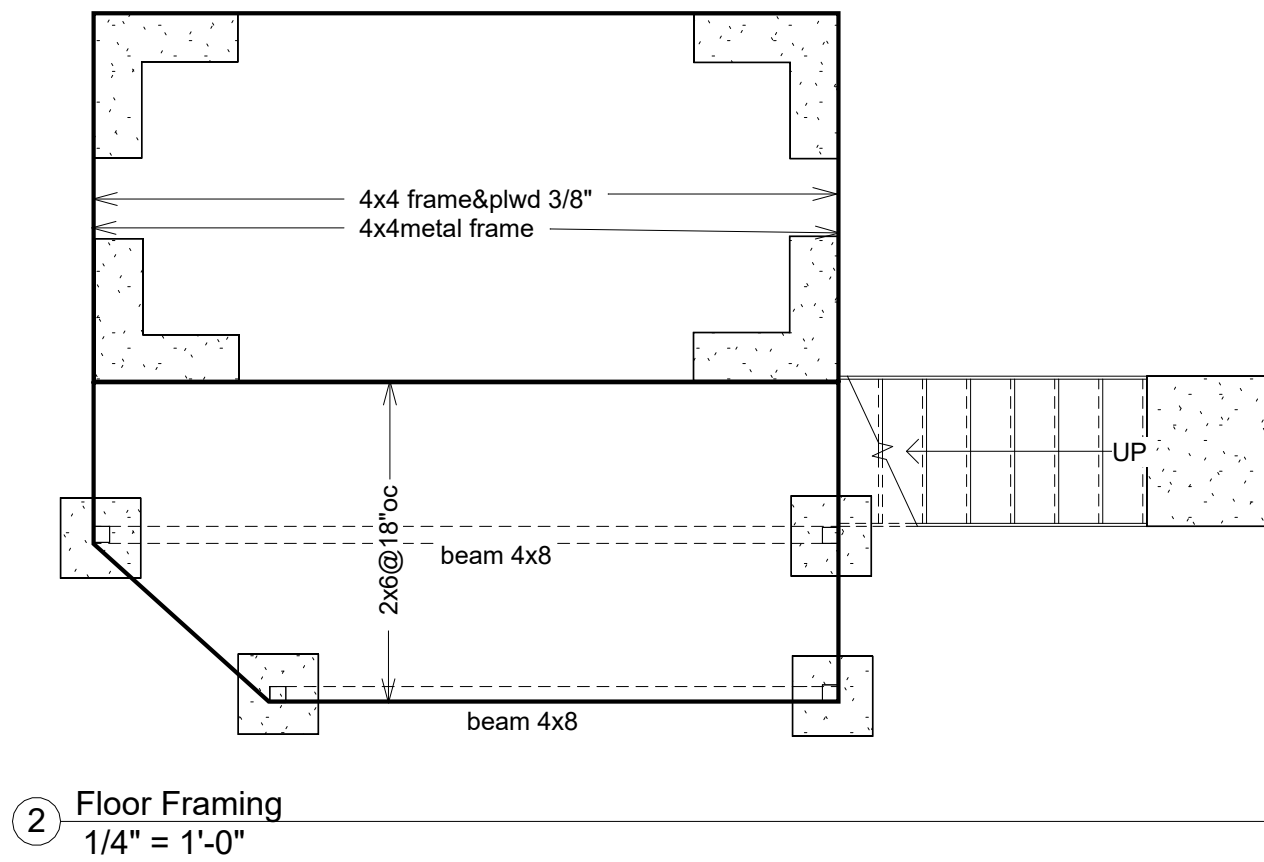
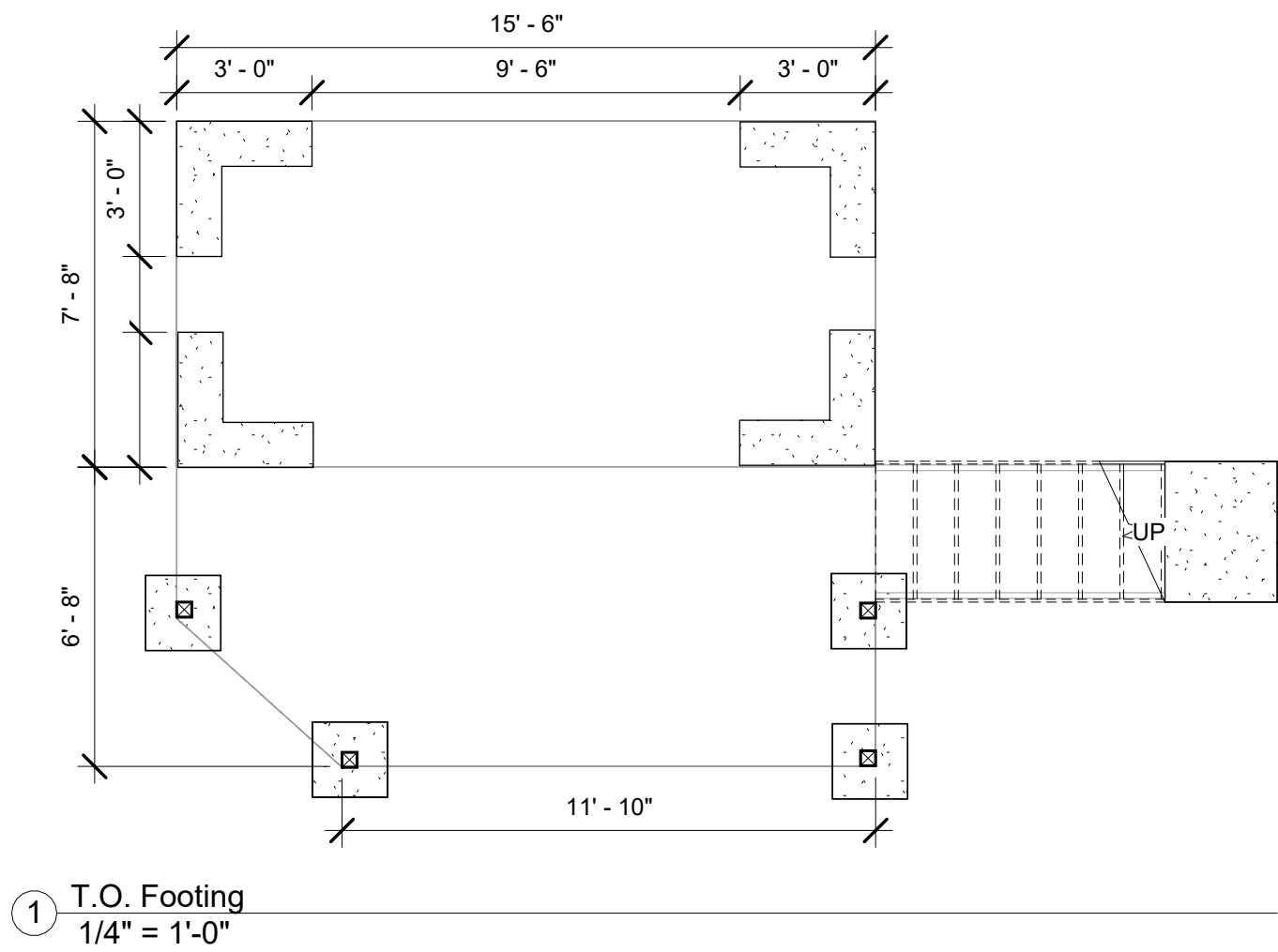
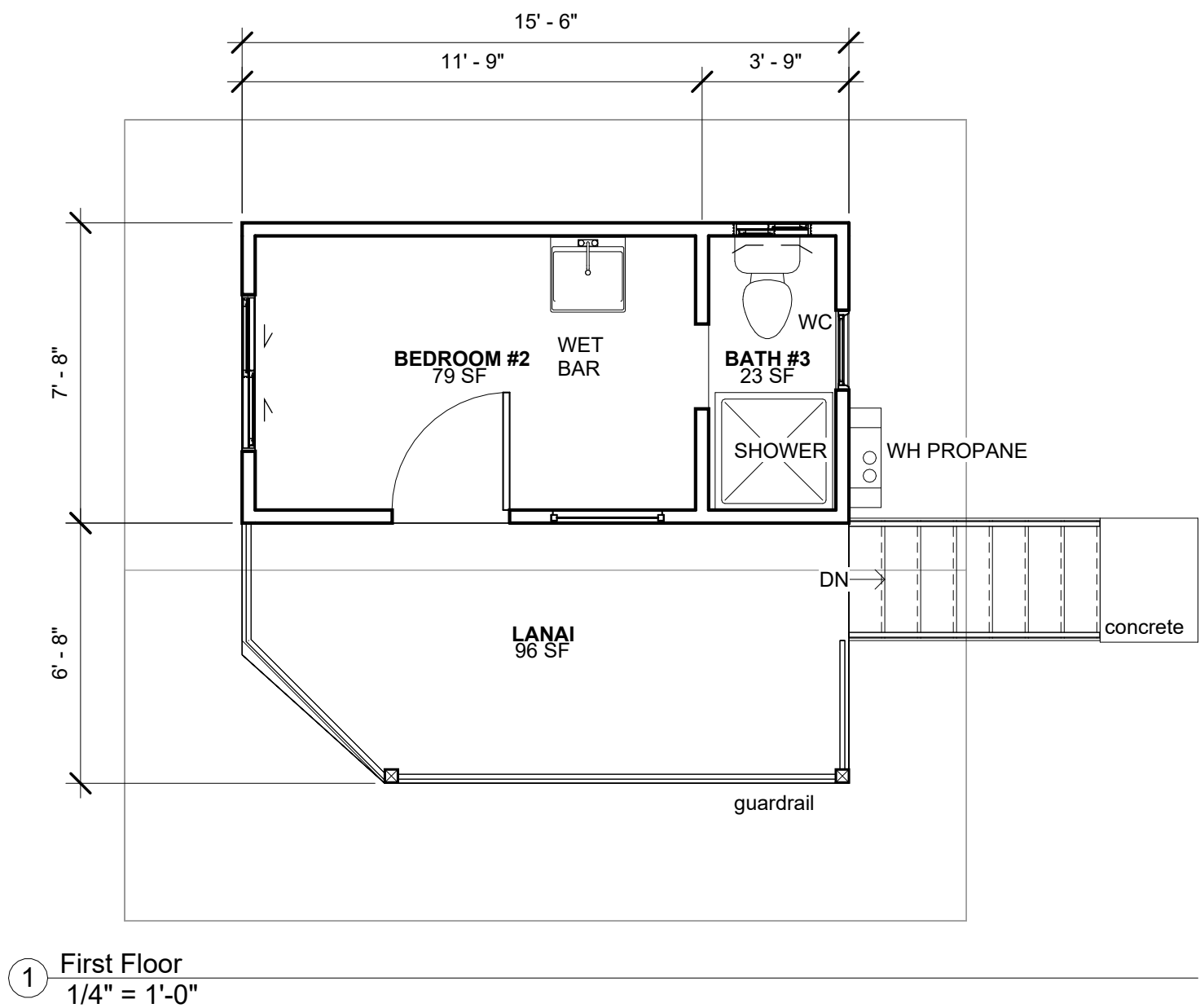
AS-BUILT HEFNER RESIDENCE
MAIN DWELLING

Owner: ATLAS SURREY LLC
Address: 34-1230 HAWAII BELT ROAD

ISSUED	DATE	DESCRIPTION
REV.	DATE	DESCRIPTION

grotondesignhawaii@gmail.com
808 8251656

TMK:340030210000



AREA TABULATION

INTERIOR	102 SF
ACCESSORY	96 SF

GROTON-DESIGN
HAWAII

DETACHED BEDROOM #2

Owner: ATLAS SURREY LLC
Address: 34-1230 HAWAII BELT ROAD

ISSUED	DATE	DESCRIPTION
REV.	DATE	DESCRIPTION

grotondesignhawaii@gmail.com
808 8251656

TMK:340030210000

A2.0

FIGURE 5

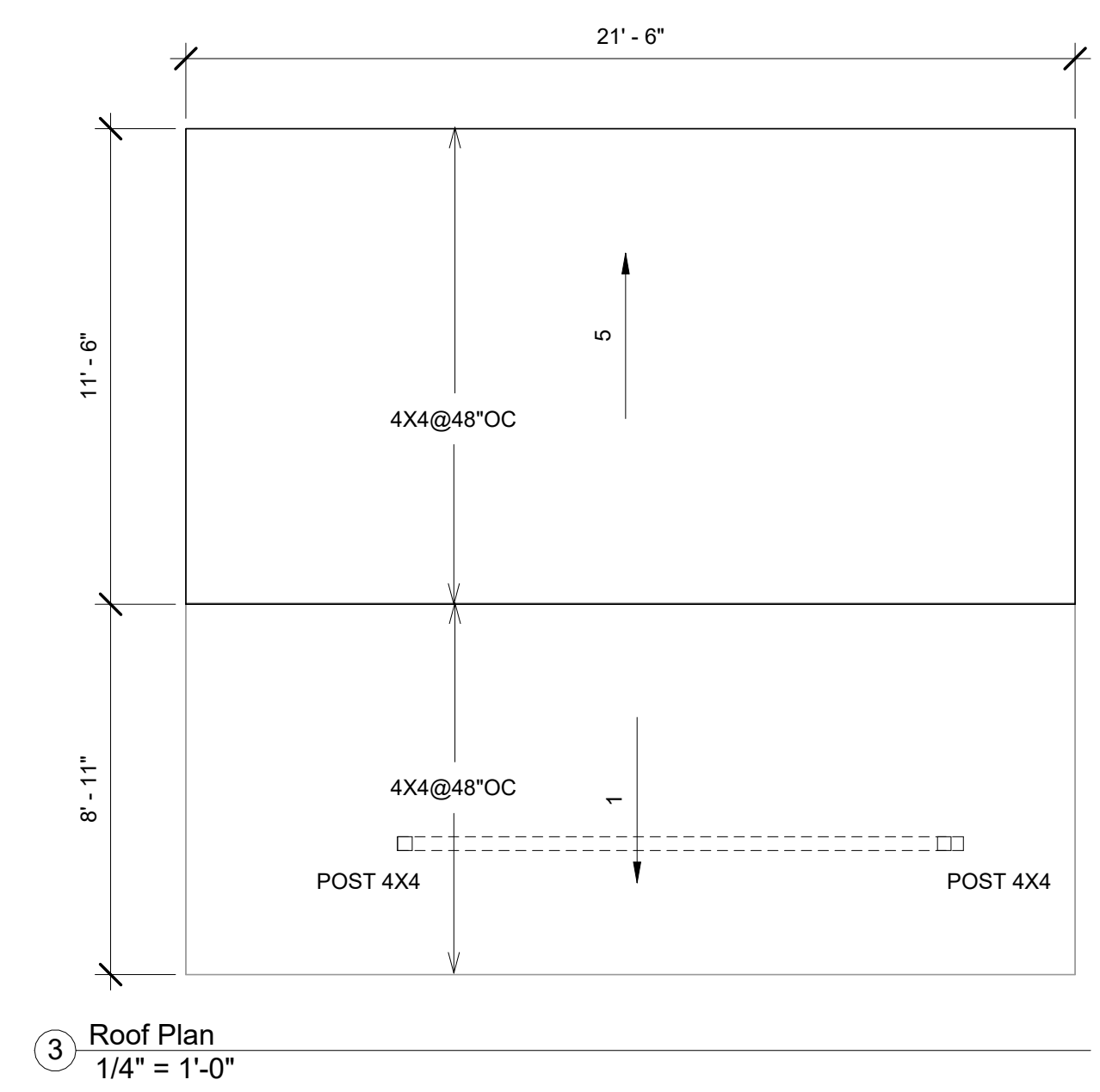
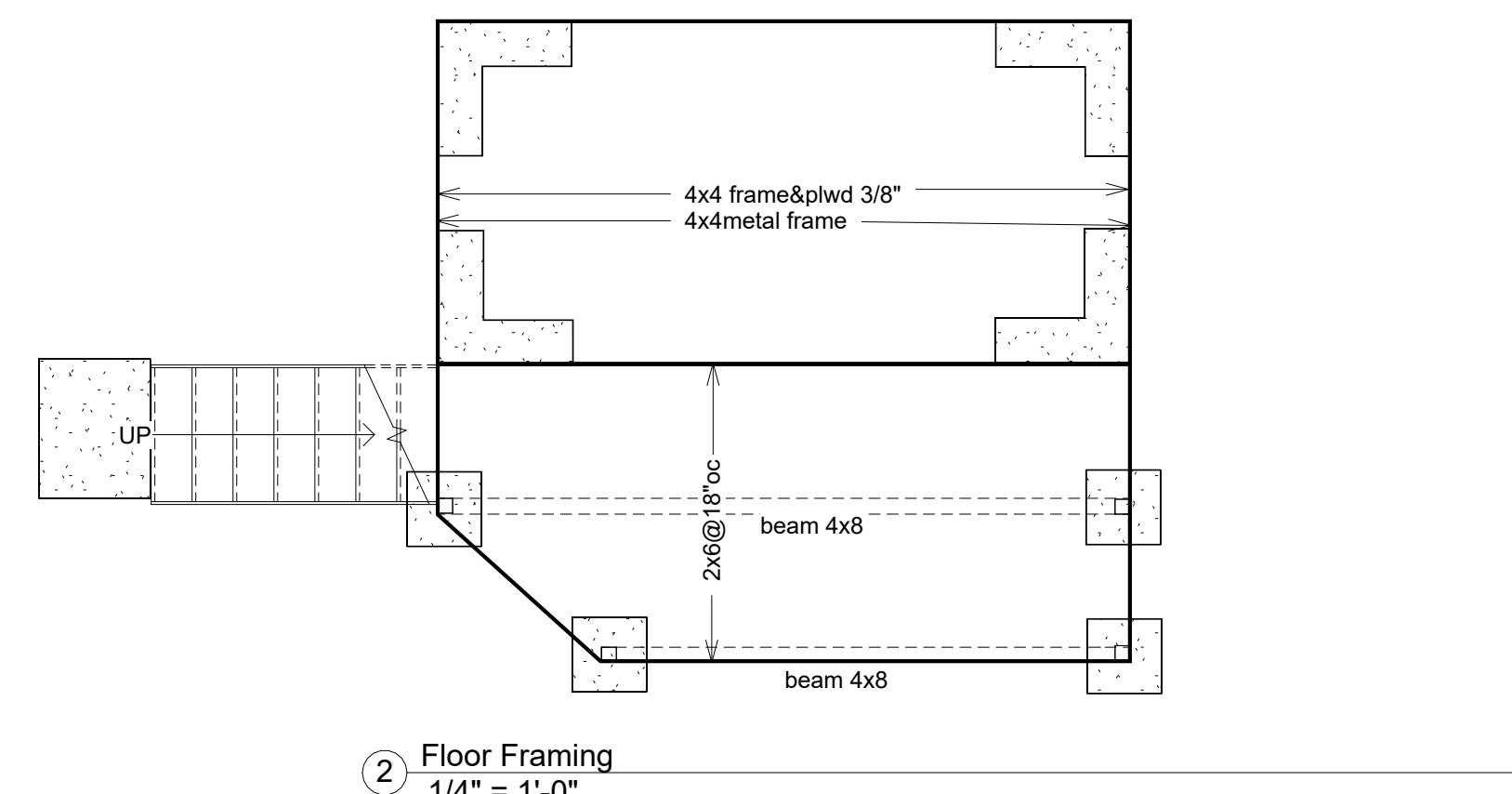
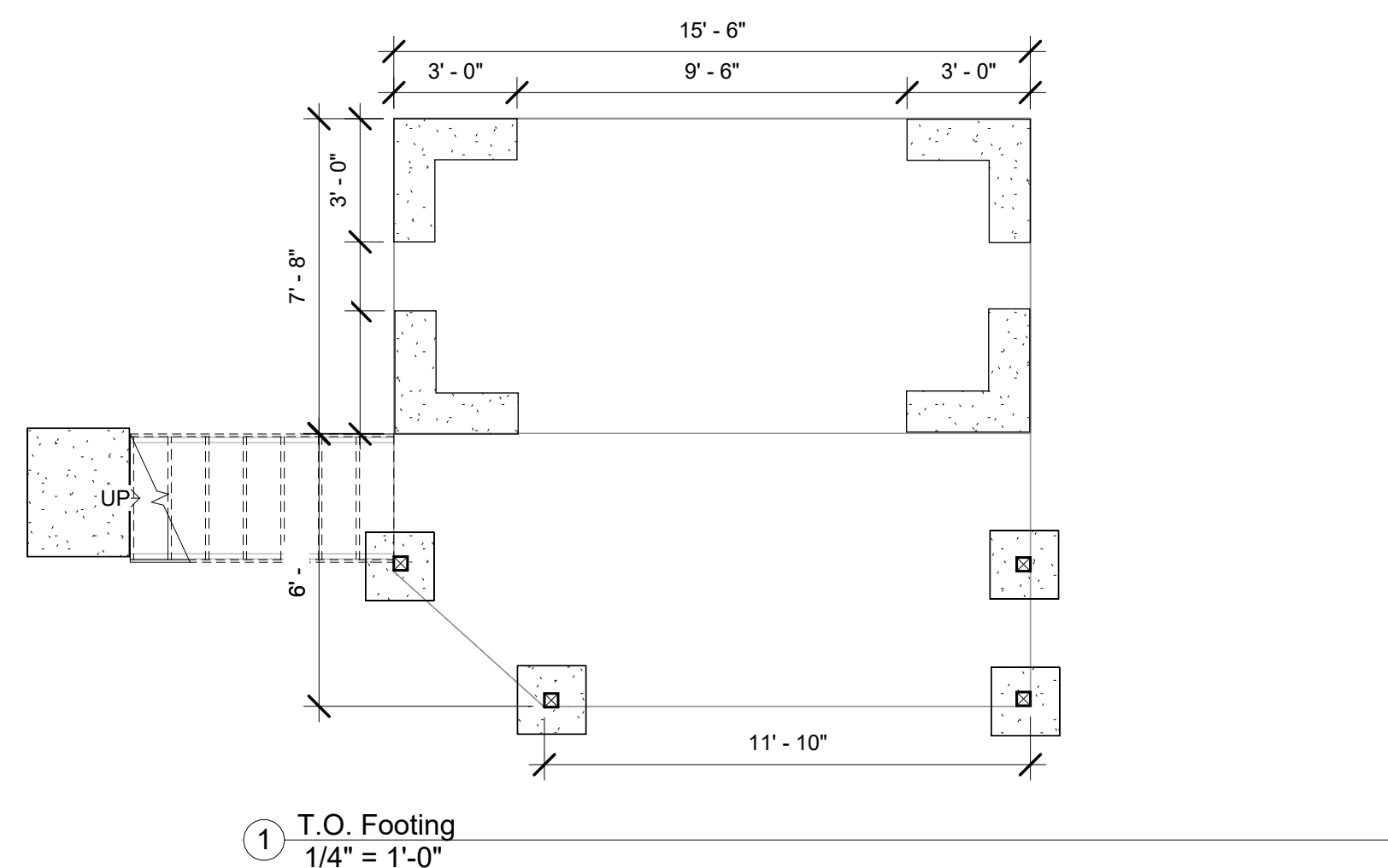
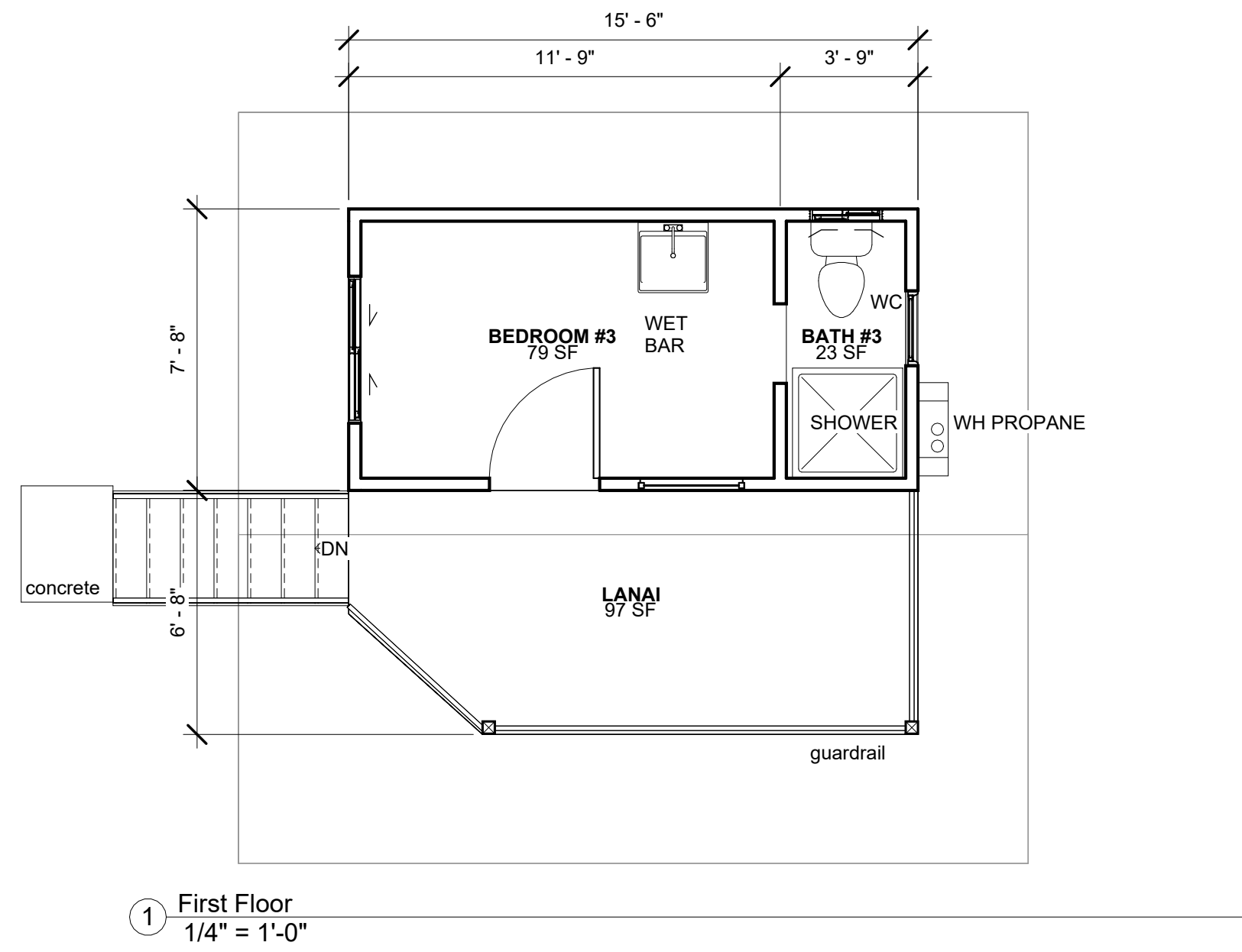
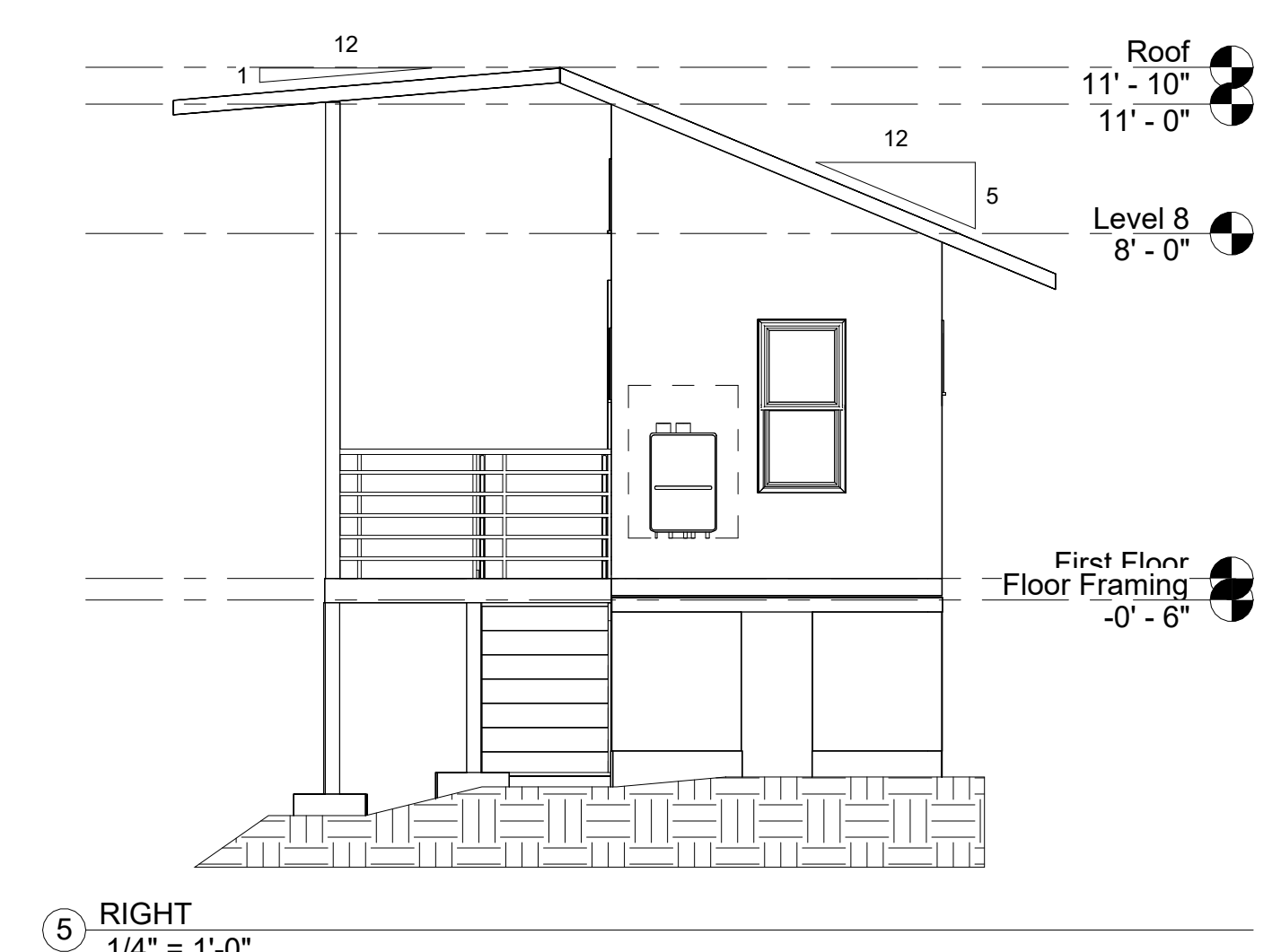
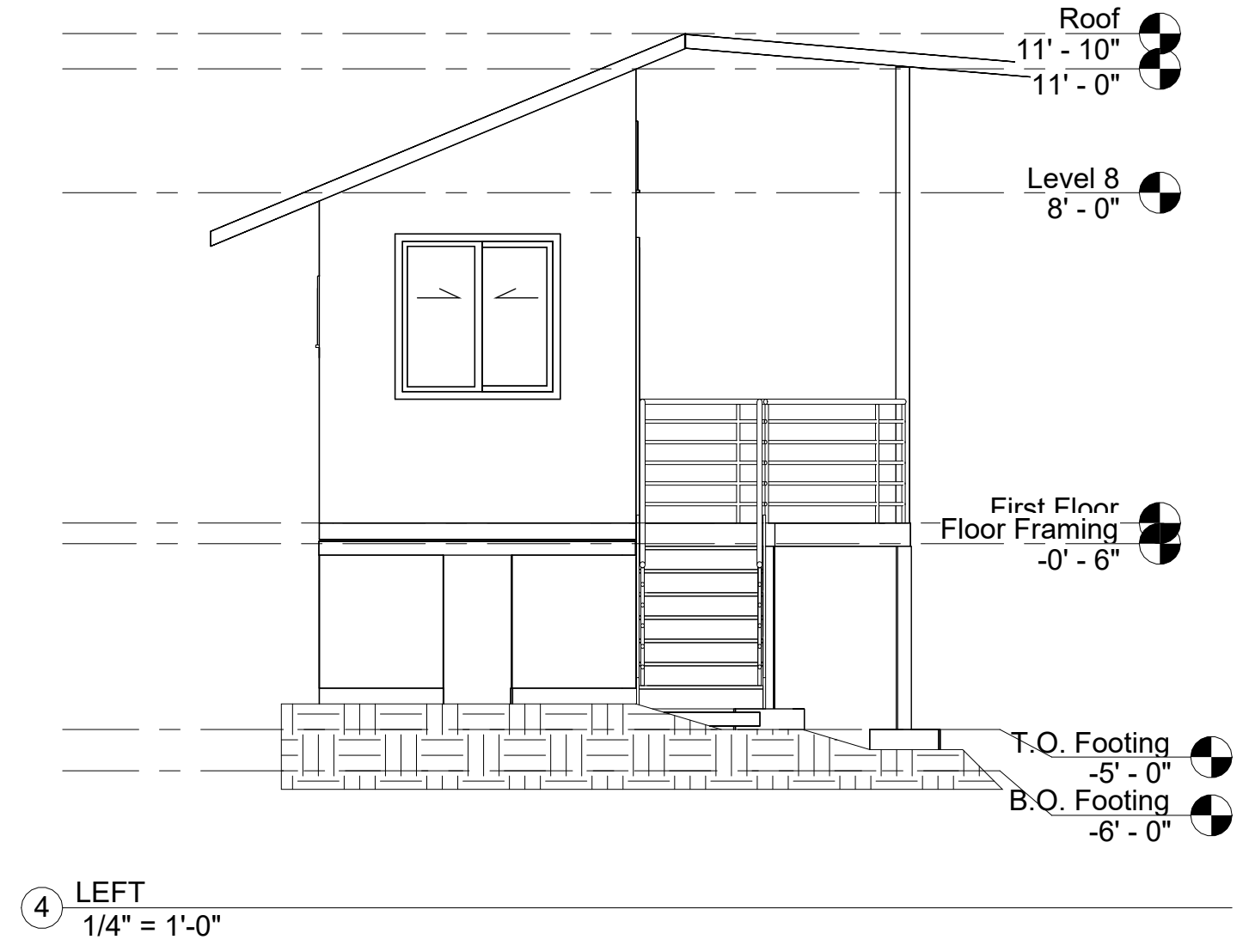
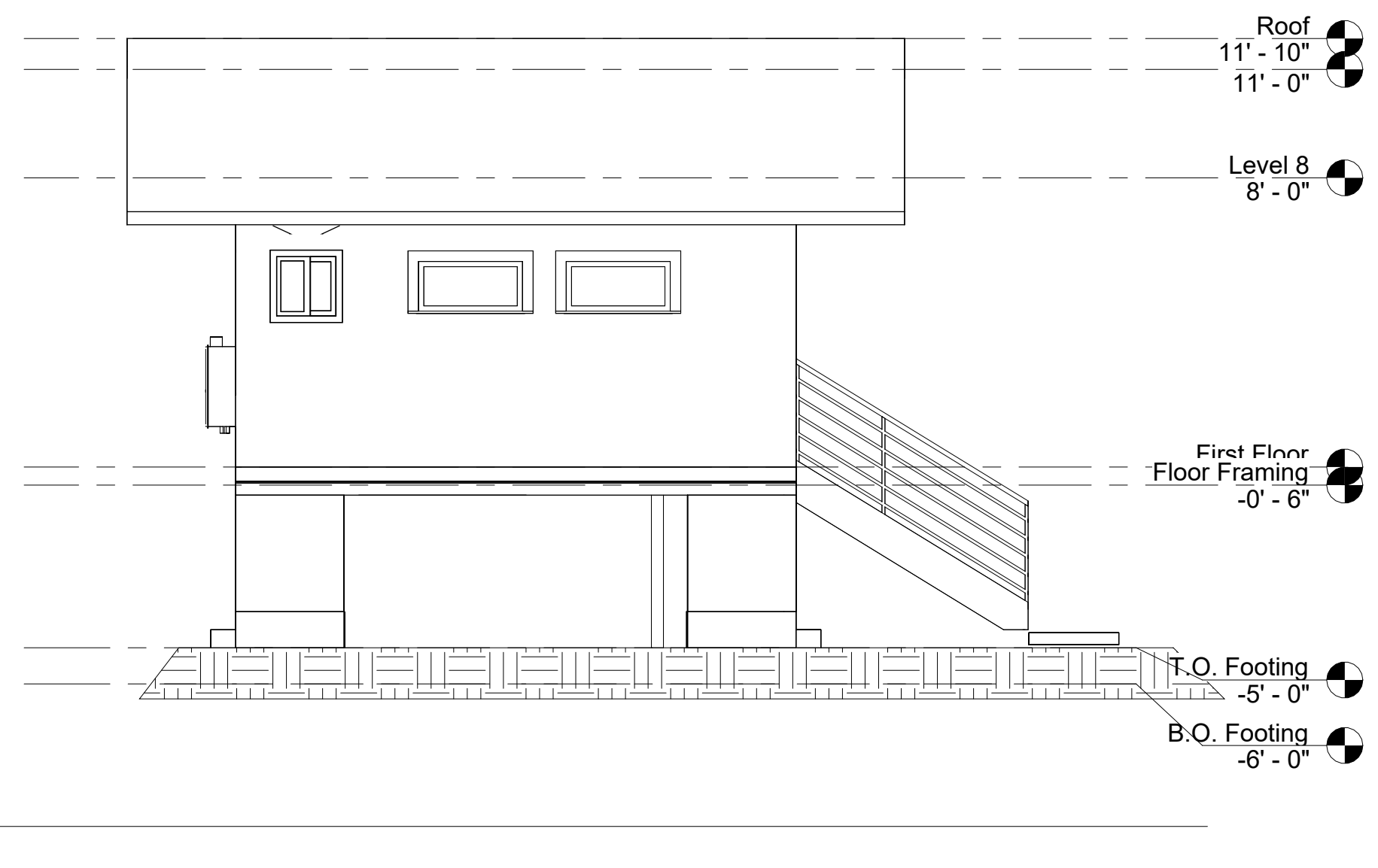
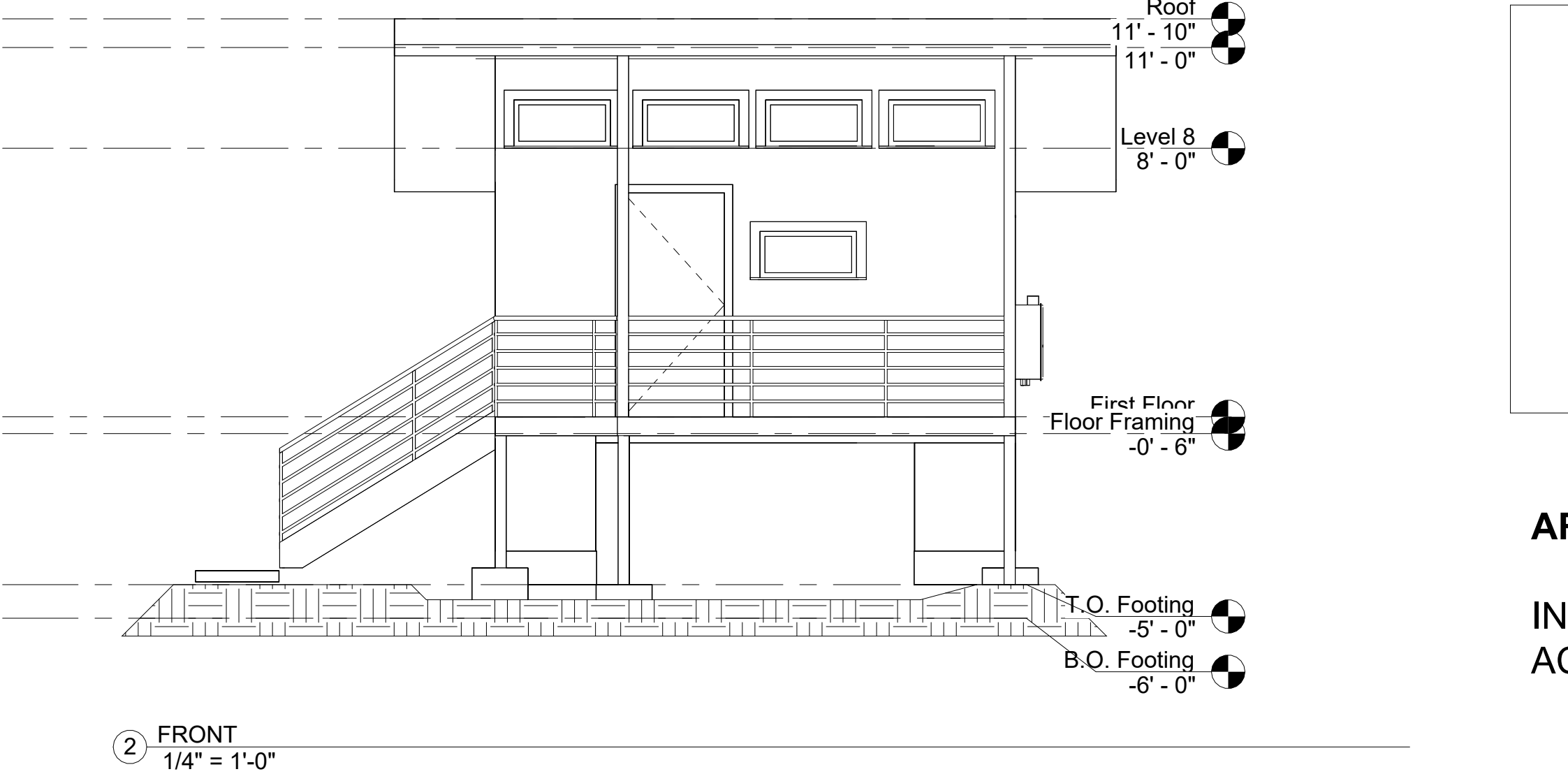


FIGURE 6



AREA TABULATION

INTERIOR	102 SF
ACCESSORY	97 SF

DETACHED BEDROOM #3

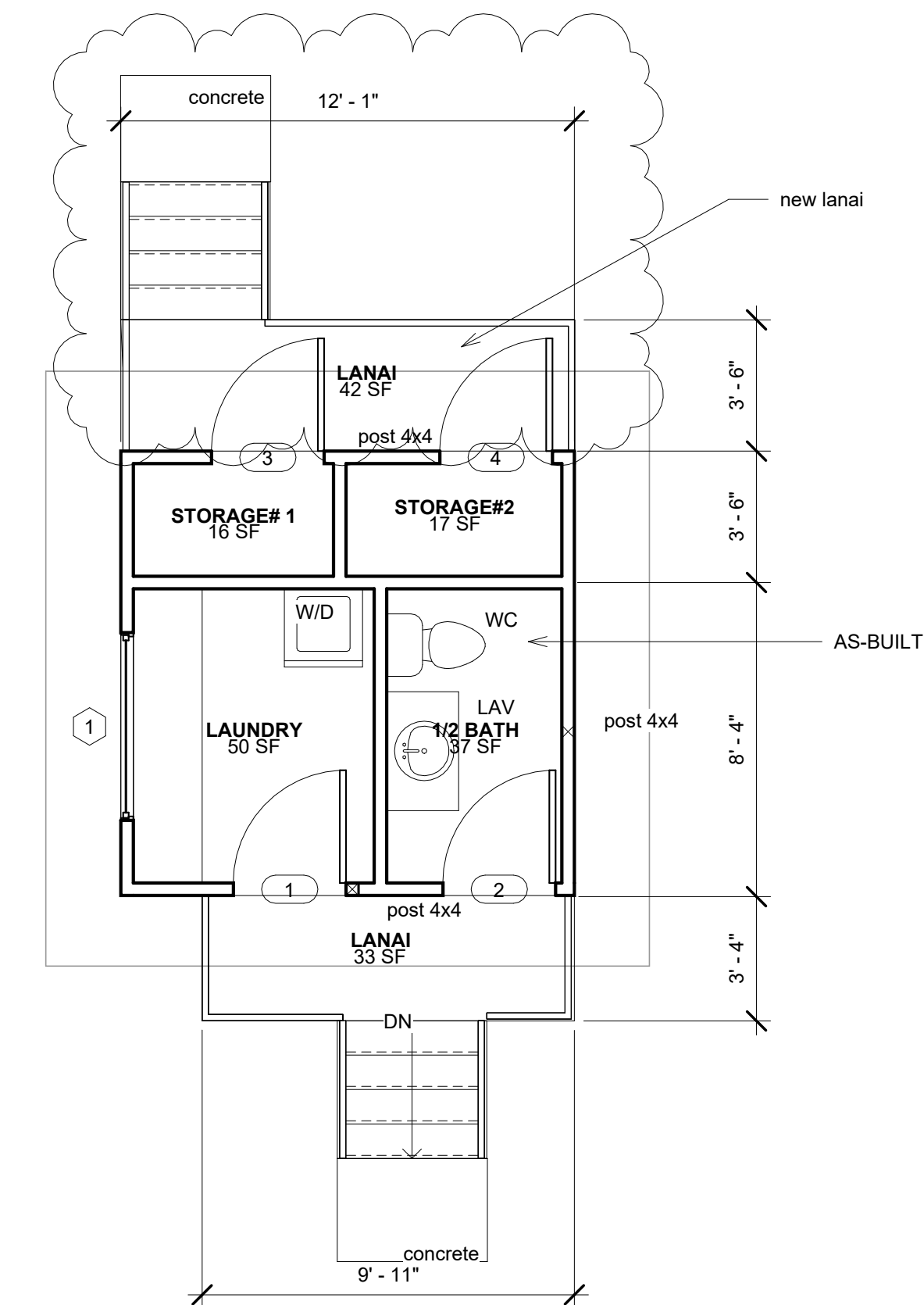
ISSUED	DATE	DESCRIPTION
REV.	DATE	DESCRIPTION

grotondesignhawaii@gmail.com
808 8251656

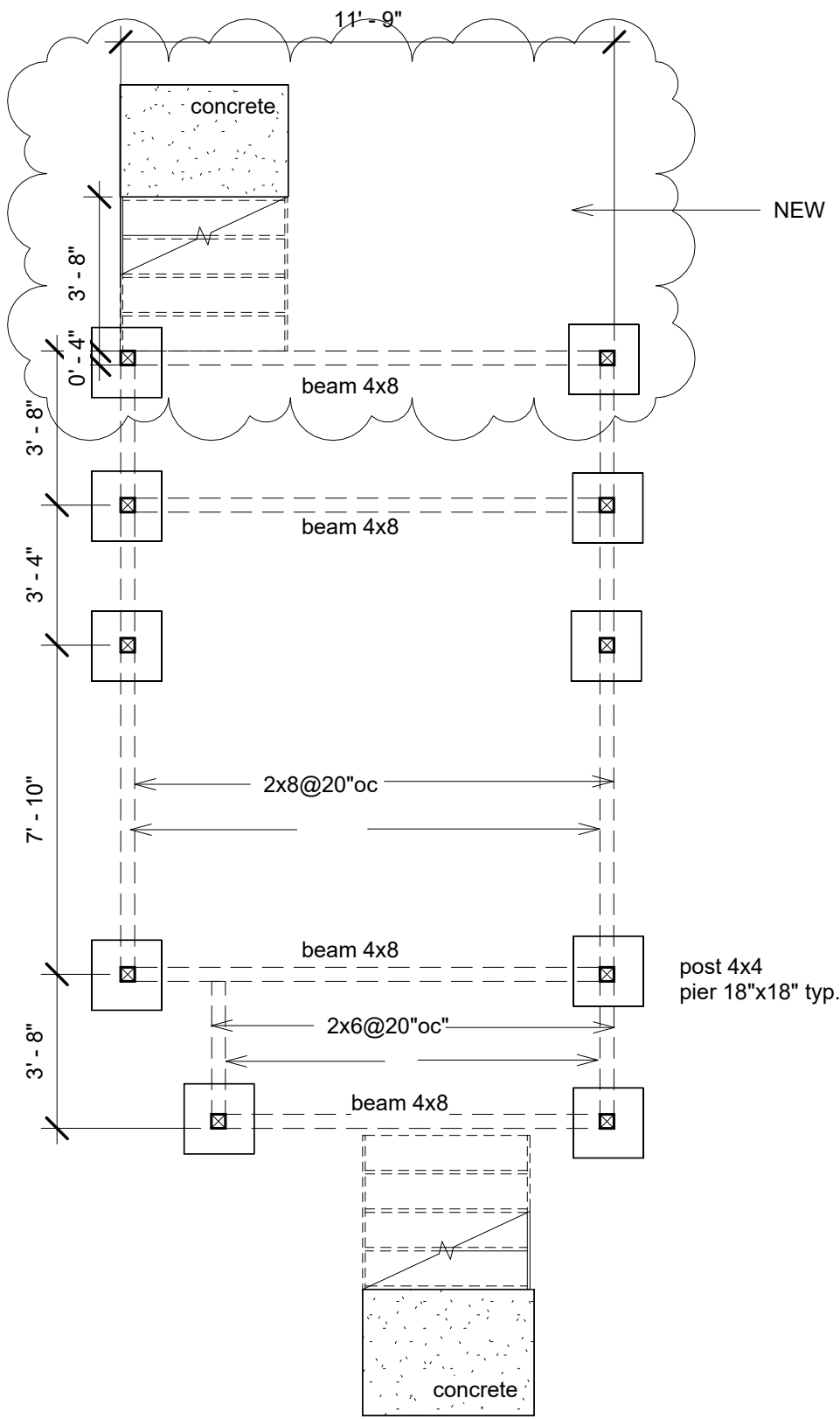
TMK:340030210000

GROTON-DESIGN
HAWAII

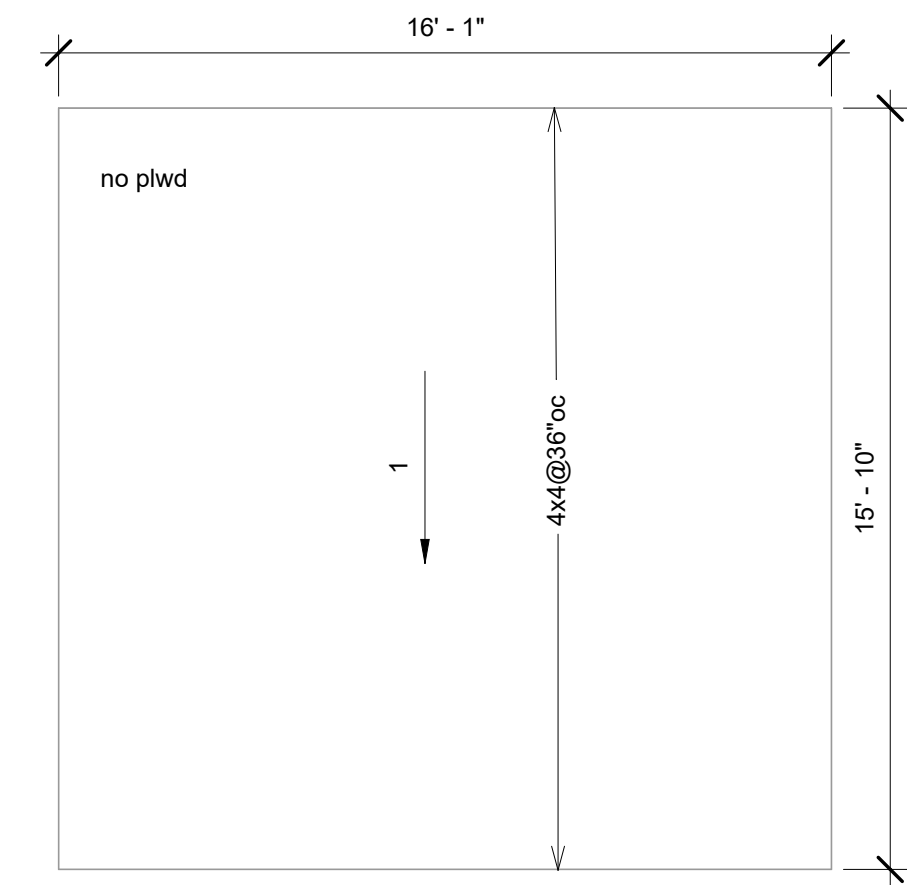
Owner: ATLAS SURREY LLC
Address: 34-1230 HAWAII BELT ROAD



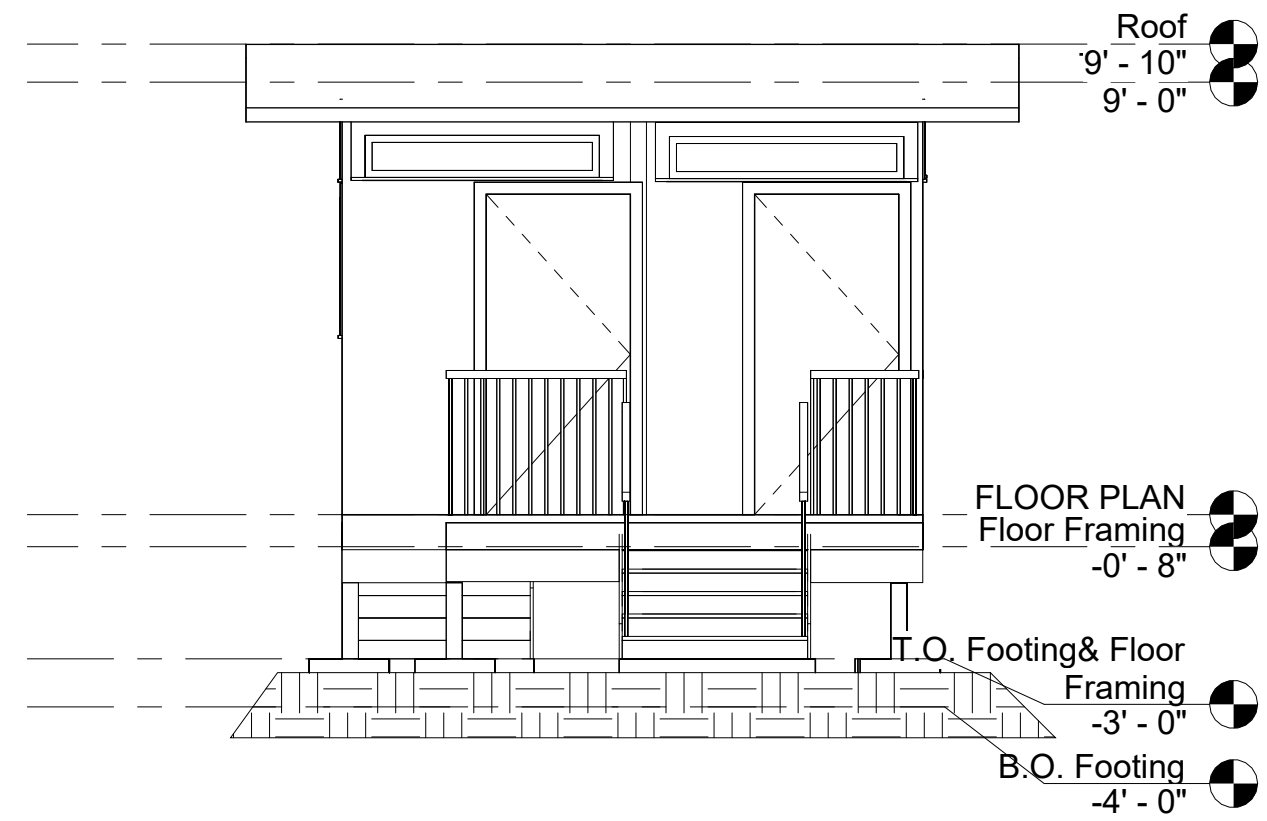
1 FLOOR PLAN
1/4" = 1'-0"



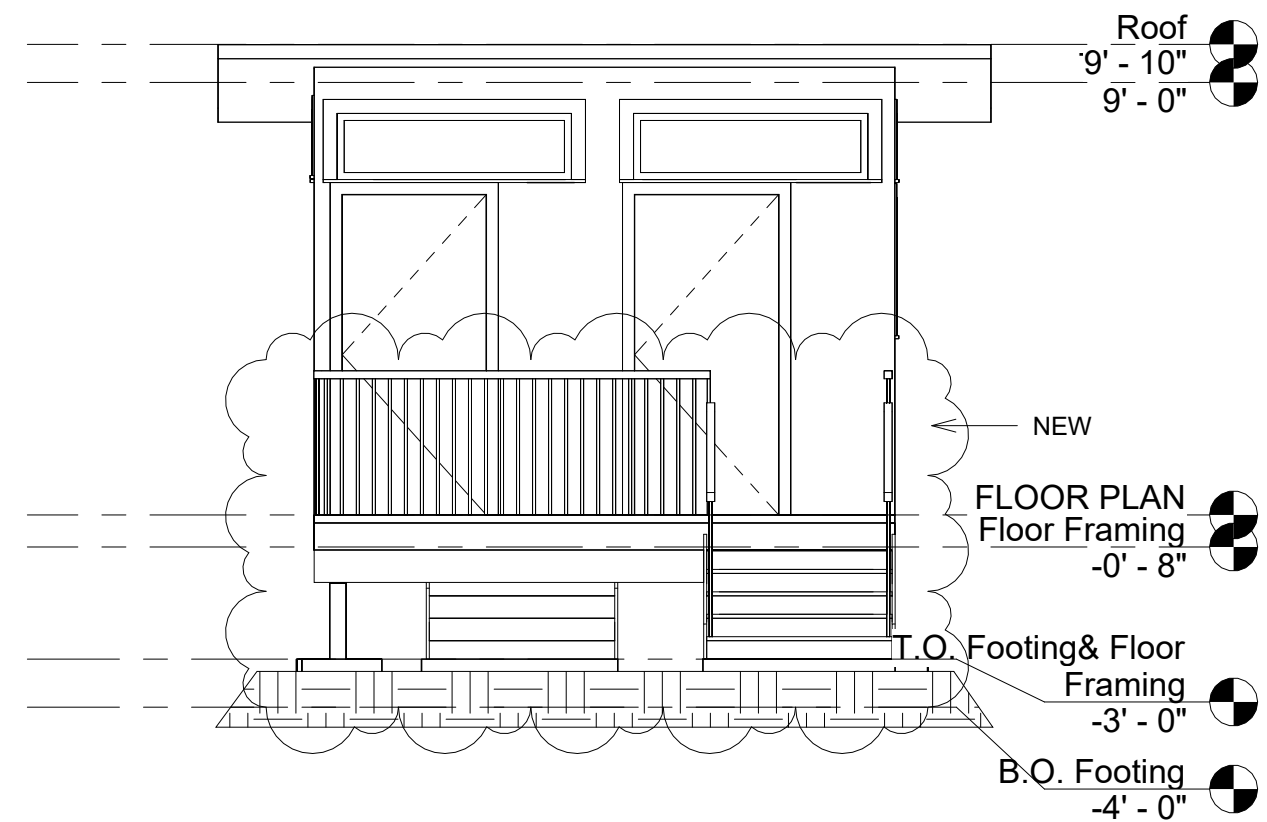
2 T.O. Footing & Floor Framing
1/4" = 1'-0"



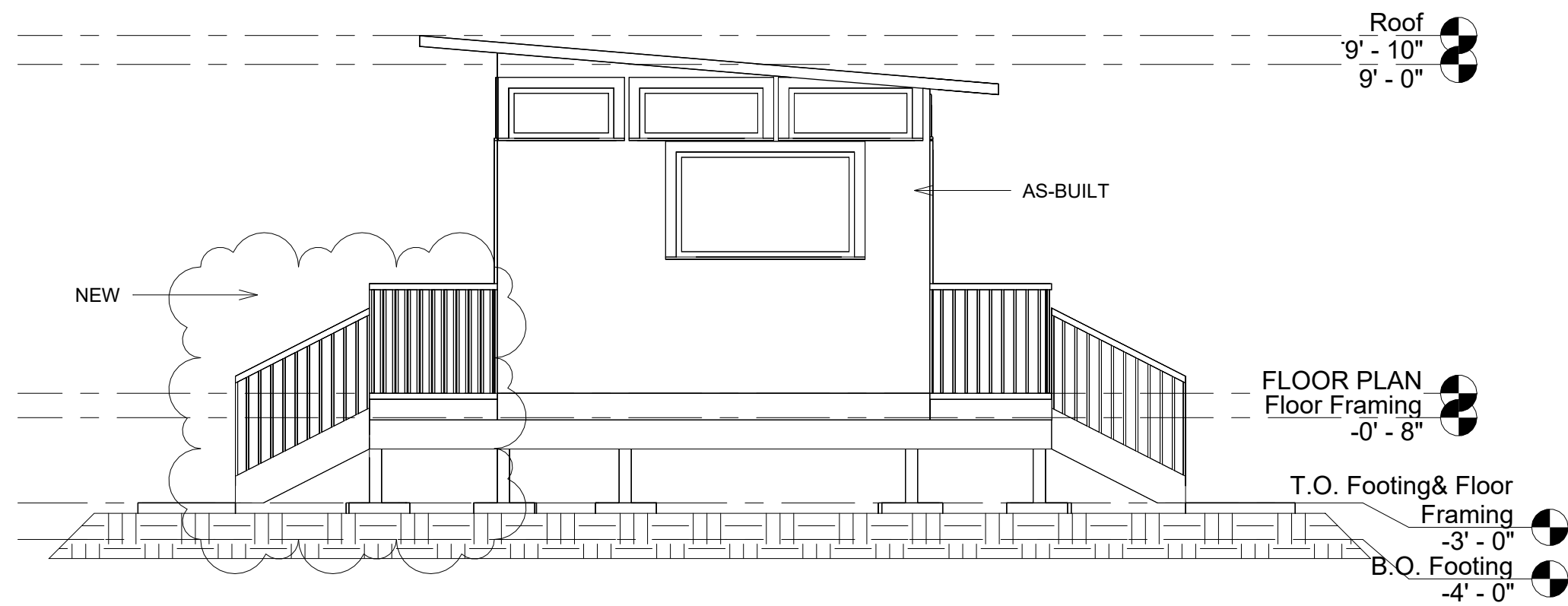
3 Roof Plan
1/4" = 1'-0"



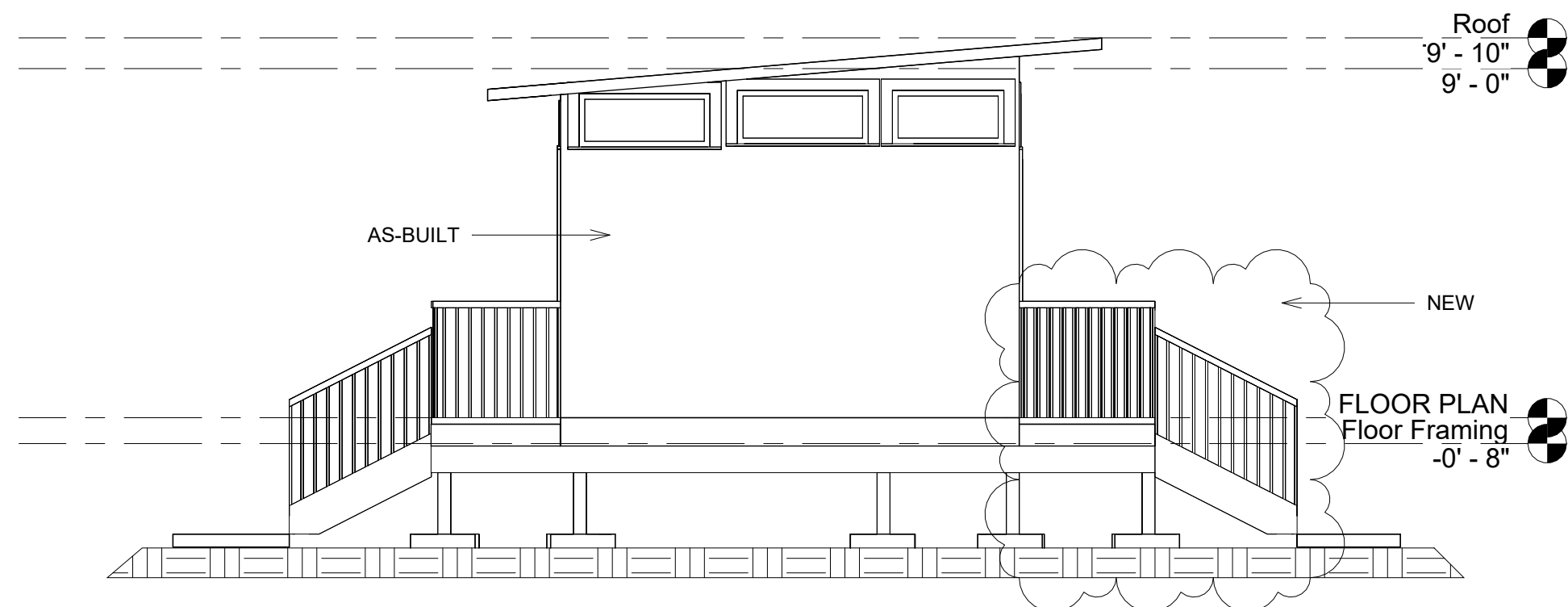
4 FRONT
1/4" = 1'-0"



5 REAR
1/4" = 1'-0"



6 LEFT
1/4" = 1'-0"



7 RIGHT
1/4" = 1'-0"

AREA TABULATION

INTERIOR	87 SF
ACCESSORY	108 SF

GROTON-DESIGN
HAWAII

AS-BUILT RESIDENCE.
LAUNDRY & 1/2 BATH

Owner: ATLAS SURREY LLC
Address: 34-1230 HAWAII BELT ROAD

ISSUED	DATE	DESCRIPTION
REV.	DATE	DESCRIPTION

grotondesignhawaii@gmail.com
808 8251656

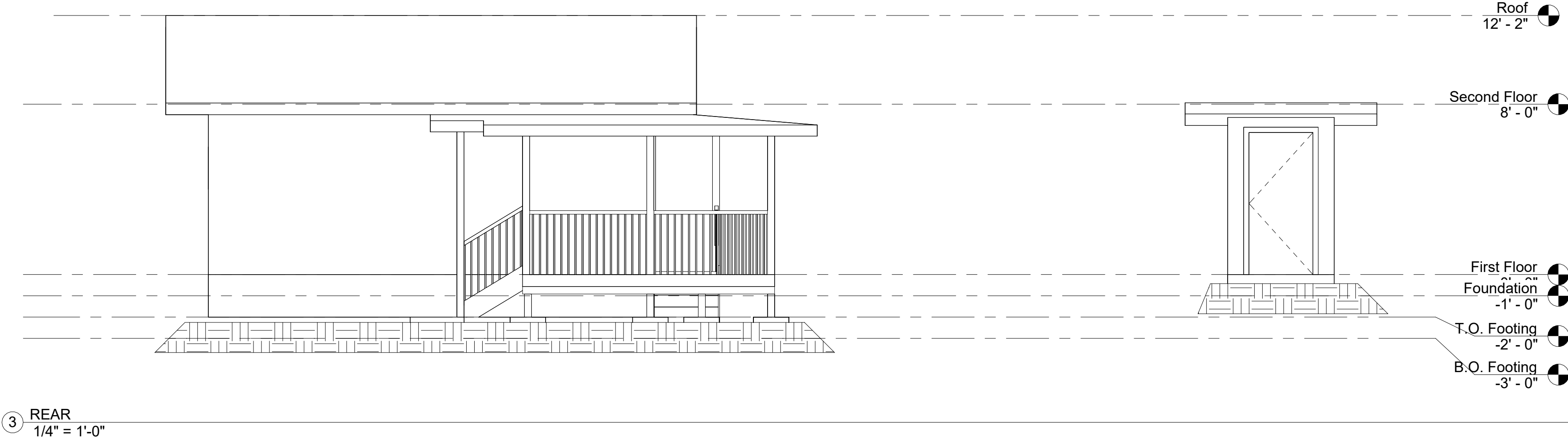
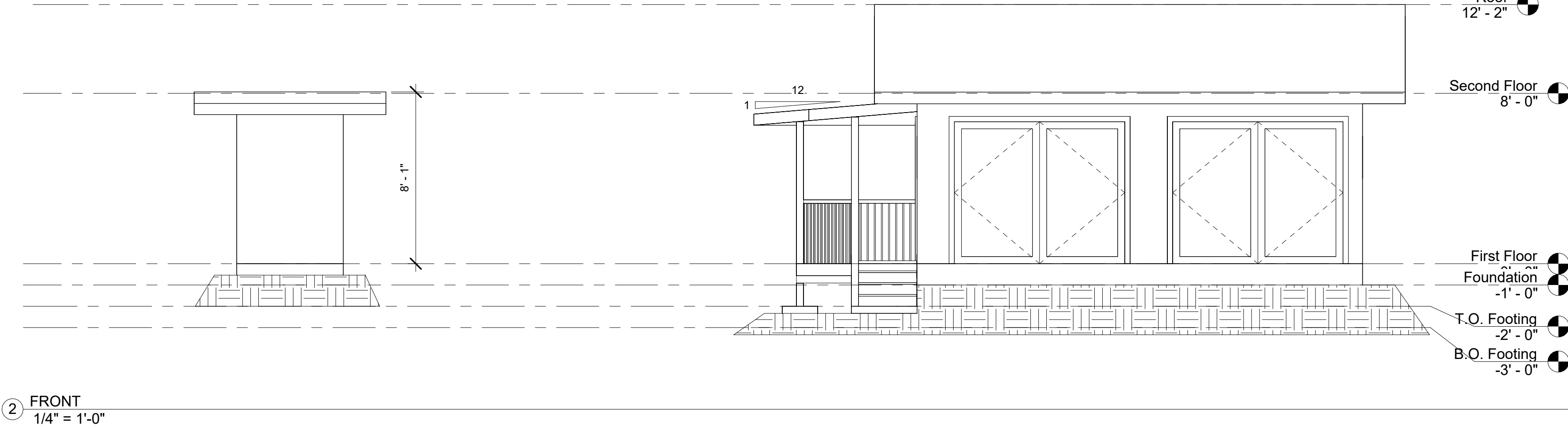
TMK:340030210000

A4.0

FIGURE 7

Window Schedule				
Type Mark	Rough Opening		Count	Comments
	Width	Height		
1	3' - 0"	2' - 0"	2	

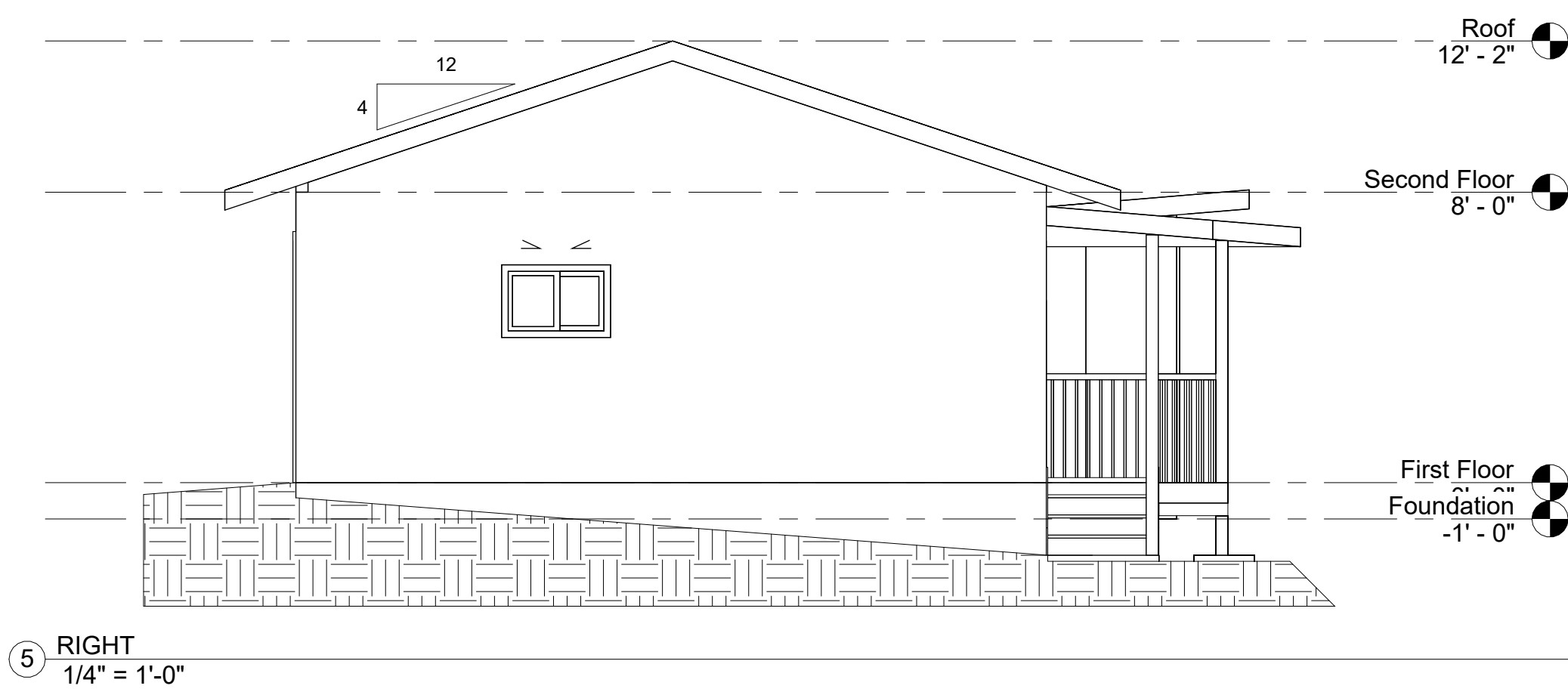
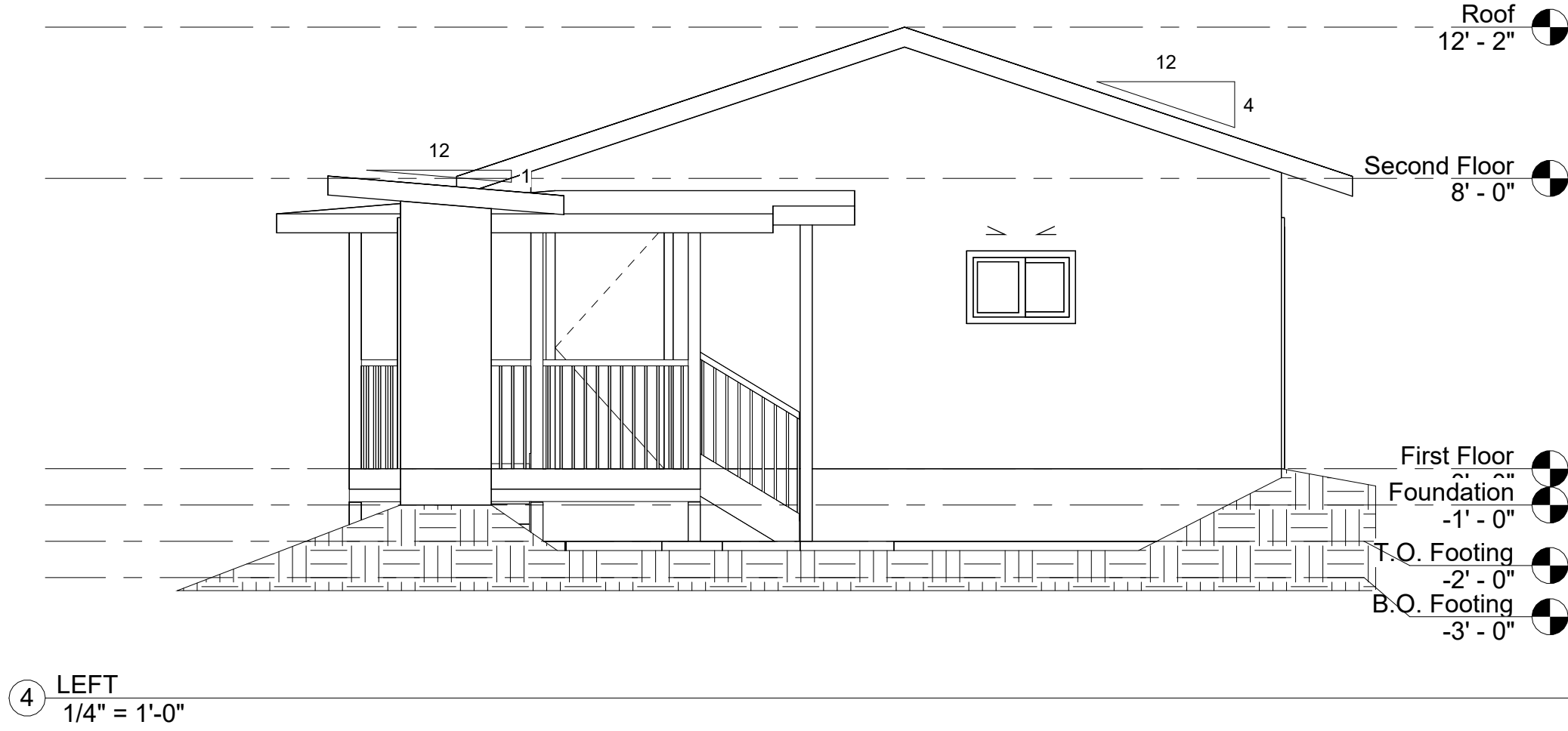
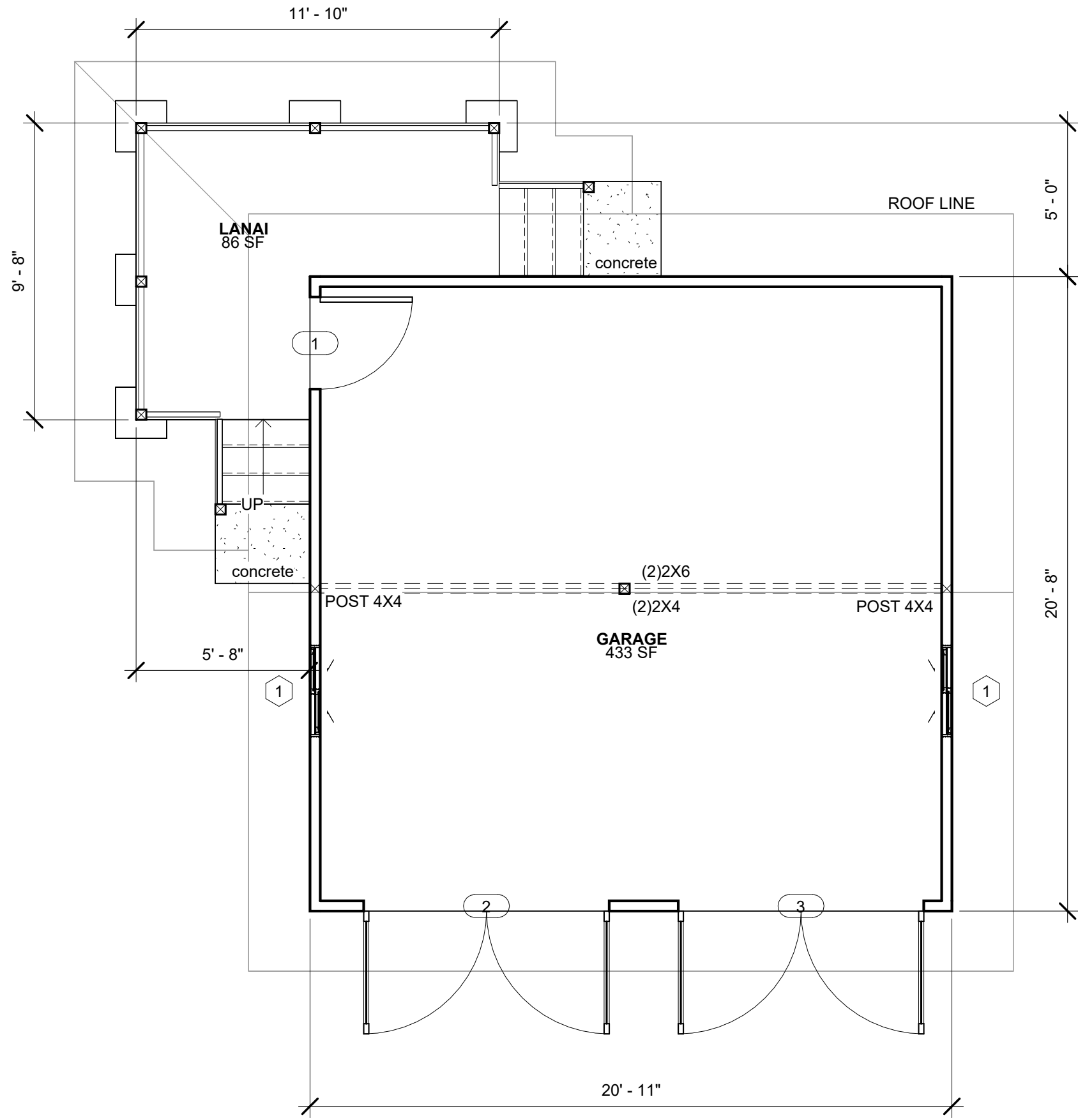
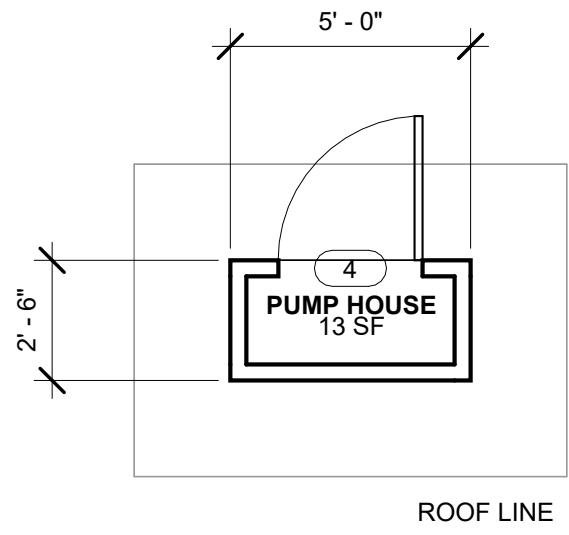
Door Schedule			
Door Number	Door Size	Count	Finish
			Comments
1	36" x 80"	1	
2	8.0'X6.8'	1	
3	8.0'X6.8'	1	
4	36" x 80"	1	



AREA TABULATION

ACCESSORY 532 SF

GROTON-DESIGN
HAWAII



AS-BUILT GARAGE

Owner: ATLAS SURREY LLC
Address: 34-1230 HAWAII BELT ROAD

ISSUED	DATE	DESCRIPTION
REV.	DATE	DESCRIPTION

grotondesignhawaii@gmail.com
808 8251656

TMK:340030210000

A5.0

1 First Floor
1/4" = 1'-0"

FIGURE 8

As this is a shoreline parcel and the edge of the pali is considered the shoreline, a recent site survey prepared in September 2024 is provided as **Figure 2** in lieu of a certified shoreline survey. As the survey shows, all structures are located more than 40 feet from the edge of the pali and thus are outside of the shoreline setback. The existing driveway was constructed at-grade, does not affect beach processes or artificially fix the shoreline and does not interfere with any public access or views to and along the shoreline. As such, the applicant requests a determination that the existing driveway be considered a “minor structure”, to be permitted partially within the shoreline setback in accordance with Planning Department Rule 11-7.

C. Property Description

The subject parcel is within the Special Management Area (SMA) (**Figure 9**). It is identified by TMK (3) 3-4-003:021 and is located off the Hawai‘i Belt Road, approximately 5 miles north of Hakalau Bay in North Hilo, Hawai‘i (**Figure 1**). The property consists of 6.37 acres of land zoned A-20a (**Figure 10**). It is irregularly shaped, and the northwestern side of the property is at an elevation of approximately 291 feet and slopes downward in the makai direction to the edge of an approximately 200-foot high pali, which effectively serves as the shoreline. The State Land Use designation of the project area is primarily Agricultural, with a thin strip lining the face of pali designated as Conservation (**Figure 11**). All structures are within the Agricultural designation of the subject parcel. The east side of the parcel is bordered by the Ahole Stream and attendant gulch; no structures are within or proximate to the gulch.

D. Project Valuation

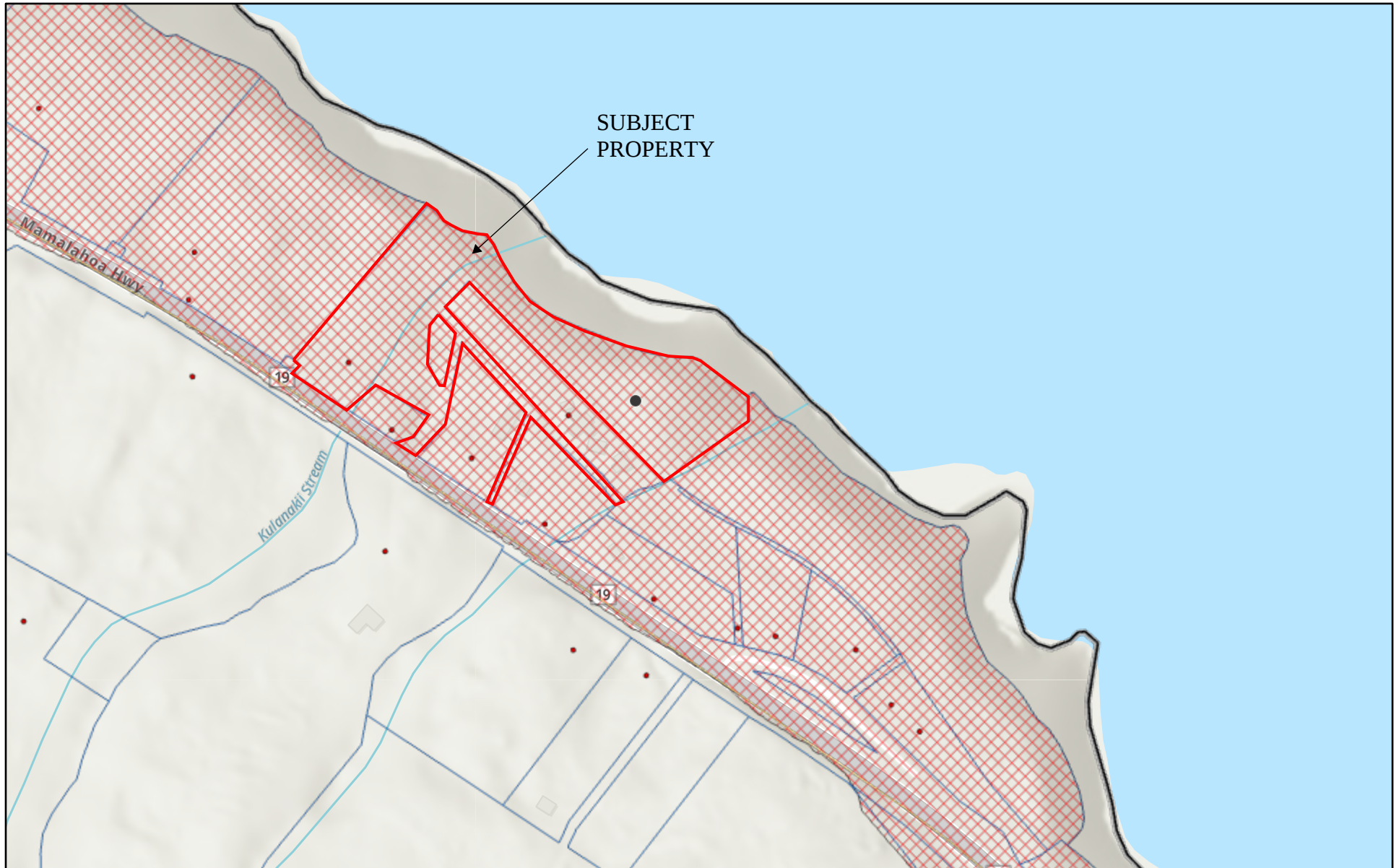
The applicant hopes to secure County SMA Permit approval as soon as possible and begin the “As-Built” Building Permit process immediately thereafter. The estimated value of this project is roughly \$510,000.

E. State/County Plans Affecting Request

i. State Land Use

The State Land Use designation of the project area is primarily Agricultural, with a thin strip of Conservation land along the makai face of the pali (**Figure 11**). Dlb & Associates submitted an exhibit map depicting the State land use Conservation district area (**Figure 12**) and a request for a Conservation Boundary Interpretation to the Land Use Commission on February 4, 2025. To date, no response has been received. However, the map depicts the Conservation area generally following the makai face of the pali, with all improvements located well within the Agriculturally designated area of the parcel. No construction materials or equipment will occur in the Conservation area at any time during any necessary construction work needed to complete “As-Built” building permits for the existing improvements. Additionally, no heavy machinery work or stockpiling of materials

ArcGIS Web Map



2/27/2025, 2:00:44 PM

Special Management Area (SMA)  Parcels (current boundary lines)  Hawaii County District Boundary

 No  Address Points  Coastline

 Yes  Street Centerlines

FIGURE 9

1:4,514

0 0.04 0.07 0.14 mi

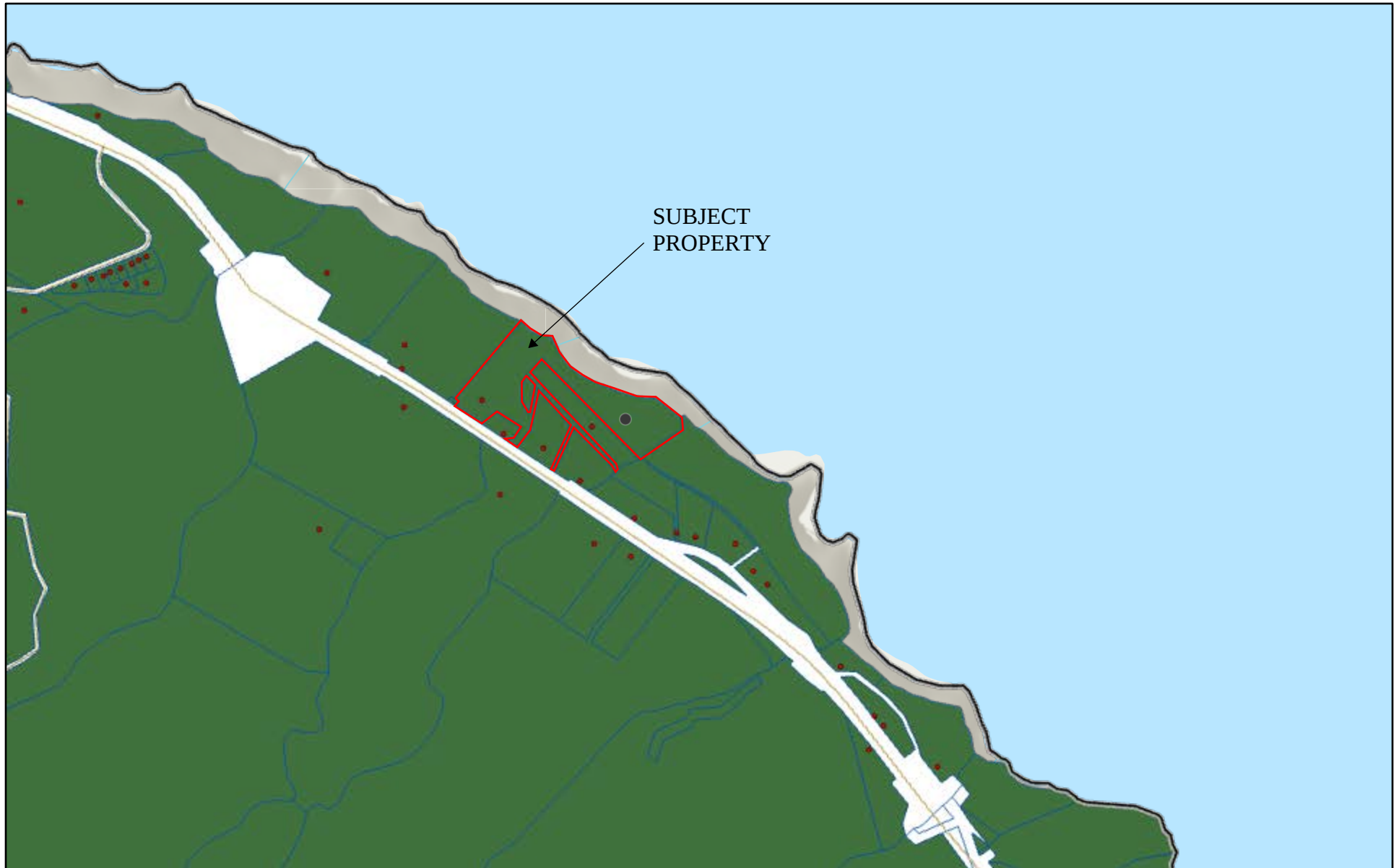
0 0.05 0.1 0.2 km

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ArcGIS Web Map



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Hawaii County Zoning

(road)

A-20a

Parcels (current boundary lines)

Address Points

Street Centerlines

Hawaii County District Boundary

Coastline

1:9,028

0 0.05 0.1 0.2 mi
0 0.1 0.2 0.4 km

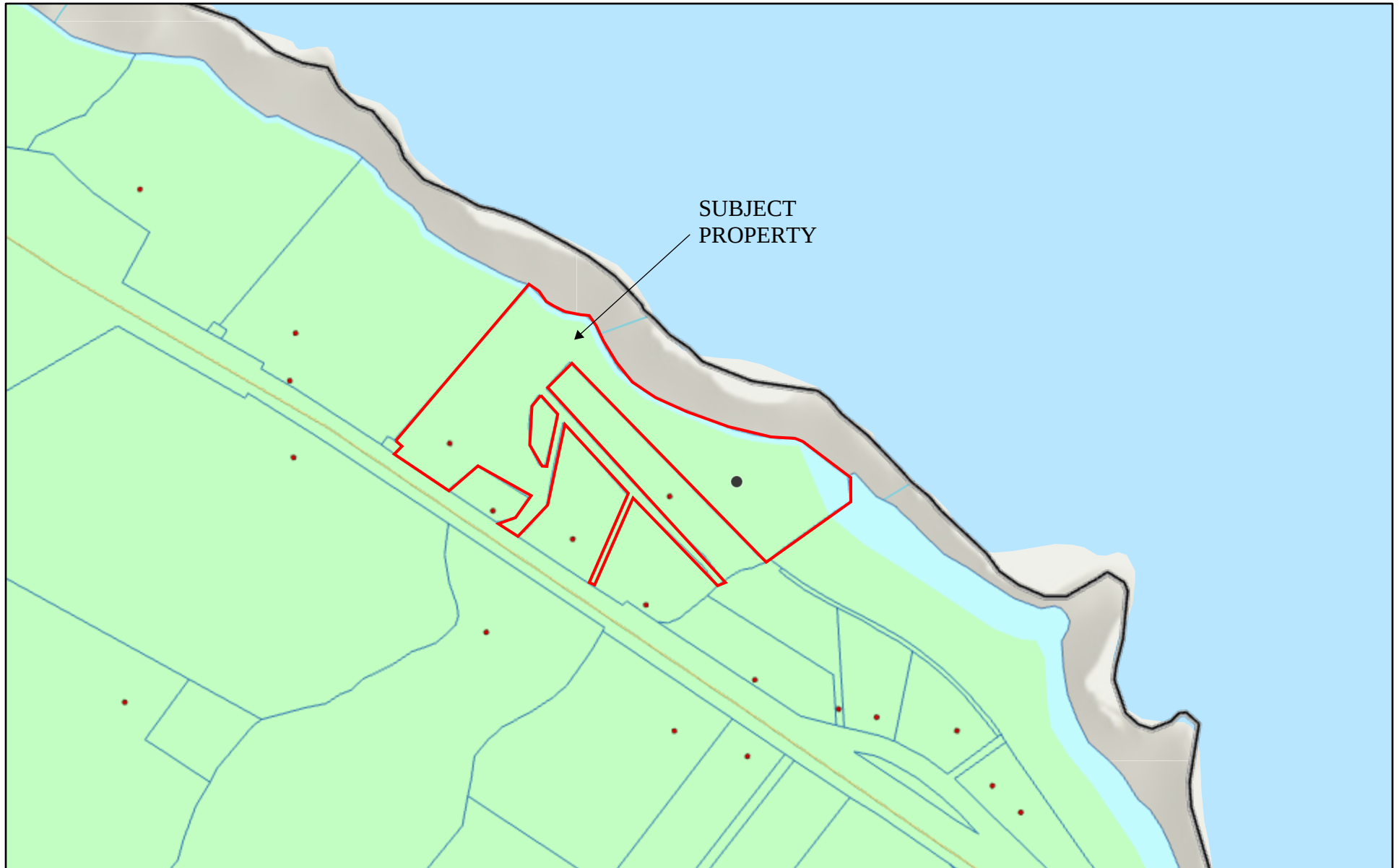
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FIGURE 10

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ArcGIS Web Map



2/27/2025, 2:05:33 PM

State Land Use Classifications (SLU)

Agricultural
Conservation

Parcels (current boundary lines)

Address Points
Street Centerlines

Hawaii County District Boundary

Coastline

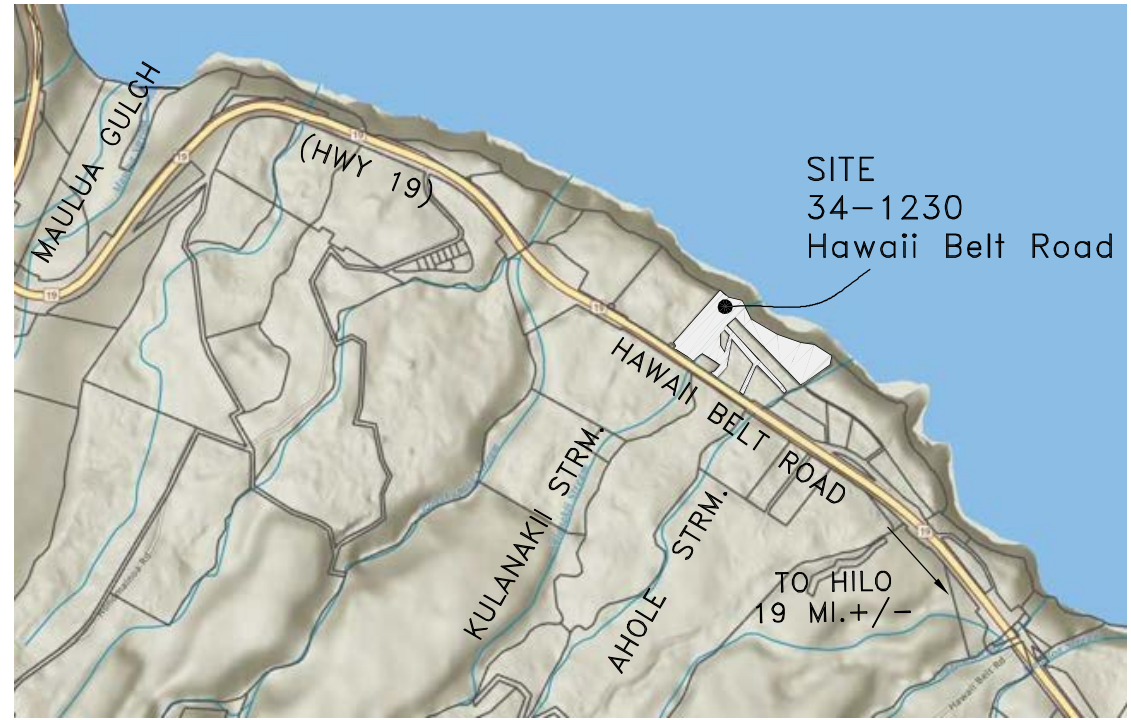
1:4,514
0 0.04 0.07 0.14 mi
0 0.05 0.1 0.2 km

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Web AppBuilder for ArcGIS

FIGURE 11

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VICINITY MAP
NO SCALE

Conservation District
Makai of Tax Map Key (3) 3-4-003-021

All of that cer'tain parcel of land, being a portion of Grant 1029 to Kahapa, and a portion of Grant 2150 to Nakaikuaana, situate at Pohakupuka and Kulanakii, North Hilo, Island and County of Hawaii, State of Hawaii, and being more particularly described as follows:

Beginning at the southwest corner of this parcel of land, being also the northwest corner of Lot 5 as conveyed in Document No. A-80810606 and shown on subdivision approved May 18, 1985 as SUB#5245-r, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "PAPAALOA" being 6,236.43 feet south and 15,826.29 feet east and running by azimuths measured clockwise from true South:

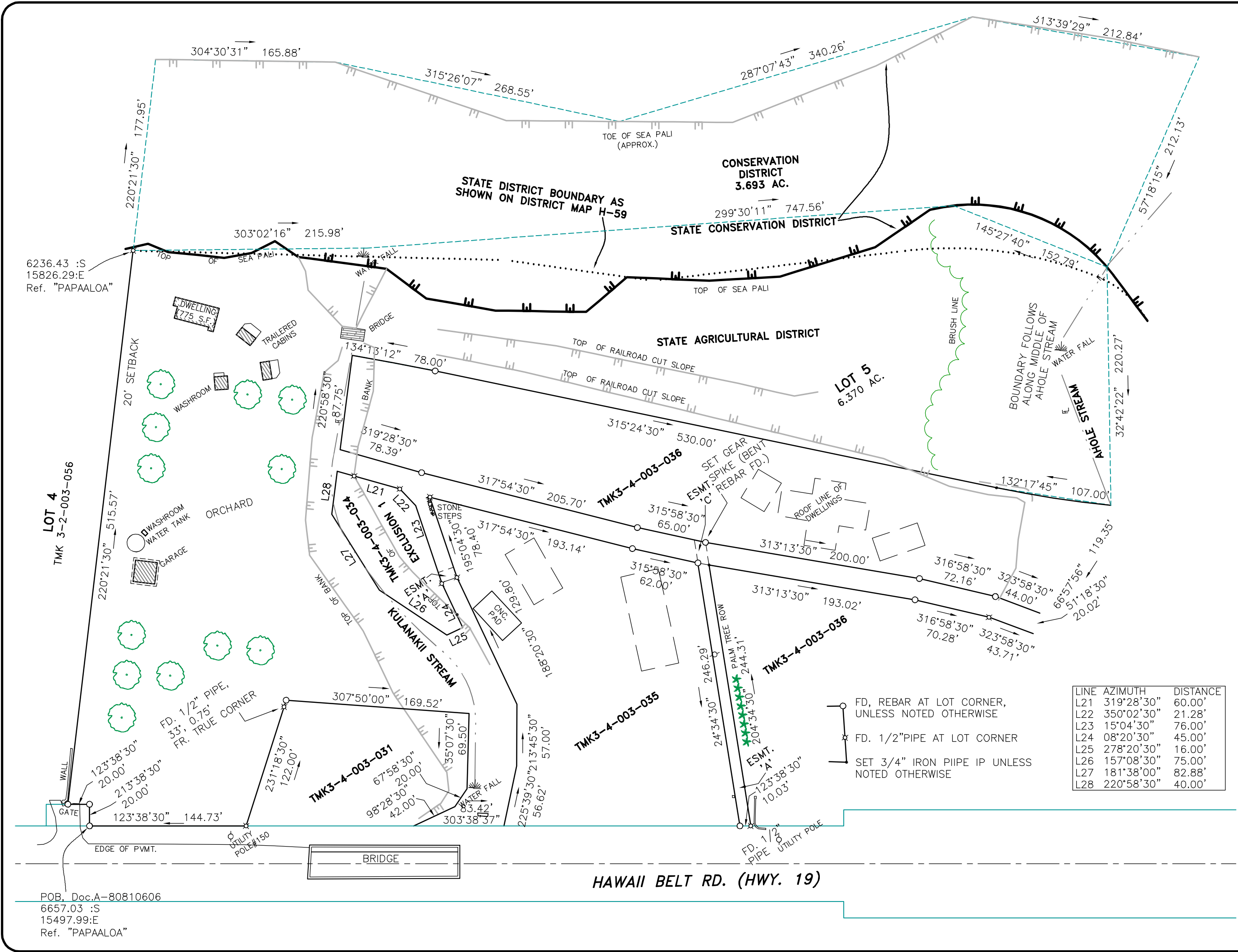
1. 220°21'30" 177.95 feet to the approximate line of mean high water as shown on Land Use Commission Map H-59, thence;

Along said mean high water line and all its windings the following four courses:

2. 304°30'31" 165.88 feet thence;
3. 315°26'07" 268.55 feet thence;
4. 287°07'43" 340.26 feet thence;
5. 313°39'29" 212.84 feet thence;
6. 57°18'15" 212.13 feet to the top of the sea pali at Ahole Stream, thence;

Along the top of the sea pali and all its windings the following three courses:

7. 145°27'40" 152.81 feet thence;
8. 119°30'11" 543.84 feet thence;
9. 123°02'10" 215.98 feet to the Point of Beginning, enclosing an area of 3.693 acres more or less.



- NOTES:**
1. Field surveys completed Jan.6, 2022 to Sep. 2024.
 2. Courses are record dimensions per:
Plan of Consolidation and Resubdivision approved May 1985 by HCPD as SUB#5245,
 3. Owners:
ATLAS Survey LLC
7119 W. Sunset Blvd. #1210
Los Angeles, CA. 90046-4411
Vested by warranty deed recorded as Doc.#A-80810606
 4. Site Address:
34-1230 Hawaii Belt Road (Hwy. 19)
Ninole, HI. 96773
 5. State of Hawaii Land Use District: Agriculture. (See LUC Map H59)
Hawaii County Land Use Zone: A-20a.

- Easements servient by Lot 5:**
- Esmt A appurtenant to tmk parcels 035, 022 and 036 for access purposes.
- Esmt B appurtenant to tmk parcel 036 for access purposes.
- Esmt. C appurtenant to tmk parcel 035 for access purposes.

Exhibit Map
Of Land Use Commission District Boundary
Upon Lot 5,
Being Portions of Grant 2150 to
Nakaikuaana and Grant 1029 to Kahapa
Situated at Kulanakii and Pohakupuka, No. Hilo,
Island and County of Hawaii, Hawaii
TMK(3) 3-4-003:036



This work was prepared by me
or under my direct
supervision.
Daniel L. Berg
Daniel L. Berg
PLS 11245

dlb & Associates
LAND SURVEYING • MAPPING • CONSULTING
P.O.Box 49-2281 Keaau, HI. 96749
Ph.966-4206 Fx.82-6830
www.dlbassoc.com

Exhibit 3

Date: January 30, 2025
Dwg: J2024-432/
Layout: LUC District Bndy.
Project: J2024-431

will occur within the 40-foot shoreline setback during any future construction work needed to complete the “As-Built” permitting process.

The dwelling and associated improvements are consistent with the Agricultural designation and will not be contrary to the objectives sought to be accomplished by the State Land Use Laws and Regulations. As such, the County can process this application.

ii. County General Plan

The General Plan provides for the long-range comprehensive development of the Island of Hawai‘i. It provides direction for balanced growth in the County. The County General Plan Land Use Pattern Allocation Guide (“LUPAG”) map designates the parcel as a mix of Important Agricultural Land and Open Area (**Figure 13**). The Important Agricultural Land designation is intended for land with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors. The farm dwelling will not significantly diminish the agricultural potential of the area and therefore the request is in keeping with the designation of the property. In addition, the farm dwelling supports the sustained farming and cultivation of the agricultural land. Further, the proposed action will retain the essential character of the land and will be consistent with the surrounding area and with the goals, policies, and standards of the General Plan.

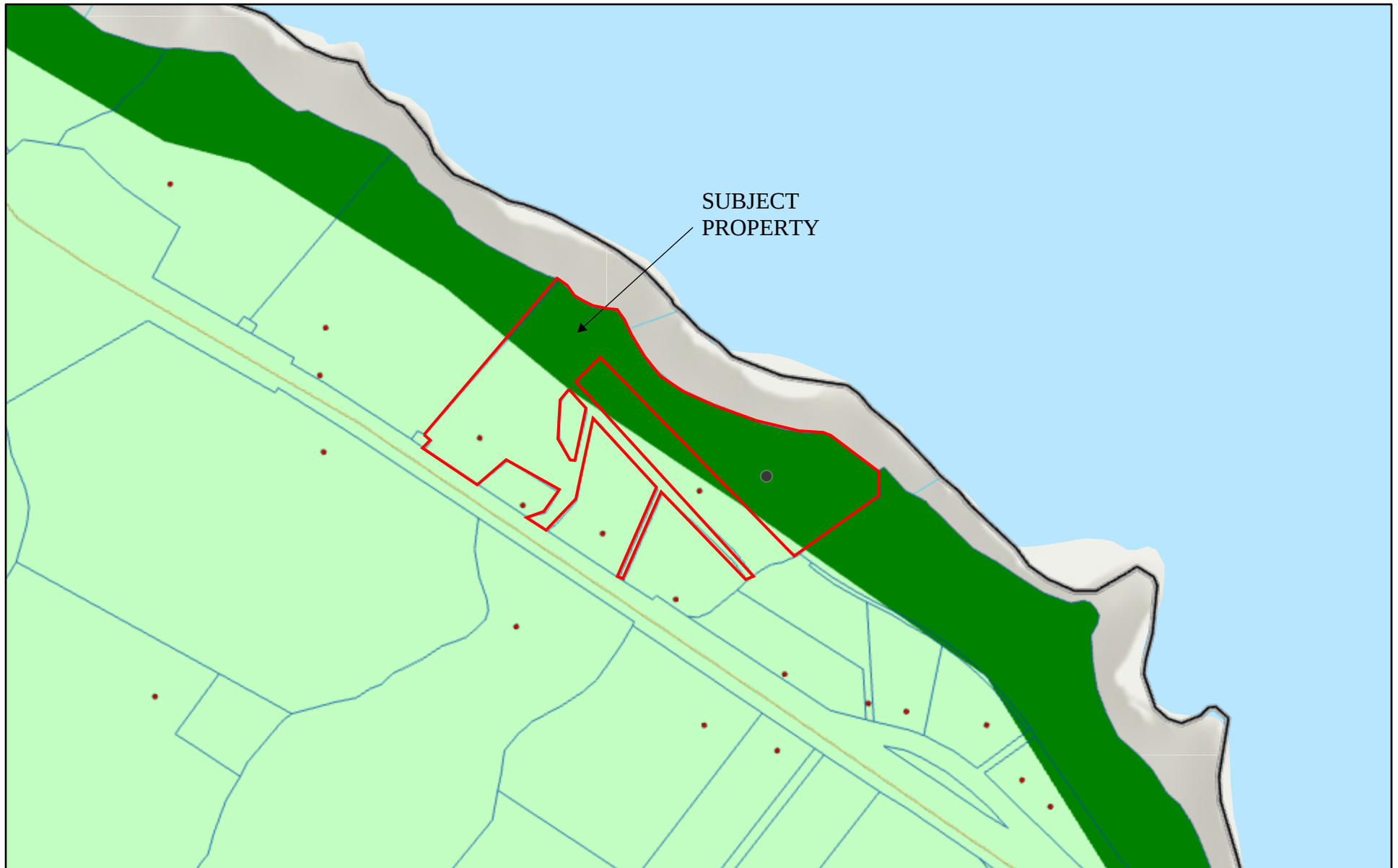
The Open designation is generally intended for parks and other recreational areas, along with open shoreline areas. The Open area runs along the makai and east sides of the parcel. Given the irregular shape of the subject parcel and the location of the existing orchard within the area designated as Important Agricultural Land, the siting of the structures within the open space designation makes most sense. This maximizes the usage of the Important Agricultural Land while also maintaining ocean views from the dwelling and a 40-foot setback from the sea pali.

By allowing the application to proceed, the ability for this land to be productively and profitably farmed increases, thereby increasing the property’s overall economic output. Economic benefit will also be provided to the landowner through the legitimization of the structures by obtaining “as-built” permits. This will increase property value, therefore adding revenue to county coffers in the long term. In the short term, economic opportunity will be provided to the local construction sector in the process of bringing the structures up to code.

The project is **energy** conscious through its use of solar energy and design features that take advantage of wind patterns.

The development will not provide adverse effects on the **environment** or the natural resources of the region. The General Plan identifies five (5) areas of

ArcGIS Web Map



2/27/2025, 2:08:12 PM

Land Use Pattern Allocation Guide (LUPAG)

Important Ag. Lands

Open Area

Parcels (current boundary lines)

Address Points

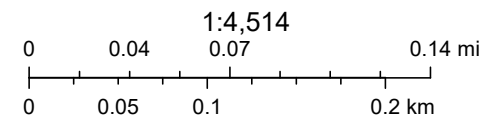
Street Centerlines

Hawaii County District Boundary

Coastline

FIGURE 13

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environmental concerns - air pollution, water quality, soil pollution, solid waste disposal, and noise pollution. This project is not contrary to any of these objectives.

Because the proposed project has already been constructed, emissions in the form of **air pollution** are negligible. Improvements include an all-weather, paved driveway which mitigates long-term dust impacts from vehicles. Additionally, the long-term traffic generation, and thus vehicular emissions, will be limited to typical residential use.

The existing individual wastewater system will be permitted with the Department of Health (DOH) in order to mitigate **water quality** impacts. The applicant will obtain after-the-fact approval for the existing IWS. Early consultation with DOH has indicated that an additional IWS system may be necessary to meet the wastewater needs of the project. The new system is planned to be constructed in a previously disturbed portion of the property between the two detached bedrooms. No further grading is proposed beyond that which already has been performed. The long-term **solid waste** impact will be consistent with residential use with little potential for waste management issues or noxious wastes.

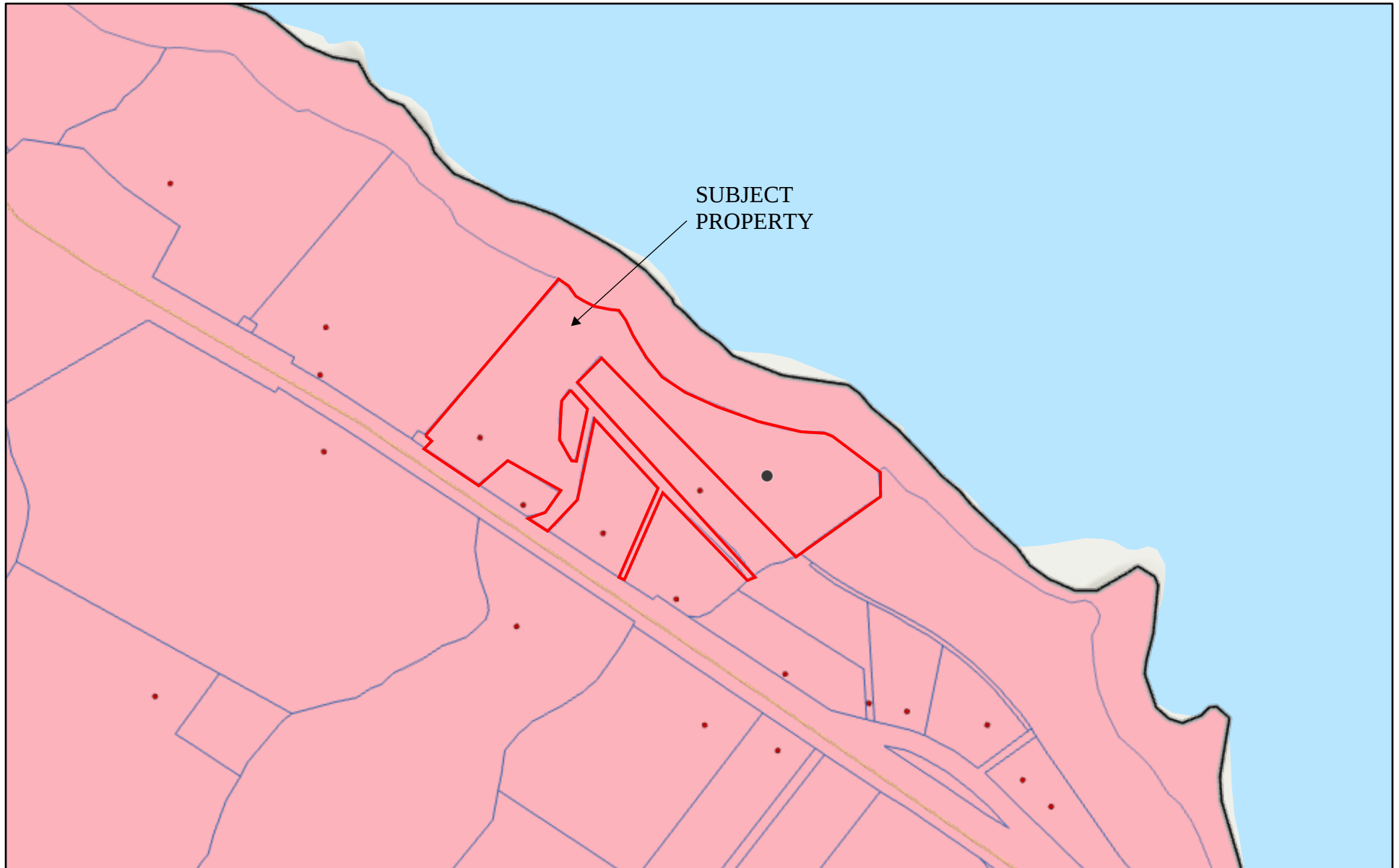
In the short-term **noise** impacts will be minimal as construction of the dwelling has already taken place. However, some additional construction will be required to bring the structures up to current building code. This construction will include construction of new footings to replace the trailers, a new lanai off of the laundry/bathroom structure and the potential for improvements to the existing septic system. Contractors will adhere to Best Management Practices regarding noise, and any impact will be short-lived due to the relatively small scope of work that will be undertaken. In the long-term noise impacts will be similar to the current agricultural and residential noise levels.

No significant **visual impacts** have occurred. Visual impacts are negligible based on the location of the improvements and gentle downward sloping topography of the area in a *mauka* to *makai* direction, thereby rendering the improvements invisible from the highway.

With regard to **flooding**, The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as within Zone “X” (areas outside of the 500-year flood) (**Figure 14**). Additionally, the parcel is not within the 3.2-foot sea level rise exposure area. Further, the applicant has not observed any significant runoff or erosion in the recent past.

With regard to **historic sites**, an archaeological field inspection (AFI) was conducted of the project area by S. Steele D. Jaques, M.A. and Matthew R. Clark, M.A. on November 20, 2024 (**Exhibit A**). During the field survey, no archaeological sites, features, cultural deposits, or historic properties of any kind were identified within the project area and it was noted that the entirety of the

ArcGIS Web Map



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National Flood Hazard Layer Flood Zones

X

Parcels (current boundary lines)

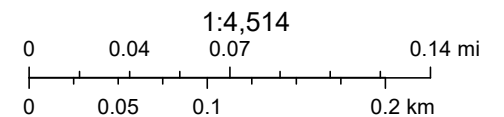
Address Points

Street Centerlines



Hawaii County District Boundary

Coastline



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FIGURE 14

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project area had been subject to prior mechanical disturbance. The field investigation determined that the recent alterations to the property, including the construction of the prefabricated dwelling with trailered bedrooms, washroom, garage, catchment tank and paved driveway likely did not affect any historic structures. While the parcel previously contained portions of the Hawaii Consolidated Railroad, aerial imagery of the parcel provided in the AFI show that the project area was previously planted in sugarcane by 1965 and the flume system, railroad and previous structures located proximate to the project area were no longer present on the parcel by this time. Additionally, the field investigation report notes that the State Historic Preservation Division (SHPD) previously reviewed the parcel and approved a grubbing permit application, as it was unlikely that any historic sites would remain given the past extended use as sugarcane cropland (**Exhibit B**). Based on the field inspection and analysis of historical records, the field inspection report recommended an effect determination of “no historic properties affected”. In the unlikely event that unanticipated archaeological resources are encountered during any further ground disturbing activities associated with the project, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes.

The General Plan also emphasizes that developments be mindful of an area's **natural beauty**. The subject property is not located within an area recognized by the General Plan as an example of natural beauty. Additionally, the residence is less than 13 feet in height and will not be visible from Highway 19 due to existing topography and vegetation and will thus not block ocean views from the highway.

In addition, since there is no increase in allowable density or change in permitted use, there will be no significant impact to **public utilities** or government services and infrastructure.

Given the above information, the project specifically fulfills the following pertinent **land use** goals, policies, and standards of the General Plan:

- *Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.*
- *Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.*
- *Assist in the expansion of the agricultural industry through the protection of important agricultural lands, development of marketing plans and programs, capital improvements and continued cooperation with appropriate State and Federal agencies.*

In view of the foregoing goals and policies, it is noted that the requested Special Management Area Use Permit would not be contrary to the County General Plan. The proposed development will complement the goals, policies, and standards of the Land Use Elements of the General Plan. The project will be designed and

constructed in conformance with the character of the surrounding neighborhood and will result in an intensity of land use that is no higher than what is permitted by the existing zoning.

iv. Hāmākua Community Development Plan

The Hāmākua Community Development Plan (HCDP) was developed through the implementation of the 2005 County of Hawai‘i General Plan. CDP’s are designed to translate and implement the goals, policies, and standards of the General Plan as they apply to specific communities and districts. Additionally, they provide an important framework for a community’s intended outcome and vision and are often used as a forum for community input in terms of land-use, availability of public resources, and overall development. The following objectives and policies of the HCDP apply to the project area and proposed development:

Objective 1: Protect, restore, and enhance watershed ecosystems, sweeping views, and open spaces from mauka forests to makai shorelines, while assuring responsible public access for recreational, spiritual, cultural, and sustenance practices.

Objective 8: Promote, preserve and enhance a diverse, sustainable, local economy.

Objective 9: Encourage the increase and diversity of employment and living options for residents, including living wage jobs and entrepreneurial opportunities that allow residents to work and shop close to home and that complement Hāmākua’s ecology, rural character, and cultural heritage.

Policy 17: 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.

Policy 21: To preserve the agricultural character of Hāmākua and to reinforce existing protections, the CDP Land Use Guide Map designates agricultural lands in the Hāmākua Planning Area to be preserved for agriculture and open space. Development and construction in the Agricultural designation shall be limited to agriculture, related economic infrastructure and cottage industries, renewable energy, open area recreational uses, and community facilities, unless otherwise permitted by law.

Discussion: Per Objective 1 and in order to be mindful of watershed ecosystems, shoreline access and view impacts, all structures were constructed outside the 40-foot shoreline setback and the existing individual wastewater system, with any required improvements, will obtain approval from the Department of Health. It is

the landowner's intent to legitimize the improvements by going through the appropriate SMA process and obtaining "As-Built" building permits and Department of Health approval. It is anticipated that minor modifications and improvements will be required to bring the existing structures up to current code. Any necessary construction work will adhere to Best Management Practices and no heavy equipment work or stockpiling of materials will occur within the 40-foot shoreline setback. Further, as discussed, the mauka to makai slope of the property and the manner in which the dwelling is situated protects viewsheds.

Per Objective 8, the working lychee orchard contributes to the local agricultural economy, while the improvements needed to bring the structures up to code as part of the "as-built" permitting process allow for contribution to the local design and construction industry.

Per Objective 9, orchard help, farm workers, and farm sales contribute both to the local job market as well as the potential to provide agricultural products for consumption in the local market.

Per Policy 17, by processing this application and ensuring that all improvements are brought up to code as a part of the "as-built" process, the SMA is protected.

Per Policy 21, given that the majority of the parcel is designated as Important Agricultural Land, the bolstering of the ability to farm this land through the legitimization of the dwelling promotes the agricultural use of the parcel.

F. Special Management Area & HRS 205A Guidelines Discussion

HRS 205A-2 Objectives

(1)(A) Provide coastal recreational opportunities accessible to the public.

The proposed project will support public coastal recreational opportunities by not interfering with or impeding on any public shoreline access. There is no safe access to the shoreline in the immediate area as the property terminates at an approximately 200-foot pali. The dwelling is sited over 40-feet from the coastal pali. The nearest shoreline public access way is Hakalau Beach park, approximately 5 miles to the southeast and Laupahoehoe Point Beach Park, approximately 5 miles northwest of the subject site. Thus, the shoreline is not accessible from the subject property and the project will not interfere with any coastal recreational opportunities.

(2)(A) Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

An archaeological field inspection (AFI) was conducted of the project area by S. Steele D. Jaques, M.A. and Matthew R. Clark, M.A. on November 20, 2024 (**Exhibit A**). During the field survey, no archaeological sites, features, cultural deposits, or historic properties of any kind were identified within the project area and it was noted that the entirety of the project area had been subject to prior mechanical disturbance. The field investigation determined that the recent alterations to the property, including the construction of the prefabricated dwelling with trailered bedrooms, washroom, garage, catchment tank and paved driveway likely did not affect any historic structures. While the parcel previously contained portions of the Hawaii Consolidated Railroad, aerial imagery of the parcel provided in the AFI show that the project area was previously planted in sugarcane by 1965 and the flume system, railroad and previous structures located proximate to the project area were no longer present on the parcel by this time. Additionally, the field investigation report notes that the State Historic Preservation Division (SHPD) previously reviewed the parcel and approved a grubbing permit application, as it was unlikely that any historic sites would remain given the past extended use as sugarcane cropland (**Exhibit B**). Based on the field inspection and analysis of historical records, the field inspection report recommended an effect determination of “no historic properties affected”. In the unlikely event that unanticipated archaeological resources are encountered during any further ground disturbing activities associated with the project, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes.

(3)(A) Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.

The proposed project will not have a significant impact on the area’s scenic and open space resources. The dwelling is small and less than 13 feet in height and thus coastal view planes will be preserved. Additionally, the dwelling is not visible from the highway due to the existing vegetation along the highway and the established lychee orchard. Therefore, the project’s visual impacts with regarding to views from the coastline and from highway are minimal.

(4)(A) Protect valuable coastal ecosystems, including reefs, beaches, and coastal dunes, from disruption and minimize adverse impacts on all coastal ecosystems.

Any improvements required to bring the existing structures up to code will be minimal and conducted in accordance with construction Best Management Practices to minimize adverse impacts to air pollution, sedimentation and erosion, control stormwater runoff, and wastewater management. The existing individual wastewater system and any necessary improvements will be permitted with the Department of Health as a part of the “as-built” process to mitigate effects of wastewater disposal. Relative to coastal ecosystems, there should be little, if any, adverse impacts.

(5)(A) Provide public or private facilities and improvements important to the State's economy in suitable locations.

The process of bringing the dwelling and associated improvements up to code as part of the “as-built” process will provide temporary employment for local construction workers and would support the economy through the purchase of construction materials from on-island suppliers. This will stimulate and support the general economic stability and development of Hawai‘i Island by allowing for local businesses to thrive and gain income from the project. In the long-term, the legitimization of the dwelling will bring in additional property taxes, adding revenues to the County coffers.

(6)(A) Reduce hazard to life and property from coastal hazards.

Due to its elevation, the property is not within the Civil Defense tsunami evacuation zone and is also not within a flood zone. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as Zone “X” (areas outside of the 500-year flood) (**Figure 14**). The parcel is also outside of the 3.2-foot sea level rise exposure area.

(7)(A) Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

The project will be in compliance with requirements relating to preserving, protecting, and participating in the public review process. The public will be able to participate in the review of this SMA application during the Planning Commission public meetings and testimony process to voice support and/or concerns.

(8)(A) Stimulate public awareness, education, and participation in coastal management.

As this is a managing authority related policy, it is not applicable.

(9)(A) Protect beaches and coastal dunes for:

- (i) Public use and recreation;***
- (ii) The benefit of coastal ecosystems; and***
- (iii) Use as natural buffers against coastal hazards; and***

The project does not impact beaches, coastal dunes, public use, or recreation. There are no sandy beaches or coastal dunes on or near the subject property.

(9)(B) Coordinate and fund beach management and protection.

As this is a managing authority related policy, it is not applicable.

(10)(A) Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

Wastewater is handled through an individual wastewater system to be permitted as part of the “as-built” process by the Department of Health. This system is over fifty (50) feet from the sea pali. No long-term impacts are expected with the implementation of Best Management Practices and mitigating measures. By utilizing a previously disturbed area, potential adverse impacts to natural landscapes and ecosystems on alternative locations are avoided.

HRS 205A-2 Policies

(1)(A) Improve coordination and funding of coastal recreational planning and management.

As this is a managing authority related policy, it is not applicable.

(1)(B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:

- (i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;***
- (ii) Requiring restoration of coastal resources that have significant recreational and ecosystem value, including but not limited to coral reefs, surfing sites, fishponds, sand beaches, and coastal dunes, when these resources will be unavoidably damaged by development; or requiring monetary compensation to the State for recreation when restoration is not feasible or desirable;***
- (iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;***
- (iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;***
- (v) Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;***
- (vi) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;***
- (vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and***
- (viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting that dedication against the requirements of section 46-6;***

The recreational resources policies pertain to improving coordination and funding

of coastal recreational planning and management and providing adequate, accessible, and diverse recreational opportunities in the coastal zone management area. As these are managing authority related policies, they are not applicable to this application. The proposed project will support public coastal recreational opportunities by not interfering with or impeding on any public shoreline access. There is no safe access to the shoreline in the immediate area as the property terminates at an approximately 200-foot pali.

(2)(A) Identify and analyze significant archaeological resources;

(2)(B) Maximize information retention through preservation of remains and artifacts or salvage operations; and

(2)(C) Support state goals for protection, restoration, interpretation, and display of historic resources;

The historic resource policies pertain to identifying, analyzing, preserving, and protecting historic resources. As there are no known historic sites on the property, this policy does not apply. However, in the event any undiscovered historical, archaeological, or cultural resources are identified on the property, work will cease in the immediate area and the Department of Land and Natural Resources, State Historic Preservation Division will be contacted for appropriate action.

(3)(A) Identify valued scenic resources in the coastal zone management area;

(3)(B) Ensure that new developments are compatible with their visual environment by designing and locating those developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;

(3)(C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and

(3)(D) Encourage those developments that are not coastal dependent to locate in inland areas;

There are no General Plan recognized natural beauty sites on or near the subject property. The dwelling is less than 13 feet in height and conforms to the character of other dwellings in the area. Additionally, the dwelling is not visible from the highway due to the mauka to makai slope and existing orchard. Thus, the dwelling is compatible with the visual environment and views from nearby properties have not been changed significantly.

(4)(A) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;

The proposed project will practice an overall conservation ethic towards natural resource management and will not have any significant long-term impacts to water quality, coastal resources, flora or fauna, air quality, noise pollution, or scenic resources. Relative to coastal ecosystems, there should be little, if any, adverse impacts. "As-Built" building permits will be obtained from the Department of Public Works and Department of Health. By utilizing a previously

disturbed area of the property, potential adverse impacts to natural landscapes and ecosystems on alternative locations are avoided.

(4)(B) Improve the technical basis for natural resource management;

As this is a managing authority related policy, it is not applicable. However, as discussed above, the project will practice stewardship in the protection of all natural resources.

(4)(C) Preserve valuable coastal ecosystems of significant biological or economic importance, including reefs, beaches, and dunes;

As the request is for after-the-fact approval, no new ground disturbance is proposed beyond what has already occurred and any construction work will be minimal and restricted to what is necessary to bring the structures up to current code. The existing septic system will be permitted through the Department of Health. Any necessary construction required to bring the structures up to current code will be constructed in accordance with BMPs to manage any potential stormwater runoff. No long-term impacts are expected with the implementation of these BMPs and mitigating measures.

(4)(D) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and

The planned development proposes no stream diversions, channelization or similar drainage or water use components.

(4)(E) Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures;

As the request is for after-the-fact approval, no new ground disturbance is proposed beyond what has already occurred and any construction work will be minimal and restricted to what is necessary to bring the structures up to current code. In such cases, construction Best Management Practices will prevent impacts to water quality from stormwater runoff. An existing individual wastewater system will be permitted with the Department of Health to ensure property wastewater management.

(5)(A) Concentrate coastal dependent development in appropriate areas;

As this is a managing authority related policy, it is not applicable.

(5)(B) Ensure that coastal dependent development and coastal related development

are located, designed, and constructed to minimize exposure to coastal hazards and adverse social, visual, and environmental impacts in the coastal zone management area; and

The proposed project is planned, with appropriate mitigating measures, to minimize potential adverse social, visual, and environmental impacts. Any effect that may result will be minimized to the extent practicable and is clearly outweighed by public health, safety, and welfare, and other compelling public interests.

(5)(C) Direct the location and expansion of coastal development to areas designated and used for that development and permit reasonable long-term growth at those areas, and permit coastal development outside of designated areas when:

- (i) Use of designated locations is not feasible;***
- (ii) Adverse environmental effects and risks from coastal hazards are minimized; and***
- (iii) The development is important to the State's economy;***

Many properties in the surrounding area contain dwellings. The request is consistent with surrounding uses and will be in keeping with existing developments in the area.

(6)(A) Develop and communicate adequate information about the risks of coastal hazards;

As this is a managing authority related policy, it is not applicable.

(6)(B) Control development, including planning and zoning control, in areas subject to coastal hazards;

(6)(C) Ensure that developments comply with requirements of the National Flood Insurance Program; and

(6)(D) Prevent coastal flooding from inland projects;

(7)(A) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;

(7)(B) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and

(7)(C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process;

The managing development policies relate to use, implementation and enforcement of laws, processing of applications for development permits and communication of coastal development impacts to the public. This report details how the proposed use complies with existing laws and requirements.

- (8)(A) Promote public involvement in coastal zone management processes;***
(8)(B) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and
(8)(C) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts;

The public will be able to participate in the proposed project during the Planning Commission public meetings and testimony process to voice support and/or concerns.

- (9)(A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;***
(9)(B) Prohibit construction of private shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;
(9)(C) Minimize the construction of public shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;

The as-built improvements are located more than 40-feet from the sea pali and will not interfere with natural shoreline processes. While coastal erosion along the sea pali is possible, the improvements have been sited over 40 feet from the pali edge to avoid the potential for loss should there be any erosion to the pali. The project does not propose any shoreline hardening structures.

- (9)(D) Minimize grading of and damage to coastal dunes;***

The as-built improvements to not impact coastal dunes as none exist in the area. The dwelling is located over 40-feet from the coastal pali and at an elevation of roughly 220 feet. All BMPs and mitigating measures discussed throughout the report will prevent impacts to coastal resources during all construction needed to permit the improvements.

- (9)(E) Prohibit private property owners from creating a public nuisance by inducing or cultivating the private property owner's vegetation in a beach transit corridor; and***
(9)(F) Prohibit private property owners from creating a public nuisance by allowing the private property owner's unmaintained vegetation to interfere or encroach upon a beach transit corridor.

The subject property is not proximate to a beach transit corridor. Nevertheless, the applicant will maintain vegetation on the property and will not cause any

encroachment or disruption to any nearby uses.

(10)(A) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;

(10)(B) Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;

(10)(C) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;

(10)(D) Promote research, study, and understanding of ocean and coastal processes, impacts of climate change and sea level rise, marine life, and other ocean resources to acquire and inventory information necessary to understand how coastal development activities relate to and impact ocean and coastal resources;
and

(10)(E) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

The marine resources policies relate to the development of marine and coastal resources, coordination of marine and coastal activities, forging State partnerships, promoting research of ocean and coastal processes, and encouraging new technologies for exploring, using, and protecting marine and coastal resources. These are managing authority related policies and are not applicable to this application.

Based on the foregoing, it is concluded that after-the-fact approval of the existing improvements would be consistent with the objectives, policies, and guidelines of the Special Management Area Rules and Regulations. Specifically:

- A. Special Management Area approval of the existing improvements will not have any substantial, adverse environmental or ecological effect.

No adverse long-term impacts are expected to air or water quality, scenic views, soil, coastal resources or flora and fauna. Mitigating measures and best management practices will protect all natural resources.

Further, the proposed improvements will not generate any adverse effects by themselves or in conjunction with other individual developments, nor will the proposed improvements pose a potential cumulative impact which would result in a substantial adverse environmental or ecological effect or the elimination of planning options. Appropriate mitigative measures will be taken to address any potential adverse impacts of this project.

- B. The proposed activities are consistent with the County General Plan and County Zoning Code.
- C. The proposed activities are consistent with the County General Plan and

County Zoning Code.

The proposed project is consistent with the County General Plan and existing A-20a zoning.

G. Surrounding Zoning and Land Uses

The subject site and the surrounding properties are zoned A-20a (**Figure 9**). Nearby parcels range in size from approximately 1 to 20+ acres. These parcels contain a mixture of residential and agricultural uses.

This action should have a negligible effect on surrounding land uses and will not result in any change to the character or ambiance of this area. The surrounding area is primarily used residentially and agriculturally, as is the subject parcel. Thus, permitting of the existing dwelling would be consistent with the use of the surrounding area.

No zoning or density changes are requested and thus traffic should continue to be at a residential level and hence not any different than what exists today or the potential that exists today. As such, the request should not create a significant impact to surrounding areas.

H. Flood Insurance Rate Map

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as Zone “X” (areas outside of the 500-year flood) (**Figure 13**). The parcel is also outside the 3.2-foot sea level rise exposure area.

I. Archaeological Resources

An archaeological field inspection (AFI) was conducted of the project area by S. Steele D. Jaques, M.A. and Matthew R. Clark, M.A. on November 20, 2024 (**Exhibit A**). During the field survey, no archaeological sites, features, cultural deposits, or historic properties of any kind were identified within the project area and it was noted that the entirety of the project area had been subject to prior mechanical disturbance. The field investigation determined that the recent alterations to the property, including the construction of the prefabricated dwelling with trailered bedrooms, washroom, garage, catchment tank and paved driveway likely did not affect any historic structures. While the parcel previously contained portions of the Hawaii Consolidated Railroad, aerial imagery of the parcel provided in the AFI show that the project area was previously planted in sugarcane by 1965 and the flume system, railroad and previous structures located proximate to the project area were no longer present on the parcel by this time. Additionally, the field investigation report notes that the State Historic Preservation Division (SHPD) previously reviewed the parcel and approved a grubbing permit application, as it was unlikely that any historic sites would remain given the past extended use as sugarcane cropland (**Exhibit B**). Based

on the field inspection and analysis of historical records, the field inspection report recommended an effect determination of “no historic properties affected”.

In the unlikely event that unanticipated archaeological resources are encountered during any further ground disturbing activities associated with the project, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes.

J. Valued Cultural Resources

In view of the Hawai‘i State Supreme Court’s “PASH” and “*Ka Pa`akai O Ka`Aina*” decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed. Specifically, there must be a discussion on the cultural, historical, and natural resources, as well as the associated traditional and customary practices of this site.

As the subject parcel terminates at an approximately 200-foot high sea pali, all proposed improvements are located over 40 feet from the sea pali and no shoreline access exists in the immediate area. Therefore, no impacts to traditional shoreline uses are anticipated by this action. It is not known whether the subject site or immediate surrounding area was ever used for traditional and customary rights by native Hawaiians. As the project area has been previously cleared for agricultural uses and much of the surrounding area has been used extensively for residential and agricultural use for many years, it would appear very unlikely that the site would serve such a purpose today and/or in the recent past and the applicants have not observed any Native Hawaiians gathering plants on the subject site or the adjoining properties.

In the event that legitimate gathering claims are made by Native Hawaiians, the applicant intends to respect and honor such claims and provide the legal and needed access within the site.

Based on the above, it does not appear that the project would have any potential adverse impact relative to the cultural, historical or natural resources of the area.

K. Public Access

The requested action will not impact public access to the ocean or recreational resources. The parcel terminates at sea cliff and no shoreline access is possible from the property. There is no established existing public shoreline access in this area. Additionally, the subject improvements will be located more than 40 feet from the sea pali.

L. Floral and Faunal Resources

Although there were no professional surveys conducted of the floral or faunal resources of the site, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found within the project area due to its prior agricultural use. The parcel is primarily vegetated with a managed Lychee (*Litchi chinensis*) orchard, along with a few Coconut (*Cocos nucifera*) and Ulu (*Artocarpus altilis*) trees.

Several common birds frequent the area, including Common Myna (*Acridotheres tristis*), Spotted Dove (*Streptopelia chinensis*), House Finch (*Carpodacus mexicanus*), Saffron Finch (*Sicalis flaveola*), and Japanese White-Eye (*Zosterops japonicus*). It is also possible for feral cats (*Felis catus*), chickens (*Gallus gallus domesticus*), Indian mongoose (*Herpestes a. auropunctatus*), and pigs to be present at times. All of these animals are common and not endangered.

The site is not known to be a habitat for any rare or endangered animal life. However, it would be possible to find the Hawaiian Hawk (I‘o) (*Buteo solitarius*), the Hawaiian Owl (Pueo) (*Asio flammeus sandwichensis*), and the Hawaiian Hoary Bat or ‘Ope‘ape‘a (*Lasiurus cinereus semotus*) flying over, roosting, or utilizing resources near the property.

The State listed Hawaiian Hoary Bat (*Lasiurus cinereus semotus*) has the potential to occur in the vicinity of the project area and may roost in nearby trees. Hoary Bats may be sensitive to disturbance between June 1st and September 15th, throughout which no shrubs or trees taller than 15 feet may be disturbed, removed, or trimmed without consulting the DLNR Division of Forestry and Wildlife (DOFAW). The State listed Hawaiian Hawk, or ‘Io (*Buteo solitarius*) is also known to occur in the project vicinity. If any tree cutting occurs between March and September, DOFAW must be consulted first. A pre-construction hawk nest search by a qualified ornithologist using standard methods must be conducted. If nests are found, no land clearing is permissible until October.

According to DOFAW, artificial lighting can adversely impact seabirds that may pass through the area at night by causing disorientation. The disorientation can result in collision with manmade artifacts or grounding of birds. For nighttime lighting that might be required, DOFAW recommends that all lights be fully shielded to minimize impacts. Nighttime work that requires outdoor lighting should be avoided during the seabird fledging season from September 15th through December 15th. This is the period when young seabirds take their maiden voyage to the open ocean.

M. Description of Access

Access to the property is via a shared easement connecting to Hawaii Belt Road, a State owned and maintained public highway. The existing access is sufficient to serve the existing improvements.

N. Traffic Impacts

The proposed project seeks to secure “as-built” approval for an already-existing dwelling and associated improvements. Traffic will therefore not increase and will remain at the level that exists today.

O. Availability of Utilities

Water

The subject dwelling is served by a rainwater catchment tank. Permitting of the tank is proposed to be included in the “as-built” approval process.

Wastewater

The dwelling utilizes an existing septic system to be permitted with Department of Health, which will mitigate potential impacts to water quality, coastal ecosystems, and soil due to wastewater. Initial consultation with the Department of Health and a civil engineer has determined that some alterations to the existing individual wastewater system may be required. The applicant will work with her engineer to permit the existing system and any additional improvements needed.

P. Potential Areas of Concern

Coastal Hazards

The subject parcel terminates at an approximately 200-foot high sea cliff with all improvements proposed more than 40 feet from the cliff. Therefore, the development is not directly affected by any coastal hazards such as high waves, erosion, or subsidence. Additionally, the parcel is located within Flood Zone X (**Figure 14**), outside the 3.2-foot sea level rise exposure area and is not located within the Civil Defense tsunami evacuation zone.

Coastal Resources

Any necessary construction activities will follow Best Management Practices to minimize adverse point and non-point pollution to coastal resources and surrounding areas. The following BMPs will be followed. This is not a comprehensive list; any

other mitigating measures identified during the permitting process that are required to prevent significant impacts will be adhered to.

1. Soil loss and erosion will be minimized by stabilizing slopes and disturbed areas of soil. All exposed areas will be stabilized within seven (7) days of soil disturbance. Initiation of stabilization will commence within one (1) calendar day of soil-disturbing activities.
2. Sediment loss will be minimized by placing structural controls including silt fences, gravel bags, sediment ponds, check dams, and other barriers.
3. Sediment wattles and protective covers will be applied to soil and material stockpiles.
4. Stockpiles of debris will be located away from waterways and low spots. Debris will be removed periodically from the subject site to prevent large stockpiles.
5. No heavy machinery will be used within the 40-foot shoreline setback area. Low-impact tools such as jackhammers and wheelbarrows will be used instead.
6. Dust impacts will be minimized by erecting a screen or fence.
7. Routine inspection and maintenance of structural BMPs will be performed by trained personnel.
8. Significant leaks or spills will be properly cleaned and disposed of at an approved site.

The applicant has not observed any significant runoff or erosion on the subject property. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process.

II. ANTICIPATED IMPACTS

A. Environmental Setting

General Description

The subject parcel is within the Special Management Area (SMA) (**Figure 8**). It is identified by TMK (3) 3-4-003:021 and is located off the Hawai'i Belt Road, approximately 5 miles north of Hakalau Bay in North Hilo, Hawai'i (**Figure 1**). The property consists of 6.37 acres of land zoned A-20a (**Figure 9**). It is irregularly shaped, and the northwestern side of the property is at an elevation of approximately 291 feet and slopes downward in the makai direction to the edge of an approximately 200-foot high pali, which effectively serves as the shoreline. The State Land Use designation of the project area is primarily Agricultural, with a thin strip of Conservation land along the face of the pali (**Figure 10**). All improvements are within the Agricultural District. The east side of the parcel is bordered by the Ahole Stream and attendant gulch; no structures are within or proximate to the gulch.

Soils

The U.S. Department of Agricultural *Natural Resource Conservation Service* (NRCS) has designated the soil type for the property as Hilo hydrous silty clay loam (903) with 10 to 20 percent slopes. This soil type consists of ash fields on lava flows. It is considered well drained with a medium runoff class. It is not considered prime farmland. The soils have a primary Land Study Bureau (LSB) Overall Productivity Rating of “C”, or fair, with portions of the parcel located along the gulch and sea pali rated “E”, or very poor (**Figure 15**). According to the Agricultural Lands of Importance to the State of Hawai‘i (ALISH) classification system, the majority of the parcel is considered “prime” (**Figure 16**).

Flora and Fauna

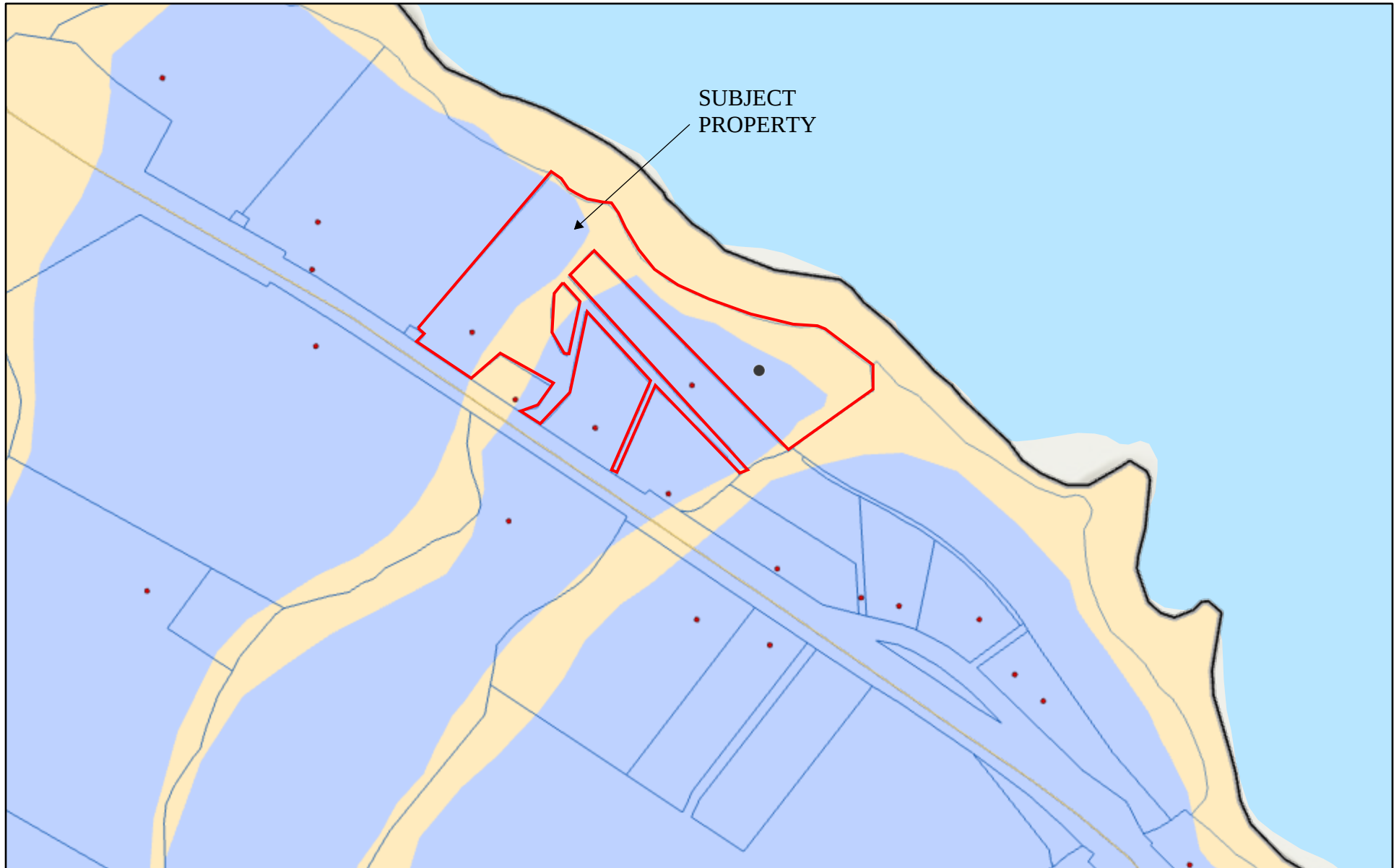
Although there were no professional surveys conducted of the floral or faunal resources of the site, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found within the project area due to the property’s history of extensive agricultural uses. The parcel is primarily vegetated with a managed Lychee (*Litchi chinensis*) orchard, along with a few Coconut (*Cocos nucifera*) and Ulu (*Artocarpus altilis*) trees.

Several common birds frequent the area, including Common Myna (*Acridotheres tristis*), Spotted Dove (*Streptopelia chinensis*), House Finch (*Carpodacus mexicanus*), Saffron Finch (*Sicalis flaveola*), and Japanese White-Eye (*Zosterops japonicus*). It is also possible for feral cats (*Felis catus*), chickens (*Gallus gallus domesticus*), Indian mongoose (*Herpestes a. auropunctatus*), and pigs to be present at times. All of these animals are common and not endangered.

The site is not known to be a habitat for any rare or endangered animal life. However, it would be possible to find the Hawaiian Hawk (I‘o) (*Buteo solitarius*), the Hawaiian Owl (Pueo) (*Asio flammeus sandwichensis*), and the Hawaiian Hoary Bat or ‘Ope‘ape‘a (*Lasiurus cinereus semotus*) flying over, roosting, or utilizing resources near the property.

The State listed Hawaiian Hoary Bat (*Lasiurus cinereus semotus*) has the potential to occur in the vicinity of the project area and may roost in nearby trees. Hoary Bats may be sensitive to disturbance between June 1st and September 15th, throughout which no shrubs or trees taller than 15 feet may be disturbed, removed, or trimmed without consulting the DLNR Division of Forestry and Wildlife (DOFAW). The State listed Hawaiian Hawk, or ‘Io (*Buteo solitarius*) is also known to occur in the project vicinity. If any tree cutting occurs between March and September, DOFAW must be consulted first. A pre-construction hawk nest search by a qualified ornithologist using standard methods must be conducted. If nests are found, no land clearing is permissible until October.

ArcGIS Web Map



2/6/2025, 3:49:36 PM

Land Study Bureau Soil Type (LSB)

C
E

Parcels (current boundary lines)

Address Points

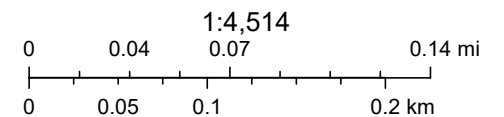
Street Centerlines

Hawaii County District Boundary

Coastline

FIGURE 15

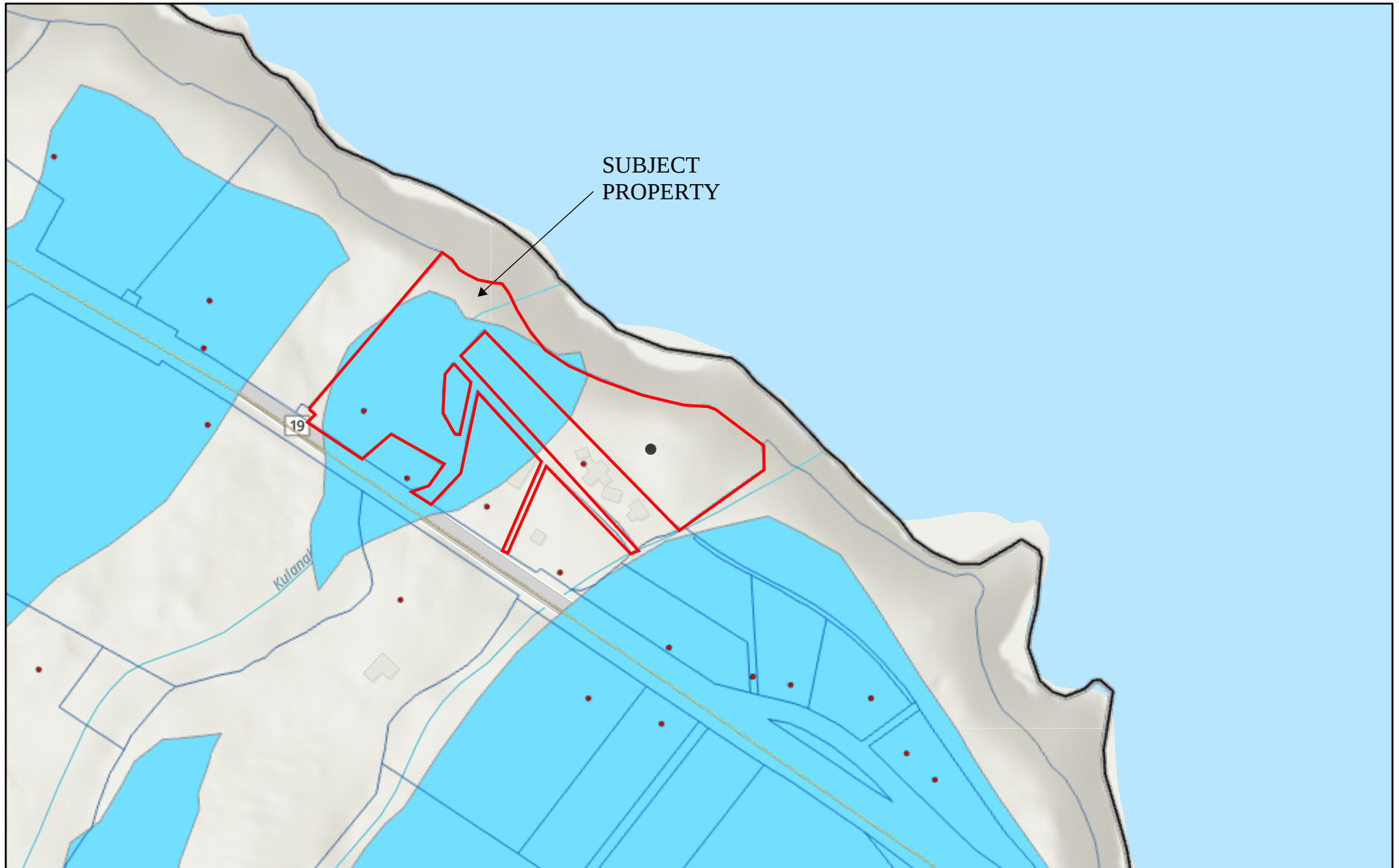
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ArcGIS Web Map



2/27/2025, 2:11:19 PM

Agricultural Lands of Importance to the State of Hawaii (ALISH)

1

Parcels (current boundary lines)

Address Points

Street Centerlines

Hawaii County District Boundary

Coastline

1:4,514

0 0.04 0.07 0.14 mi

0 0.05 0.1 0.2 km

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FIGURE 16

The contents of this map were prepared for informational and planning purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.

According to DOFAW, artificial lighting can adversely impact seabirds that may pass through the area at night by causing disorientation. The disorientation can result in collision with manmade artifacts or grounding of birds. For nighttime lighting that might be required, DOFAW recommends that all lights be fully shielded to minimize impacts. Nighttime work that requires outdoor lighting should be avoided during the seabird fledging season from September 15th through December 15th. This is the period when young seabirds take their maiden voyage to the open ocean.

Volcanic and Earthquake Hazards

According to the United States Geological Survey maps, the project site is located within Lava Flow Hazard Zone 8, on a scale of ascending risks 9 to 1.

The Building Code designates the entire island of Hawai'i Earthquake Zone "D" and contains certain structural requirements to address the relative seismic hazard. The existing structures will be analyzed with regard to current Building Code compliance by a licensed architect and any necessary improvements will be construction in conjunction with the "As-Built" permitted process to ensure that the structures are constructed to withstand seismic hazards.

Flood/Drainage

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as within Zone "X" (areas outside of the 500-year flood) (**Figure 14**). Additionally, the project area is at an elevation of approximately 220 feet and is not within the 3.2-foot sea level rise exposure area.

Due to its elevation, the property is not located within a tsunami evacuation zone, is located outside of the 500-year flood plane and is not affected by coastal flooding hazards.

B. Relationship to Land Use Plans and Policies

Special Management Area

The subject site is situated within the County Special Management Area (SMA). As such, a Special Management Area Use Permit is being requested. A discussion of this project's relationship to HRS Chapter 205A is found in Section I, subsection F of this report.

C. Probable Environmental Impact

There are no probable significant environmental impacts associated with the proposed action. The existing dwelling is energy conscious and utilizes solar energy and design features that take advantage of the sun and wind patterns. As the area in which the

improvements were constructed had been previously cleared, the development does not appear to have had an adverse effect on the environment or the natural resources of the region. Permitting of the improvements will not create any no long-term impacts to air pollution, water quality, soil pollution, solid waste disposal, or noise pollution. Wastewater will continue to be handled via an individual wastewater system which will be permitted by the Department of Health in order to mitigate potential water quality, coastal ecosystem, and soil impacts due to wastewater. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process. Stormwater runoff will be managed during construction phases by utilizing Best Management Practices and mitigating measures.

D. Unavoidable Adverse Environmental Effects

The proposed action and land use will not have any significant adverse effects to natural resources. The applicant intends to continue to utilize the land for a dwelling and as a farm, which is consistent with the use of the surrounding area and permitted use in the zone.

No adverse long-term impacts are expected to air or water quality, scenic or other natural resources. As the proposed project entails corrective actions to permit already existing structures, only minor alterations to the existing structures will be needed to ensure that they meet current building codes. Mitigating measures and best management practices will protect soil and coastal resources during such construction activities. No impacts are anticipated to flora and fauna. No significant secondary or cumulative impacts are expected with the request.

E. Alternatives to Proposed Action

No Project

Under a “No Project” alternative, the existing structures would remain in their unpermitted state. This would be a violation of County Zoning and Building Code regulations and would thus be unacceptable.

Removal of Improvements

An alternative to the proposed project would be to dismantle the unpermitted improvements and leave the parcel uninhabited. There is no justification for this alternative as permitting of a farm dwelling on the property is a permissible use within the Agricultural district, the improvements are within a previously disturbed area of the parcel and there are no factors which would inhibit appropriate use of the parcel for a dwelling. Additionally, demolition and removal of the existing improvements may cause more impact on the environment than properly permitting the existing structures.

Removal of the existing dwelling and associated improvements would also inhibit the landowner's ability to properly care for the existing orchard on the property and result in the loss of the aforementioned economic benefits of the region in accordance with the General Plan and the Hamakua CDP.

Alternate Location

Due to the existence of an established orchard across the parcel, the parcel's topography and irregular shape, and setback requirements, an alternate location would only be possible if a portion of the lychee orchard were removed to create a new building pad. While possible, this would not be ideal and would go against the goals of the Agricultural District as it would result in the loss of important and established agricultural land in active use for food production. Thus, no alternative layout would be more reasonable than the one proposed.

F. Mitigating Measures

The applicant plans to mitigate any potential impacts of the proposed project through the implementation of the Best Management Practices as previously detailed. Additionally, the height and placement of the improvements do not disrupt view planes from nearby properties or the highway.

G. Irreversible and Irretrievable Commitment of Resources

Permitting the existing improvements will not involve an irrevocable commitment, loss, or destruction of any natural, cultural, or historic resources. Any necessary construction work will closely follow all mitigating measures and Best Management Practices to minimize impacts to natural resources.

It is highly unlikely that any historic, archaeological, or cultural resources are present in the project area given the previous clearing and agricultural use of the property. However, in the event any historic, archaeological, or cultural features are discovered during construction, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD, and County Planning Department will be secured before work resumes.

The requested action will not impact public access and all improvements are more than 40 feet from the coastal pali.

The proposed action should not result in the irreversible or irretrievable commitment of any environmental resources. As such the proposed action is logical, reasonable and wholly consistent with established Special Management Area objectives and regulations.

EXHIBIT A



January 17, 2025

Crystal Hefner
34-1230 Hawai'i Belt Rd.
Ninole, HI 96773
Email: HefnerCrystal@gmail.com

Subject: An archaeological field inspection of a portion of TMK: (3) 3-4-003:021, Pohakupuka Ahupua'a, North Hilo District, Island of Hawai'i

Dear Crystal:

As requested, ASM Affiliates (ASM) conducted an archaeological field inspection for a 1.5-acre portion of TMK: (3) 3-4-003:021 ("the project area") located in Pohakupuka Ahupua'a, North Hilo District, Island of Hawai'i (Figures 1 through 3). The landowner has recently made numerous alterations to the project area, unaware that a permit is required prior to any groundbreaking activity (Figure 4). The purpose of the field inspection was to determine if undocumented historic properties exist within the project area to assist the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) in their Hawai'i Revised Statutes (HRS) Chapter 6E-42 historic preservation review of an anticipated submission for an after-the-fact County of Hawai'i Special Management Area (SMA) permit for the completed work. This letter presents a description of the project area and a summary of the historical context and prior research in the area, followed by a description of the methods and results of the current field inspection, and a recommended determination of effect for the proposed project.

Project Area Description

The current project area consists of a 1.5-acre portion of TMK: (3) 3-4-003:021 situated in the northern corner of the subject parcel (see Figures 1 through 3). The subject parcel which is located makai of the Hawai'i Belt Road (Route 19) between the towns of Pāpa'aloa and Ninole, and is bounded to the northeast by a roughly 180-foot high coastal pali (cliff), to the southwest by the highway alignment (as well as several developed residential parcels), to the northwest by another developed residential parcel, and to the southeast by Āhole Gulch (see Figure 3). Elevations within the subject parcel range from approximately 180 to 295 feet above mean sea level (amsl), and another major drainage channel, Kulanaki'i Gulch, extends across the western portion of the subject parcel from the highway to the coast. Both gulches contain perennial streams that outlet at coast in front of the property as waterfalls. Kulanaki'i Gulch forms the southeastern boundary of the current project area, which extends roughly 95 meters inland from the edge of the coastal pali to an elevation of 270 feet amsl, and northwest from the gulch for roughly 65 meters to the northwestern boundary of the subject parcel.

The climate in this portion of North Hilo is tropical with daily temperatures generally ranging between 70 degrees Fahrenheit (21 degrees Celsius) and 73 degrees Fahrenheit (23 degrees Celsius) with an average rainfall of 75 to 138 inches (1,905 to 3,505 millimeters) (Giambelluca et al. 2013). Soils within the project area are classified as Hilo hydrous silty loam on 10 to 20 percent slopes (labeled as "903" in Figure 5). Geologically, the project area is situated on a pāhoehoe lava flow (labeled "Qhm" in Figure 6) that originated from Mauna Kea (identified as Hāmākua Volcanics) between 64,000 and 300,000 years before present (Soil Survey Staff 2022).

The entire project area has been subject to prior ground disturbance, most recently as a fruit orchard during the late 1980s to early 1990s (Figure 7). An asphalt paved driveway currently extends from Highway 19 along the entire northwestern boundary of the property to the coastal pali where it turns southeast and continues partway to Kulanaki'i Gulch, before becoming a gravel road that continues southeast through the entire subject parcel (following the former route of the Hawai'i Consolidated Railway) and terminates at Āhole Gulch (Figures 8 through 10). Along the inland side of the driveway where it turns to the southeast

and follows the edge of the pali, a prefabricated dwelling structure, two trailered cabins, and a trailered washroom have been placed on recently constructed concrete slabs (Figures 9 through 12). A garage, catchment tank, and washroom shed have been recently constructed along the southeastern edge of the driveway, approximately 80 meters from Hawai'i Belt Road (Figure 13). Vegetation cover within the project area consists of mixed grass, ferns, subtropical ground cover, and various orchard trees including lychee, ulu, and coconut (Figures 14 and 15). Additionally, lauhala, naupaka, 'ōhi'a and various coastal plants are found along the eastern boundary (Figure 16).

Culture-Historical Context

To generate a set of expectations regarding the nature of archaeological resources that might be encountered within the current project area and to establish an environment within which to assess the significance of any such resources, a brief culture-historical context for Pohakupuka Ahupua'a and the project area are presented.

Widely accepted archaeological settlement patterns suggest that deep-bottomed gulches along the windward shoreline of northeast Hawai'i Island would have been targeted by early Polynesians for initial settlement due to the ease of canoe landing and access to freshwater (Cordy 1994; Kirch and McCoy 2023). In addition to providing drinking water and direct access to marine resources, gulches with regular flowing streams were also well suited for agriculture. The traditional staple crop, kalo (taro), was cultivated in irrigated terraces along stream edges

Over time, as populations grew, agriculture and settlement would have spread to the upper broad plateaus between gulches where the lush, fertile kula lands where 'uala (sweet potato), mai'a (banana) and kō (sugarcane) were grown (Handy et al. 1991). King David Kalākaua provides a brief description of what traditional settlement looked like along the Hilo and Hāmākua coast of Hawai'i Island in his book *The Legends and Myths of Hawaii*:

The northeastern coast of the island of Hawaii presents an almost continuous succession of valleys, with intervening uplands rising gently for a few miles, and then more abruptly toward the snows of Mauna Kea and the clouds. The rains are abundant on that side of the island, and the fertile plateau, boldly fronting the sea with a line of cliffs from fifty to a hundred feet in height, is scored at intervals of one or two miles with deep almost impassable gulches, whose waters reach the ocean either through rocky channels worn to the level of the waves, or in cascades leaping from the cliffs and streaking the coast from Hilo to Waipio with lines that seem to be molten silver from the great crucible of Kilauea (Kalākaua 1888:284).

Some of the earliest written descriptions of the North Hilo region comes from the writings of the first Protestant missionaries to visit the island. Early Historic Period visitors to the region noted the beauty, fertility, and ruggedness of this part of the island. At times, these visitors described the agricultural practices they observed as well as the routes of travel. In 1823, the Reverend William Ellis one of the first Christian missionaries to arrive in Hawai'i, passed along the Hilo coast during his tour of Hawai'i Island. Having been warned against walking due to the ruggedness of the terrain, he sailed from Hilo to Laupāhoehoe in a canoe. Ellis (2004:344) described the Hilo coastline as follows:

The country, by which we sailed, was fertile, beautiful, and apparently populous. The numerous plantations on the eminences and sides of the deep ravines or valleys, by which it was intersected, by streams meandering through them into the sea, presented altogether a most agreeable prospect.

Overland travel across the central and northern Hilo District remained difficult throughout the first part of the 19th century due to its rugged coastline and many deep gulches. Initial commercial exploitation of these lands was limited to small scale agriculture in areas with coastal access for shipping and receiving goods. The Reverend Titus Coan (Coan 1882:31-32), who settled at the Hilo Mission Station in 1835, wrote that:

For many years after our arrival there were no roads, no bridges, and no horses in Hilo, and all my tours were made on foot...The path was a simple trail, winding in a serpentine line, going down and up precipices, some of which could only be descended by grasping the shrubs and grasses, and with no little weariness and difficulty and some danger.

The first roads were established along the coast of Hilo by the mid-1800s, perhaps following the route of the older path described by Coan (Kalima and Rosendahl 1991). These first roads, designed for travel on horses and in carts.

By the mid-nineteenth century, the ever-growing population of Westerners in the Hawaiian Islands forced socioeconomic and demographic changes that promoted the establishment of a Euro-American style of land ownership. By 1840 the first Hawaiian constitution had been drafted and the Hawaiian Kingdom shifted from an absolute monarchy into a constitutional government. Convinced that the feudal system of land tenure previously practiced was not compatible with a constitutional government, the King (Kamehameha III) and his high-ranking chiefs decided to separate and define the ownership of all lands in the Kingdom (King n.d.). This change was further promoted by missionaries and Western businessmen in the islands who were generally hesitant to enter business deals on leasehold lands that could be taken from them at any time. After much consideration, it was decided that three classes of people each had one-third vested rights to the lands of Hawai'i: the King, the chiefs and konohiki (head of a land division), and their tenants (the maka'āinana or common people). In 1845 the legislature created the "Board of Commissioners to Quiet Land Titles" (more commonly known as the Land Commission). All land claims, whether by chiefs for entire ahupua'a or by tenants for their house lots and gardens, had to be filed with the Land Commission to receive a Land Commission Award (LCAw.). The lands claimed during the Māhele were identified by name only, with the understanding that the ancient boundaries would prevail until the land could be surveyed. Awarding lands by name is one way the Land Commission expedited their work until formal government surveys could be completed (Chinen 1961).

The current project area lies along the coastal cliffs of Pohakupuka Ahupua'a, whose name has been translated by Pukui et al. (1974:71) as "perforated rock." The subject parcel within which the project area is located also crosses into the neighboring Kulanaki'i Ahupua'a, which Pukui et al. (1974:71) have translated as "image position". Pohakupuka Ahupua'a is located to the northwest of Kulanaki'i Ahupua'a. According to the Buke Māhele (1848:71, 190), on February 2, 1848, Pohakupuka Ahupua'a was claimed by Kapu as konohiki land, but was subsequently returned to Kamehameha III in lieu of paying commutations on the other lands he received. Likewise, on February 9, 1848, Kulanaki'i Ahupua'a was claimed by Laumaka, as konohiki land, but was also returned to Kamehameha III for the same reasons (Figures 17 and 18). Both of these ahupua'a were subsequently given by Kamehameha III to the Hawaiian Government thereby incorporating Pohakupuka and Kulanaki'i into the inventory of Government Lands in North Hilo (Soehren 2005). No LCAw. claims for kuleana lands were made by the Native tenants of Pohakupuka or Kulanaki'i ahupua'a during the Māhele 'Āina of 1848.

In conjunction with the Māhele, the King also authorized the issuance of Royal Patent Grants to applicants for tracts of land, larger than those generally available through the Land Commission. The process for applications was clarified by the "Enabling Act," which was ratified on August 6, 1850 (Garavoy 2005). The Act resolved that portions of the Government Lands established during the Māhele of 1848 should be set aside and sold as grants ranging in size from one to fifty acres at a cost of fifty cents per acre. The subject parcel is located within the makai portion of two grant parcels, Grant Nos. 1029 and 2150. Grant No. 1029 (encompassing the northwestern portion of the parcel and location of the current project area), within Pohakupuka Ahupua'a, was sold to Kahapa on December 24, 1852. Grant No. 2150 (encompassing the southeastern portion of the subject parcel), within Kulanaki'i Ahupua'a, was sold to Nakaiuaana on November 12, 1856 (Office of Hawaiian Affairs 2018). The location of the project area with respect to Grant Nos. 1029 and 2150 is depicted on two early Hawai'i Registered Maps (see Figures 17 and 18).

Following the Māhele and the signing of the 1875 Treaty of Reciprocity, a free-trade agreement was signed between the United States and the Kingdom of Hawai'i to guarantee a duty-free market for Hawaiian sugar

in exchange for special economic privileges for the United States. This in turn made commercial sugarcane cultivation and sugar production the central economic focus for the Hilo area. Railroads operating on steam and animal power were built on some plantations by 1887, however some plantations utilized flumes or cable railways to transport cane from the fields to the coastal mills (see Figure 17).

The history of sugar operations in Pohakupuka and Kulanaki‘i ahupua‘a and the neighboring lands are intimately connected to the inception and growth of the Laupāhoehoe Sugar Company, whose history can be traced to at least 1876 when William Lidgate (also spelled Lydgate in some historical records), a young salesman for sugar milling equipment obtained fee-simple and lease-hold interest in lands in the Laupāhoehoe vicinity (Hilo Tribune-Herald 1956; Maly and Maly 2006). By 1880, the Laupāhoehoe Sugar Company was formally organized as a joint venture between Theophilus H. Davise and William Lidgate (Saito and Campbell 1988). The company’s sugar plantation fields covered about 10 miles along the North Hilo coast (from Ka‘awali‘i Gulch to Kulanaki‘i, Kahinano Ahupua‘a) and extended mauka up to about 1,850 feet elevation as shown in *The Laupāhoehoe Sugar Co. Cane Area Map* from 1915 (Figure 19). At this time there were two mills in operation, one located in Laupāhoehoe and the second in Kaiwilahilahi. Sometime between 1885 and 1890, Lidgate commissioned the construction of a third mill at the coast of Pāpa‘aloa, north of the current project area. Upon the completion of the Pāpa‘aloa Mill in 1890, the original two mill sites were closed, and all cane processing shifted to the mill in Pāpa‘aloa (Ketner and Clark 2024).

Laupāhoehoe Sugar featured a distinctive transportation system for delivering cane to the factory. Using a steam hoist, cane-loaded cars were lifted 1100 feet by cable at Maulua Gulch. Once at the summit, the cane was discharged into flumes, making a journey of about a mile to reach the mill at Pāpa‘aloa (Saito and Campbell 1988). The flume is depicted as crossing over the current project area as early as 1899 (see Figure 17). The flume system used in the Laupāhoehoe Sugar company’s operation is labeled in the 1915 Cane Area Map (see Figure 19) as “Storage Flume” and is shown following the cliff contour along the coast.

The Laupāhoehoe Sugar Company expanded into the Pāpa‘aloa area throughout the later part of the 1890s and into the early 20th century. Concomitant with the rise of the Laupāhoehoe Sugar Company was the development of a road along the coastal cliffs, linking the communities of North Hilo and Hāmākua. This first road, known as the Government Road and later the Māmālahoa Highway, was designed for travel on horses and in carts, and was likely developed by land holders, primarily sugar growers, looking to connect their plantation lands and camp communities (see Figure 18). The route of the road descended into the valleys and gulches along its length and likely followed an older foot path. Population growth in the area was also spurred by the development of the railroad system, which proved to be one of the most important elements of governmental and private sector planning (Dorrance and Morgan 2000).

The railroad was advantageous to the sugar plantations scattered along the Hilo and Hāmākua coast, providing a more unified and efficient means of transporting cane from the scattered mills to the main port in Hilo. Beginning in 1899, railroad lines began transporting sugar to Hilo Harbor, the only protected deep-water port on the island, thus making Hilo an important shipping and railroad hub. Between 1909 and 1911, the Hawaiian Railroad Company (HRC) built 12.7 miles of rail extending from Hilo to Hakalau Mill, crossing many deep gulches and valleys (Figure 20). This was followed by the construction of an additional 21 miles of rail by 1912-1913 that connected Hakalau with Pa‘auilo to the north, which covered a total distance from Hilo of roughly 34 miles and was known as the “Hamakua Division” (Dorrance and Morgan 2000:146; Figure 20).

In the early 1900s, when many of the Laupāhoehoe Sugar Company’s lease lands came up for renewal, wide swaths of land were turned over for homesteading purposes and people of various ethnic backgrounds applied for homestead lots. In the context of Pāpa‘aloa, many of the people that applied for these homestead leases were existing residents. Although elsewhere in the island, prospective homesteaders were presented with options to obtain a homestead lot, in the case of Laupāhoehoe and Pāpa‘aloa, homestead applicants were required to consent to a right of purchase lease, during which they would clear the land for sugar cultivation, and would then sell their cane to the Laupāhoehoe Sugar Company (Maly and Maly 2006). Because the entire subject parcel was awarded under two Land Grants, the Homesteading Program did not

apply (Figures 21 and 22). However, it appears from maps prepared in 1915 by the Laupāhoehoe Sugar Company (see Figures 21 and 22) that the Company had, by this time, purchased the majority of both parcels (save for small portions that were owned by HCR and the Territory of Hawai‘i). These maps also show the locations of the flume and HCR routes through both parcels, as well as indicating that no cane was planted between the HCR route and the pali. The 1029 parcel map depicts the portion of the subject parcel in which the current project area is situated, between railroad and government road, was designated as “garden and house” (see Figure 21). Three structures are depicted as present on this parcel in the 1915 USGS Honomu quadrangle (Figure 23). Also depicted on the 1915 USGS map is the Pohakupuka Congregational Church (listed on Figure 2 as Laupāhoehoe Congregational Church), which corresponds to the “church” listed on the Company map of parcel 1029. The 2150 Company parcel map indicates that the land on either side of the railroad was dedicated as “waste and garden” (see Figure 22). Interestingly, the 1915 USGS map indicates that there was a structure present on this parcel, however, this was not depicted on the Laupāhoehoe Sugar Company map. It is highly likely that the remainder of both parcels were planted in cane by this time (see Figure 19). By 1916, “several thousand acres of cane land” were under sugar cultivation in contract with Laupāhoehoe Sugar Company (Hawaii Herald 1916:1).

On April 1st, 1946, a tsunami triggered by an earthquake in the Aleutian Islands slammed into the north facing shores of Hawai‘i Island, dealing a fatal blow to the already struggling HCR. Tracks around the Hilo waterfront were entirely washed out and the Hilo Station was wrecked (Muffler and Museum 2015). Although the mill at Pāpa‘aloa escaped the intense waves, the low-lying and well-settled area of coastal Laupāhoehoe sustained significant damage. Survivors recalled the terrifying roar of the ocean and the series of waves that enveloped the Laupāhoehoe peninsula (Muffler and Museum 2015).

With the Hāmākua Division officially defunct, Hawaii Consolidated Railway offered its right-of-way, bridges, and tunnels to the territorial division of highways and Hawai‘i County supervisors (MKE Associates LLC and Fung Associates, Inc. 2013:E8). In an act of short-sightedness, both agencies refused. Un-phased, Hawaii Consolidated liquidated its assets on December 26th, 1946. The entire railroad was sold to Gilmore Steel & Supply Co. of San Francisco for a mere \$81,000. Most of the bridges were dismantled and the rails were pulled up along the length of the Hāmākua Division. Together with the remaining rolling stock, they were shipped to California as scrap metal. Amid the disassembly, the Division of Highways belatedly decided that Route 19 needed to be relocated and improved. It purchased the remaining bridges, plus some that were awaiting shipment in Hilo, for \$302,723.53. Steel from the dismantled railroad bridges was used to widen the standing bridges for their new roles as highways (MKE Associates LLC and Fung Associates, Inc. 2013:E8). In the wake of the April 1st, 1946, tsunami, the railroad bridges from Hilo to Pa‘auilo that were destroyed by the tsunami, were rebuilt and reopened for vehicular travel along the Hawai‘i Belt Road (Route 19) in 1950, which replaced the original Government Road (Māmalahoa Highway), and remains in use to this day.

On January 3rd, 1957, with Theo H. Davies & Co. acting as its agent, the Laupāhoehoe Sugar Company merged with the Kaiwiki Sugar Co., Ltd. thus ending its seven-decade run of independent operation. Despite this merger, Pāpa‘aloa remained as the “hometown of the Laupāhoehoe [Sugar Company] employees” (Hilo Tribune-Herald 1956:1). In the subsequent decades, the continuous rise in operational costs left smaller plantations unable to sustain their factories and meet administrative expenses, prompting a series of mergers. This challenge was exacerbated by the introduction of new State and Federal pollution abatement laws, prohibiting sugar companies from disposing of bagasse, trash, and other waste into the ocean. This piece of legislation meant that sugar companies would be forced to abate the pollution that sugar operations generated, especially with regard to coastal discharges of sugar processing byproducts.

An aerial photograph of the subject parcel from 1965 shows the entire project area cultivated in sugar cane (Figure 24). The HCR rail line and the flume system had by this time been dismantled and the three structures that were located within the current project area (as depicted on the 1915 USGS map; see Figure 19) were also no longer present by 1965 (see Figure 24). Further evidence as to the dismantling of the flume system and railroad, and the absence of the structures with the project area can be seen on the 1966 USGS Pāpa‘aloa quadrangle (Figure 25).

By the 1970s, the Laupāhoehoe Sugar Company shifted from hand harvesting to mechanized methods which led to a reduction in the number of employees. In 1978, Theo H. Davies & Co. led the final merger with the Honoka‘a Sugar Company and the company was renamed Davies Hamakua Plantation, Inc. thus marking the end of the Laupāhoehoe Sugar Company (Hawaii Tribune-Herald 1978). Sugar continued as a gradually diminishing economic mainstay for this part of North Hilo. Throughout the remainder of the 20th century, with the sugar industry in decline, many of the former businesses in Pāpa‘aloe and Kaiwilahilahi that operated as part of the Laupāhoehoe Sugar Company slowly closed their doors (Bowen and Bowen 1976). The sugar companies also began selling off parcels of land to private entities during this time. Field book records indicate that the lands within the immediate vicinity of the subject parcel were sold as private parcels starting in the early 1980s and were subsequently subdivided over the next several years. The field book for the current subject parcel indicates that the parcel was subdivided into its current acreage in 1986.

Prior Archaeological Studies

A review of SHPD files indicated that no prior archaeological studies have been conducted in the immediate vicinity of the project area, however, SHPD has written letters regarding the subject parcel and a neighboring parcel.

SHPD conducted a review of the current subject parcel based on historic aerial photographs and maps in response to a conservation plan application by the owner of the parcel in support of grubbing for land cover and planting of a fruit orchard. The SHPD letter stated that no historic sites had been recorded on the parcel and that, “it is unlikely that any would remain, given the recent land use” and determined that “grubbing for ground cover and planting a fruit orchard will have “no effect” on significant historic sites” (LOG NO:10086, DOC NO:9311ms08). A google earth aerial image of the project area from 2004 shows that the fruit orchard was mature by this time (Figure 26).

In 1996 SHPD conducted a site inspection of TMK (3) 3-4-003:002, a 1.17-acre parcel (that abuts the southwestern corner of the current subject parcel) in response to statements made by a neighbor that burials and/or heiau were present on the parcel. An SHPD archaeologist inspected the property and “could not confirm the presence or absence of burials or heiau, or any other significant historic site”. The state archaeologist did note that vegetation on the parcel indicated that a residence may once have existed on the property (LOG NO:16841, DOC NO: A:\99.Doc).

Additionally, in the Hawai‘i Island Burial Council meeting minutes from August 17th, 2017, the Department made a recommendation to recognize Arthur E. Ugalde as lineal descendant to the Native Hawaiian iwi (skeletal remains) of Georgiana Piliwale Ugalde, located at Pohakupuka Congregational Church (TMK: (3) 3-4-003:031), which abuts the northwestern corner of the current subject parcel. Of note, Ms. Ugalde was listed as a former owner of a portion of the 2150 grant parcel circa 1915 (see Figure 21)

Fieldwork and Findings

A field investigation of a 1.5-acre portion of the subject parcel was conducted on November 20, 2024, by S. Steele D. Jaques M.A. and Matthew R. Clark, M.A. (ASM Principal Investigator). During the archaeological field survey, the ground surface of the project area was visually inspected utilizing east/west pedestrian transects, spaced no more than 10 meters apart. No archaeological sites, features, cultural deposits, or historic properties of any kind were identified within the project area as a result of the current field inspection, and it was noted that the entirety of the project area had been subject to prior mechanical disturbance.

The recent alterations to the property include the construction of a prefabricated dwelling, two trailered cabins, washroom, garage, catchment tank, washroom shed, and extension of the paved driveway partway to Kulanaki‘i Gulch between the pali and the prefabricated dwelling. These alterations likely did not affect any historic structures. Aerial imagery of the parcel shows that the project area was planted in sugarcane by 1965; the flume system, railroad, and previous structures located within the current project area were no longer present on the parcel by this time (Figures 24 and 25). Additionally, the SHPO reviewed the parcel and approved a grubbing permit application, as it was unlikely that any historic sites would remain given

the past extended use as sugarcane cropland. Based on the field inspection and analysis of historical records, we do not anticipate that DLNR-SHPD will require any additional mitigation to submit for an after-the fact SMA permit.

As no historic properties were identified during the field inspection of the 1.5-acre portion of TMK: (3) 3-4-003:021 (the project area), ASM recommends an effect determination of “no historic properties affected” pursuant to HAR §13-284-7. In the unlikely event that unanticipated archaeological resources are encountered during any further ground disturbing activities associated with the project, work in the immediate area of the discovery should be halted and DLNR-SHPD contacted as outlined in Hawai‘i Administrative Rules §13-284-12.

Should you require further information, or wish to visit the property, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Steele D. Jaques', with a stylized flourish at the end.

S. Steele D. Jaques, M.A.
Senior Archaeologist, ASM Hilo

References Cited

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Figure 1. Location of the subject parcel and project area.

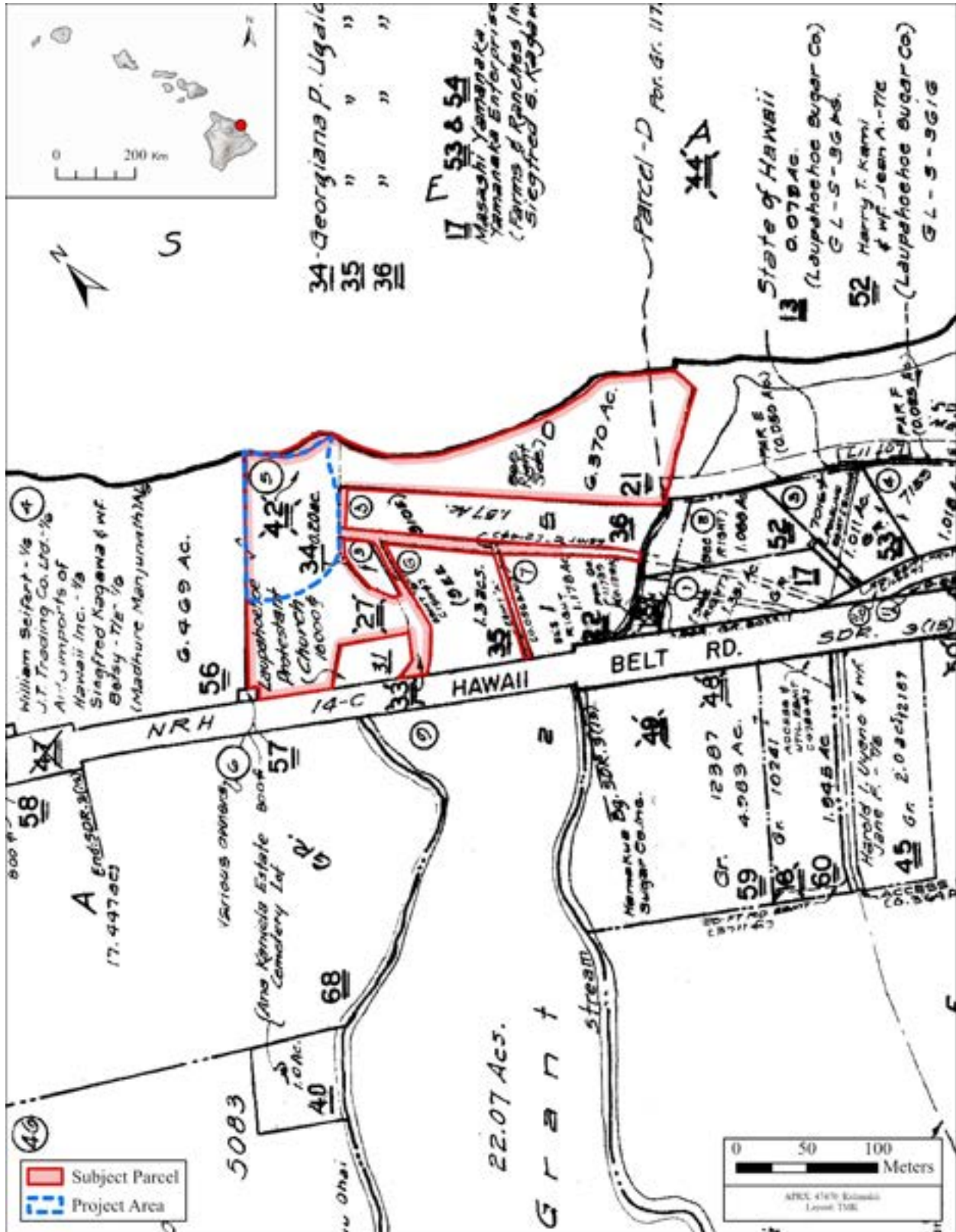


Figure 2. Tax Map (3) 3-4-003 showing the location of the subject parcel and project area.



Figure 3. Google Earth™ satellite image of the subject parcel and project area.

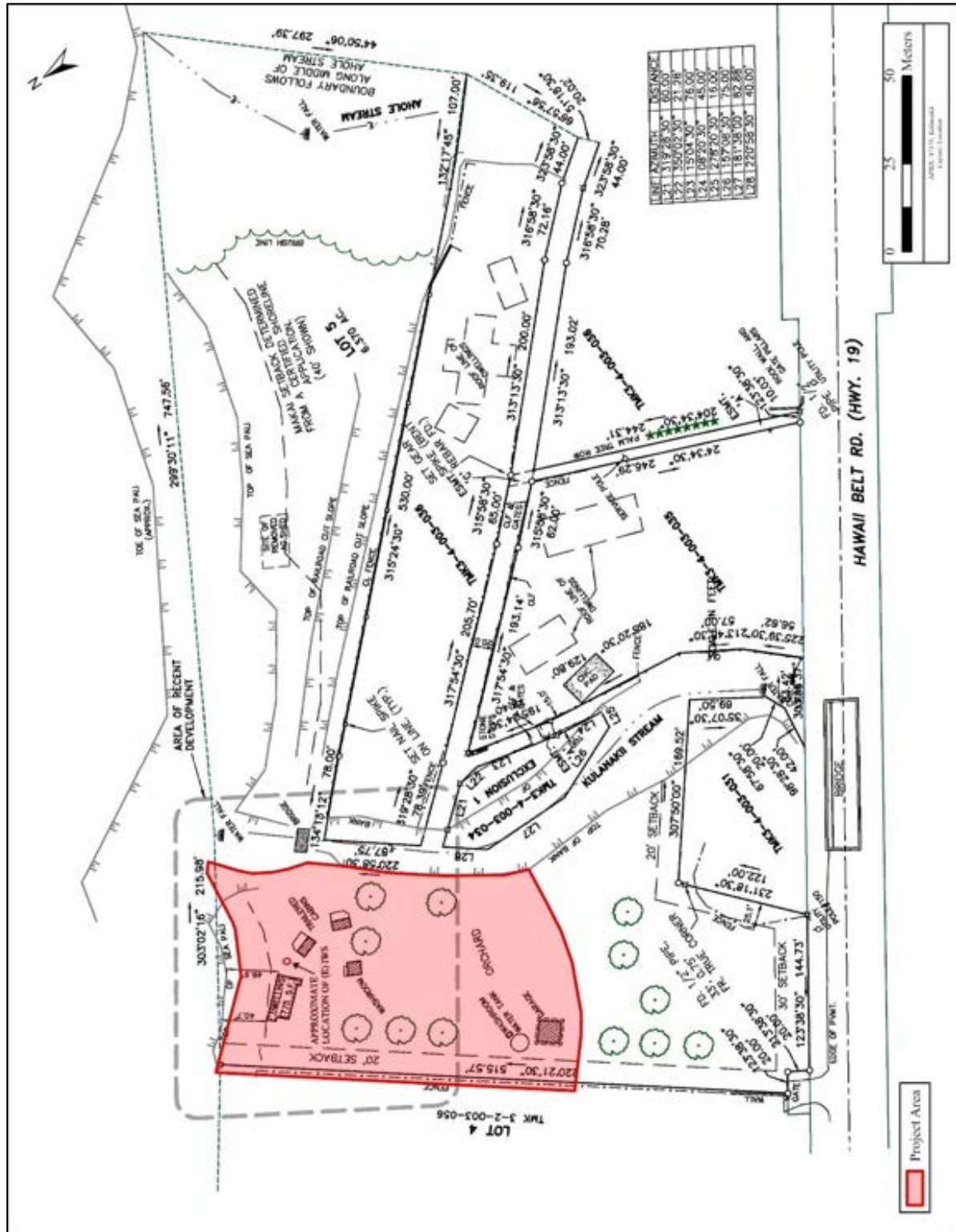


Figure 4. Location survey of the subject parcel for the after-the-fact SMA (project area in red).



Figure 5. Soils underlying the project area.

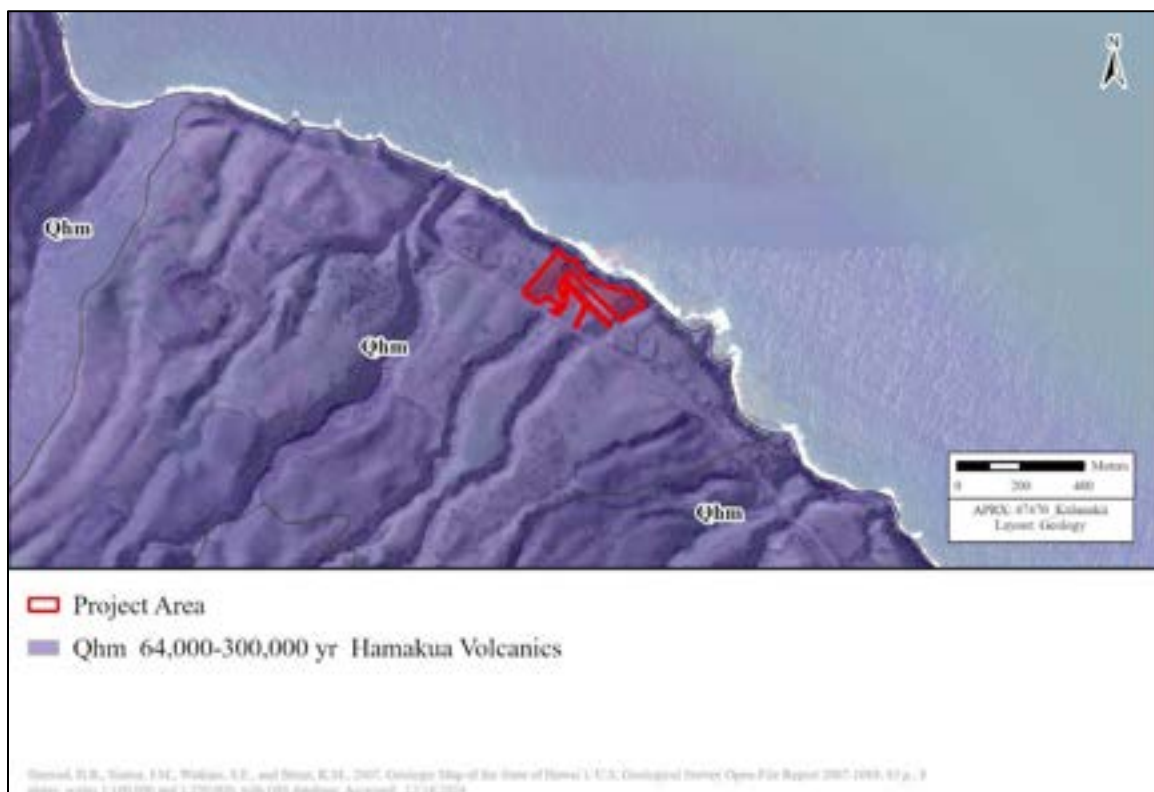


Figure 6. Geology underlying the project area.



Figure 7. Lychee orchard. The recently constructed structures are visible at the eastern extent of the orchard, view to the northeast.



Figure 8. Northwestern aspect of the project area. The existing lychee orchard and recently developed garage, catchment, and washroom shed on an existing concrete pad. View to the southwest.



Figure 9. Recently developed area depicting the main dwelling, trailered cabins, and washroom, view to the west.



Figure 10. Recent extension to the driveway following the old HCR route, view to the northwest.



Figure 11. Recently constructed trailered cabins and washroom, view to the south.



Figure 12. Recently constructed main dwelling, view to the south.



Figure 13. Recently constructed garage, water catchment tank, and shed, view to the west.



Figure 14. Southern boundary of the project area along Kulanaki'i Gulch, view to the northeast.



Figure 15. Kulanaki'i Stream and Gulch denoting the southern boundary of the project area, view to the east. Visible in the background within the subject parcel but outside the current project area, is a reconstructed HCR railway bridge.



Figure 16. Eastern boundary of the project area depicting coastal vegetation, view to the southeast.

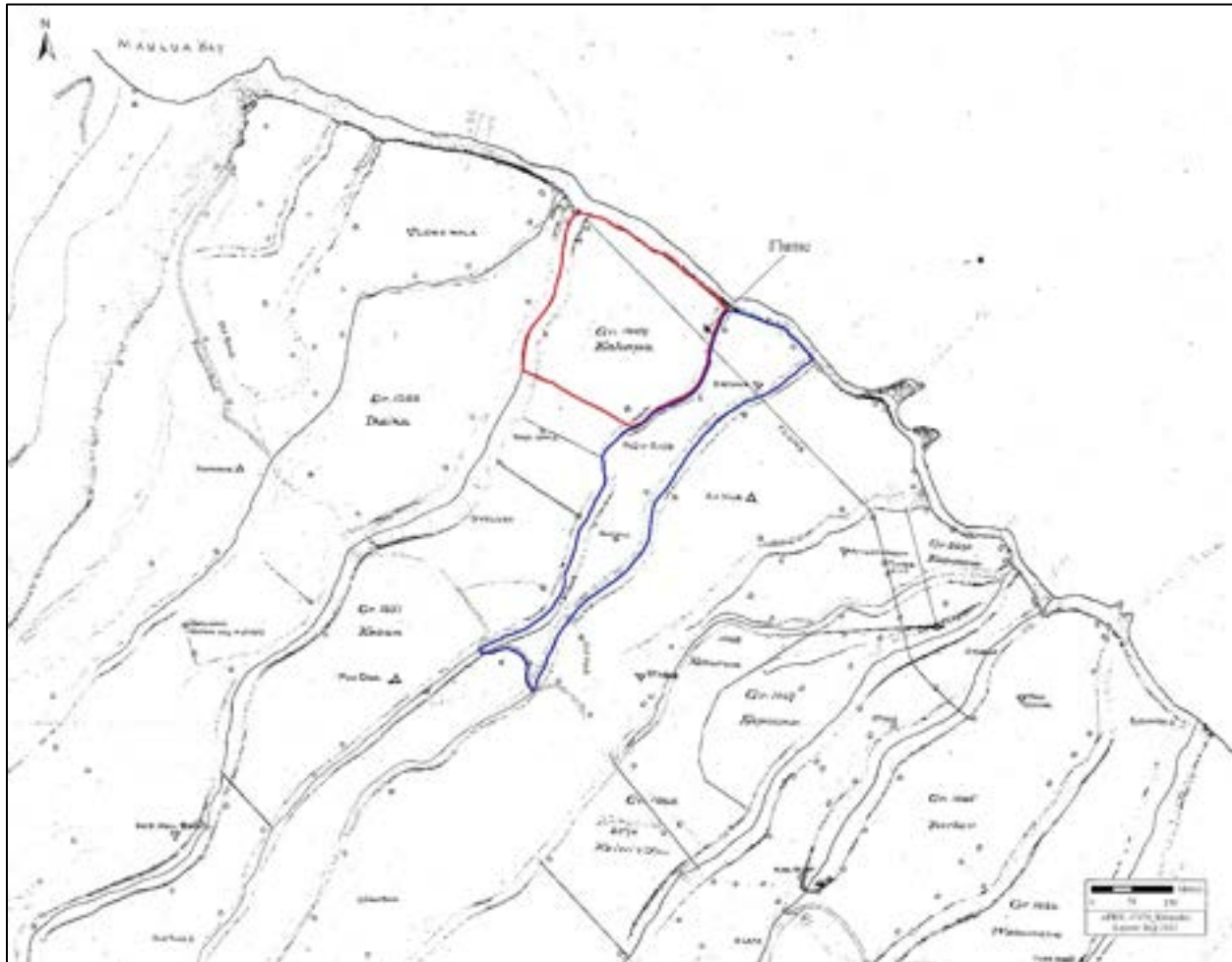


Figure 17. Portion of Hawai'i Registered Map No. 1491 by J. M. Lydgate (1889) depicting Grant 1029 (red) and 2150 (blue). The path of the flume is depicted crossing through both parcels.

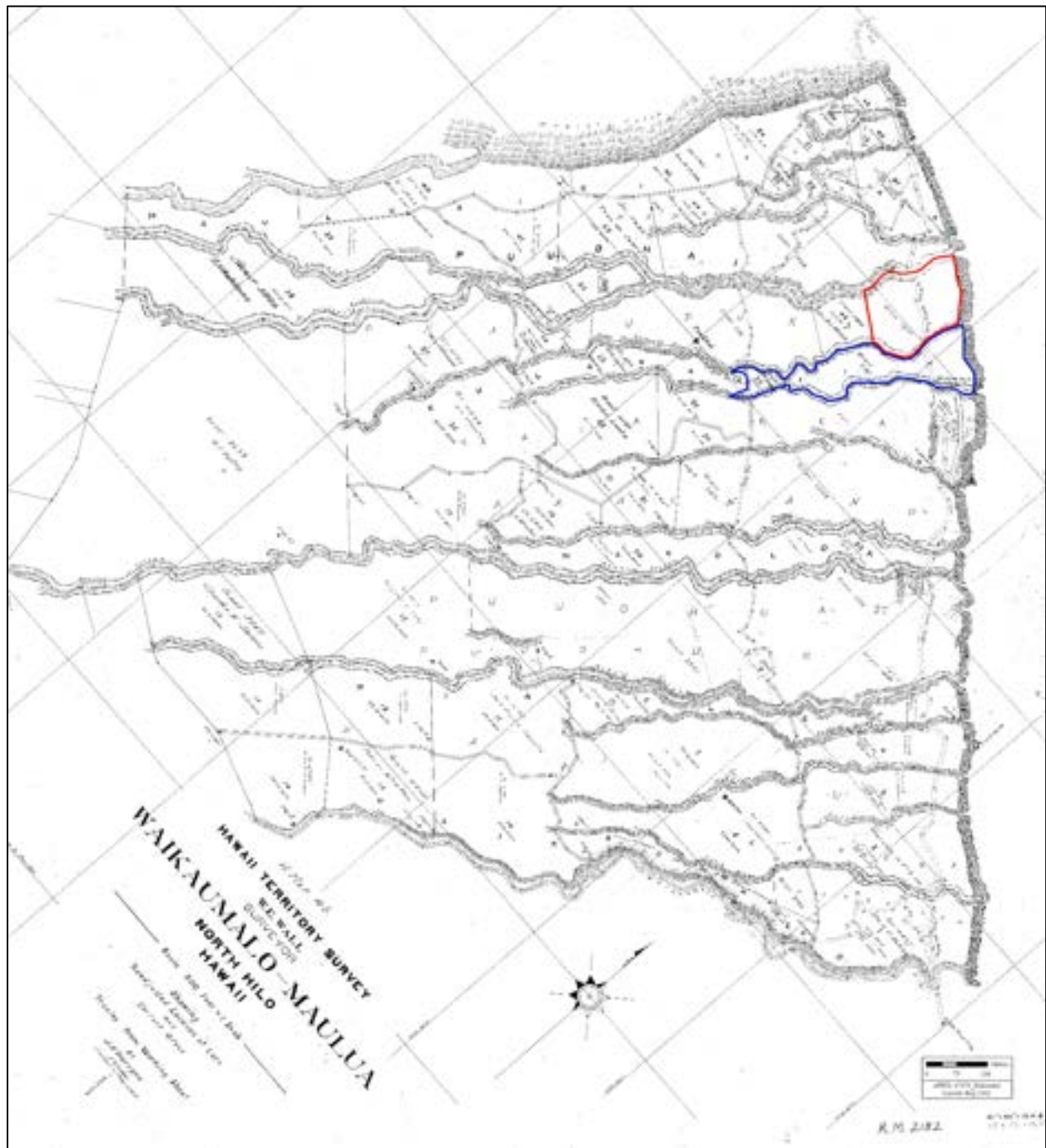


Figure 18. Hawai'i Registered Map No. 2182 by J. H. Morange (1903) showing Grant Nos. 1029 and 2150 (Note, the location of Kulanaki'i Stream is incorrectly plotted on this map).

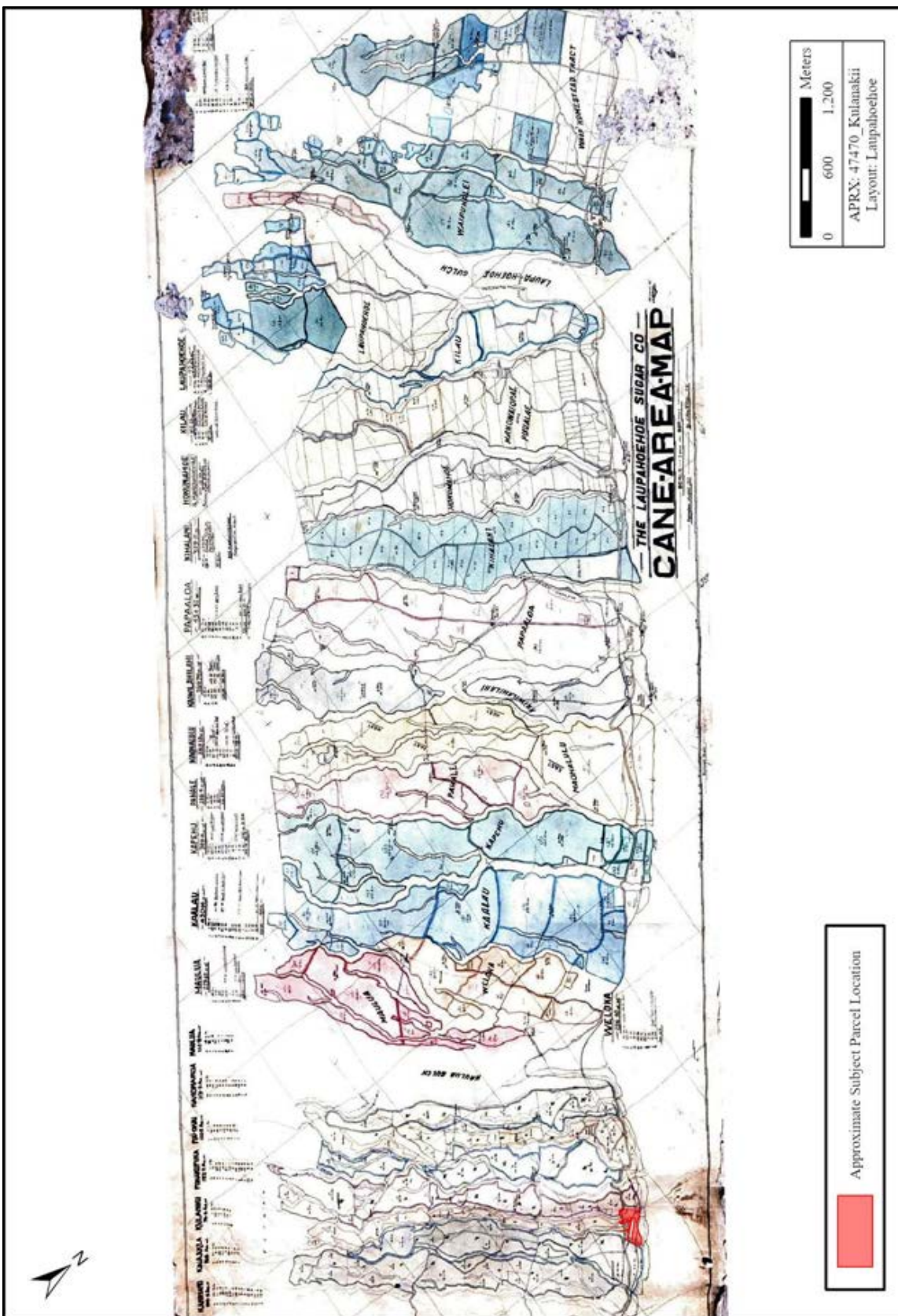


Figure 19. *The Laupahoehoe Sugar Co Cane Area Map* from 1915 (Courtesy of the Hawai'i Sugar Planters Archives-Blueprints and Maps Doc #74 Roll Box # LSC R-2/1)



Figure 20. Hawaii Consolidated Railroad map from 1923 (approximate location of subject parcel in red).

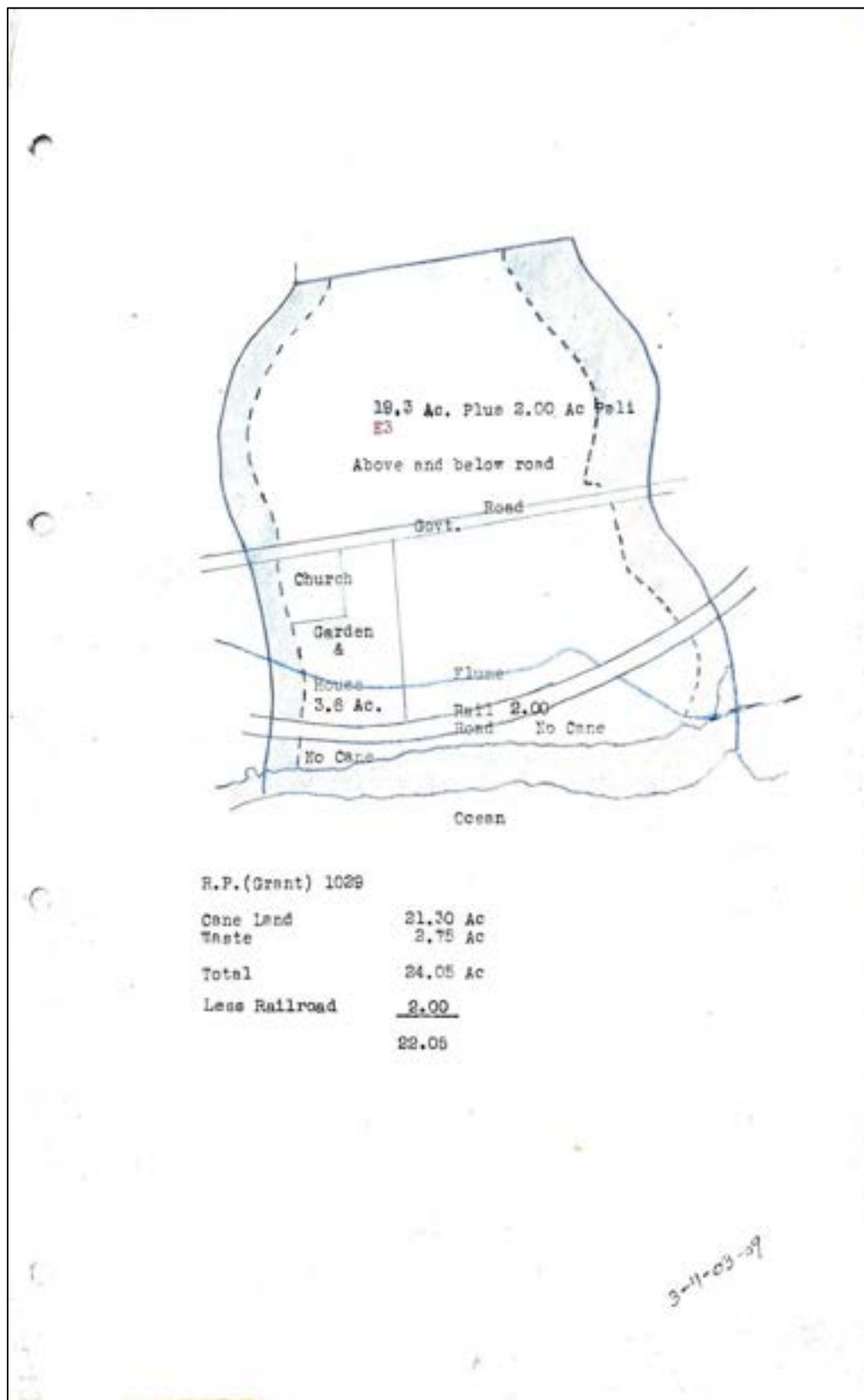


Figure 21. Grant 1029 (circa 1915) depicting the northern portion of the subject parcel, including the current project area, makai side of Government Road (Courtesy of the Hawai'i Sugar Planters Archives-Blueprints and Maps).

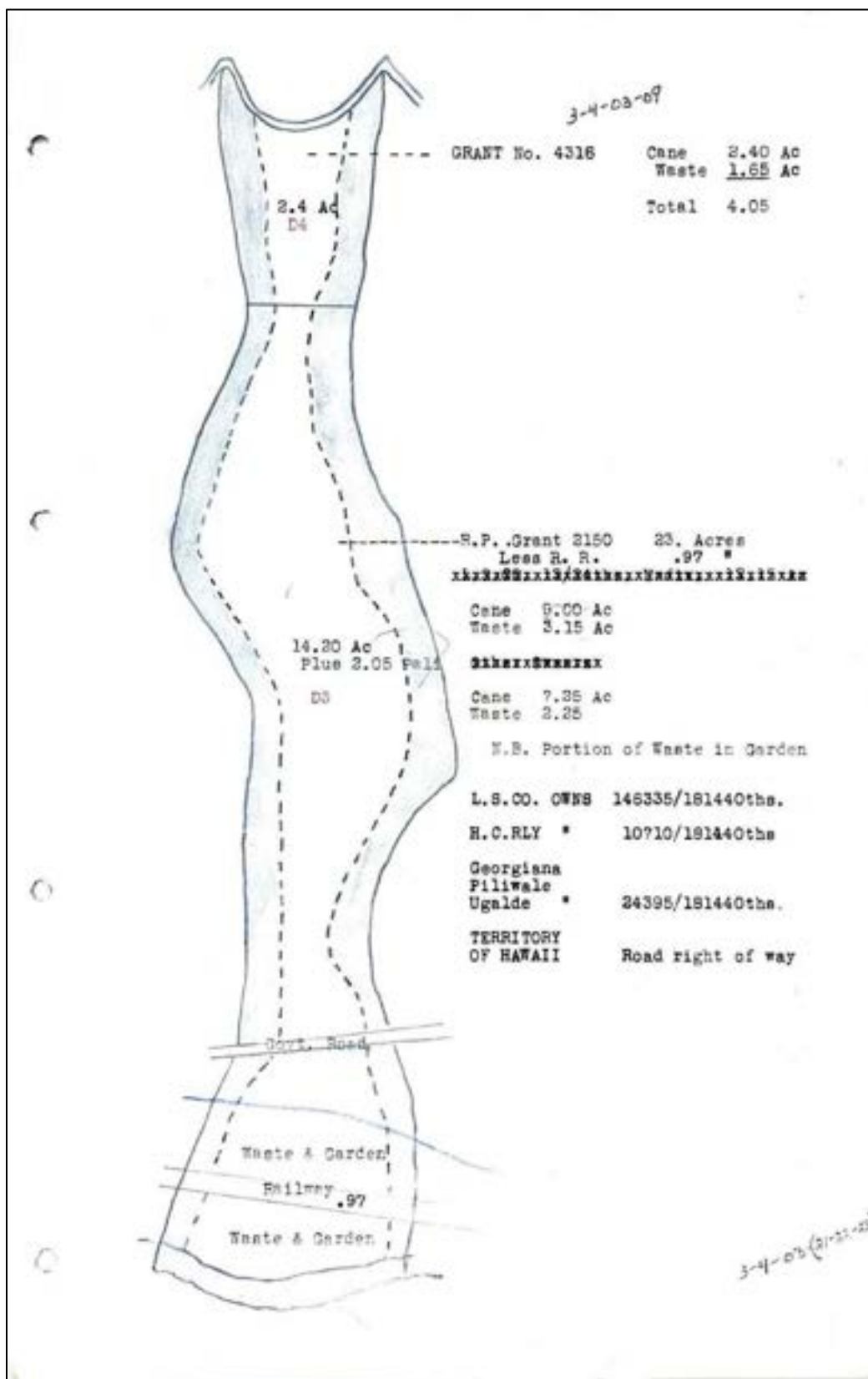


Figure 22. Grant 2150, circa 1915 showing the southern portion of the subject parcel, makai of Government Road (Courtesy of the Hawai'i Sugar Planters Archives-Blueprints and Maps).

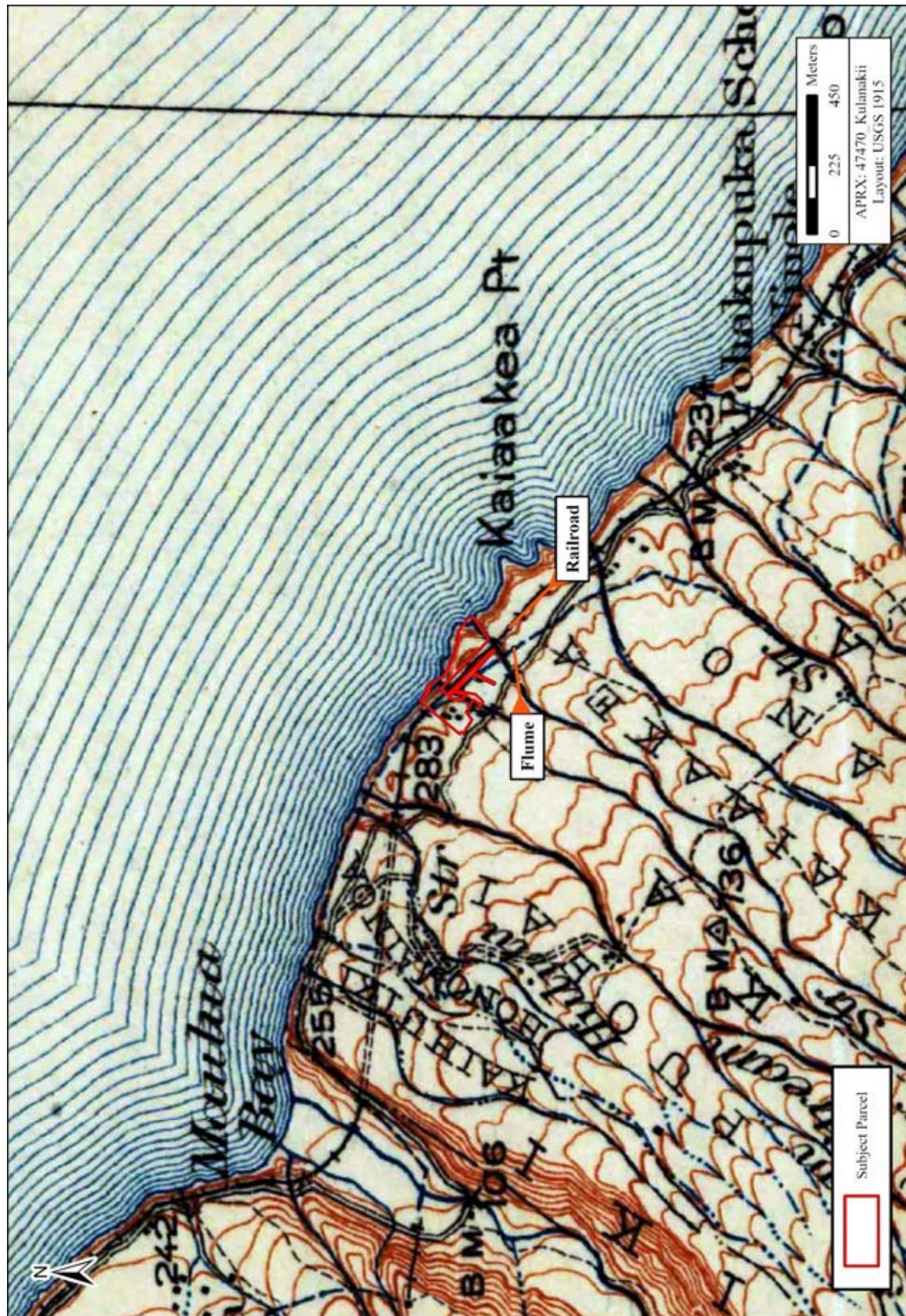


Figure 23. Portion of a 1915 U.S.G.S. Honomū Quadrangle showing the flume system and railroad are depicted crossing through the parcel



Figure 24. A 1965 U.S.G.S aerial photo depicting the current project.



Figure 25. Portion of a 1966 U.S.G.S map showing the subject parcel.



Figure 26. Google Earth™ satellite image of the approximate project area in 2004.

EXHIBIT B



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 8TH FLOOR
HONOLULU, HAWAII 96813

KEITH AHUE, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

JOHN P. KEPPELER II
DONA L. HAWAII

AQUACULTURE DEVELOPMENT
PROGRAM

AQUATIC RESOURCES
CONSERVATION AND

ENVIRONMENTAL AFFAIRS
CONSERVATION AND

RESOURCES ENFORCEMENT
CONVEYANCES

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
DIVISION

LAND MANAGEMENT
STATE PARKS

WATER AND LAND DEVELOPMENT

REF:HP-JT

MEMORANDUM

LOG NO: 10086
DOC NO: 9311ms08

TO: Matthew Wung
USDA-Soil Conservation Service, Hilo

FROM: KEITH W. AHUE, Chairperson and
State Historic Preservation Officer 

SUBJECT: National Historic Preservation Act Compliance - Conservation Plan
Application for Stephen Wignall
Pohakupuka, North Hilo, Hawaii Island
TMK: 3-4-03: 021

HISTORIC PRESERVATION PROGRAM CONCERNS:

The following review is based on historic aerial photographs and maps on file with our Department's Historic Preservation Division office. No field inspection of the subject parcel was conducted.

The subject parcel is located at approximately 200' AMSL elevation, on what appears to have been recent sugarcane cropland. Our records show no historic sites are recorded in the parcel, and it is unlikely that any would remain, given recent land use.

It is felt that the proposed grubbing for ground cover and planting a fruit orchard will have "no effect" on significant historic sites. If you should have any further questions, please contact Historic Preservation Division staff archaeologists Kanalei Shun at 587-0007 (Honolulu), or Marc Smith (Hilo).

MS:jt

SUBJECT:

SES: Rlen fr Wignall

Pshakupuka, Ni Hlo

3-4-3121

Log Number: 10086

Document Number: 93714808

Federal/State/County: F

Office Code: NE

Special Instructions:

FNB

MEMORANDUM

TO: Linnel T. Nishioka, Deputy Attorney General
Department of the Attorney General

FROM: Don Hibbard, Director, Historic Preservation Program

SUBJECT: Quiet Title Action - Civil No. 90-440 -- Hamakua
Sugar Company, Inc. v. Heirs and Assigns of Kapuepue,
et al., Third Circuit Court
Kahinano, North Hilo, Hawaii
TMK: 3-4-03: 5

HISTORIC PRESERVATION PROGRAM CONCERNS::

We have no concerns with this action as it involves questions of title, not undertakings which might effect significant historic sites.

If the landowner ever happens to find historic remains on the property, such as burials, artifacts and stone walls, pavings or platforms, we would greatly appreciate being notified (587-0047), so we can record the information for the public benefit.

HM 12/24/90
0200o/1745



194 Wiwoole St. Hilo, HI 96720
(808) 333-3393
info@landplanninghawaii.com

April 24, 2025

Mr. Jeffrey Darrow, Director
Planning Department
COUNTY OF HAWAII
101 Pauahi Street
Hilo, HI 96720

Dear Mr. Darrow:

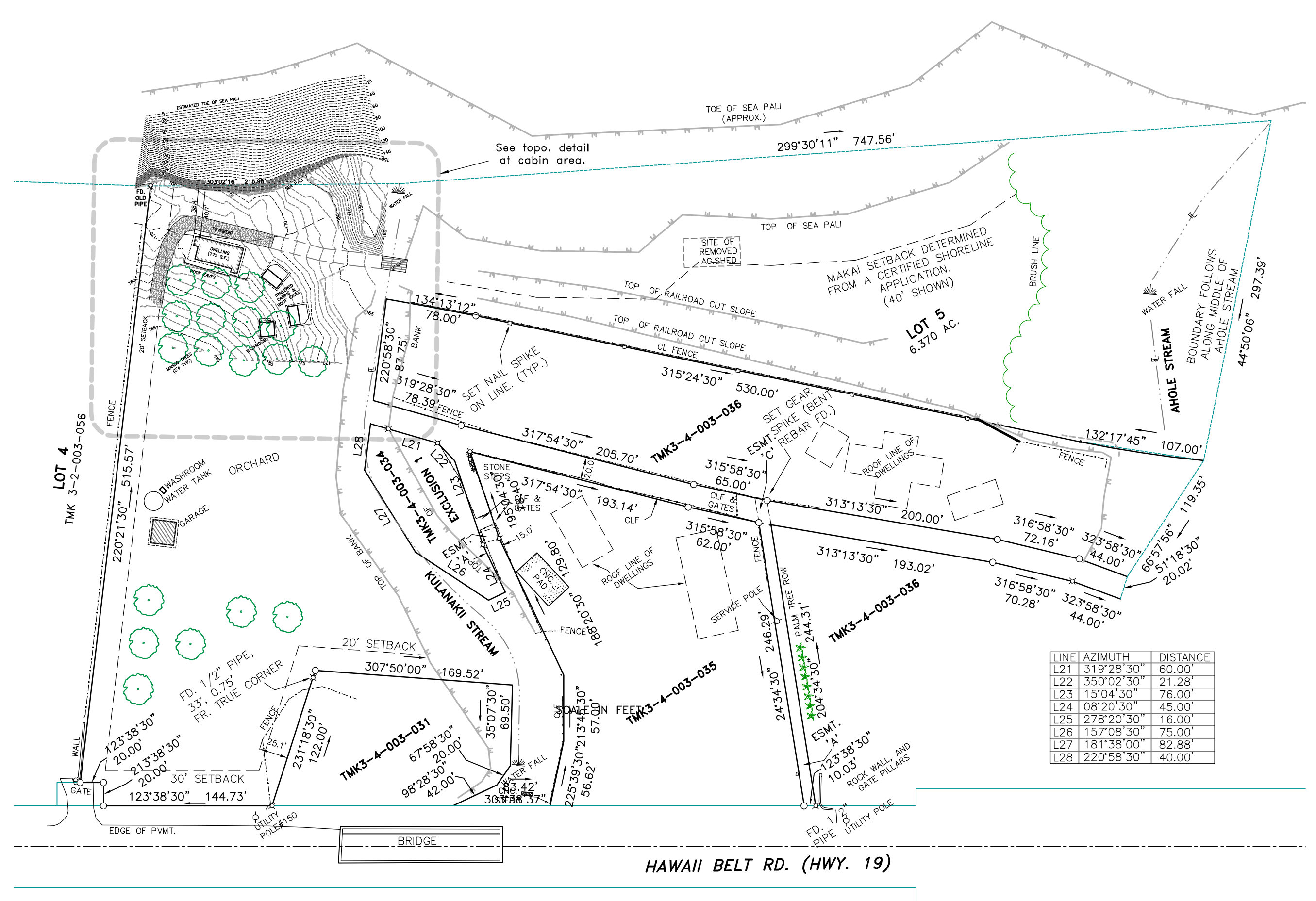
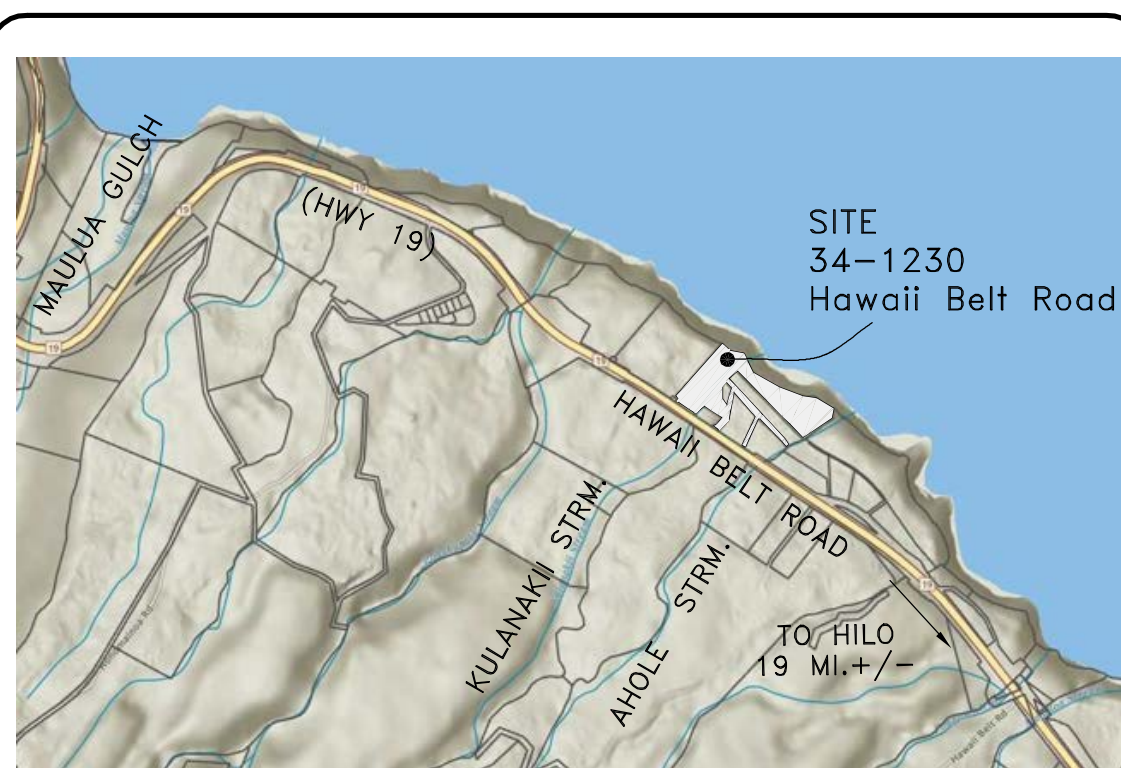
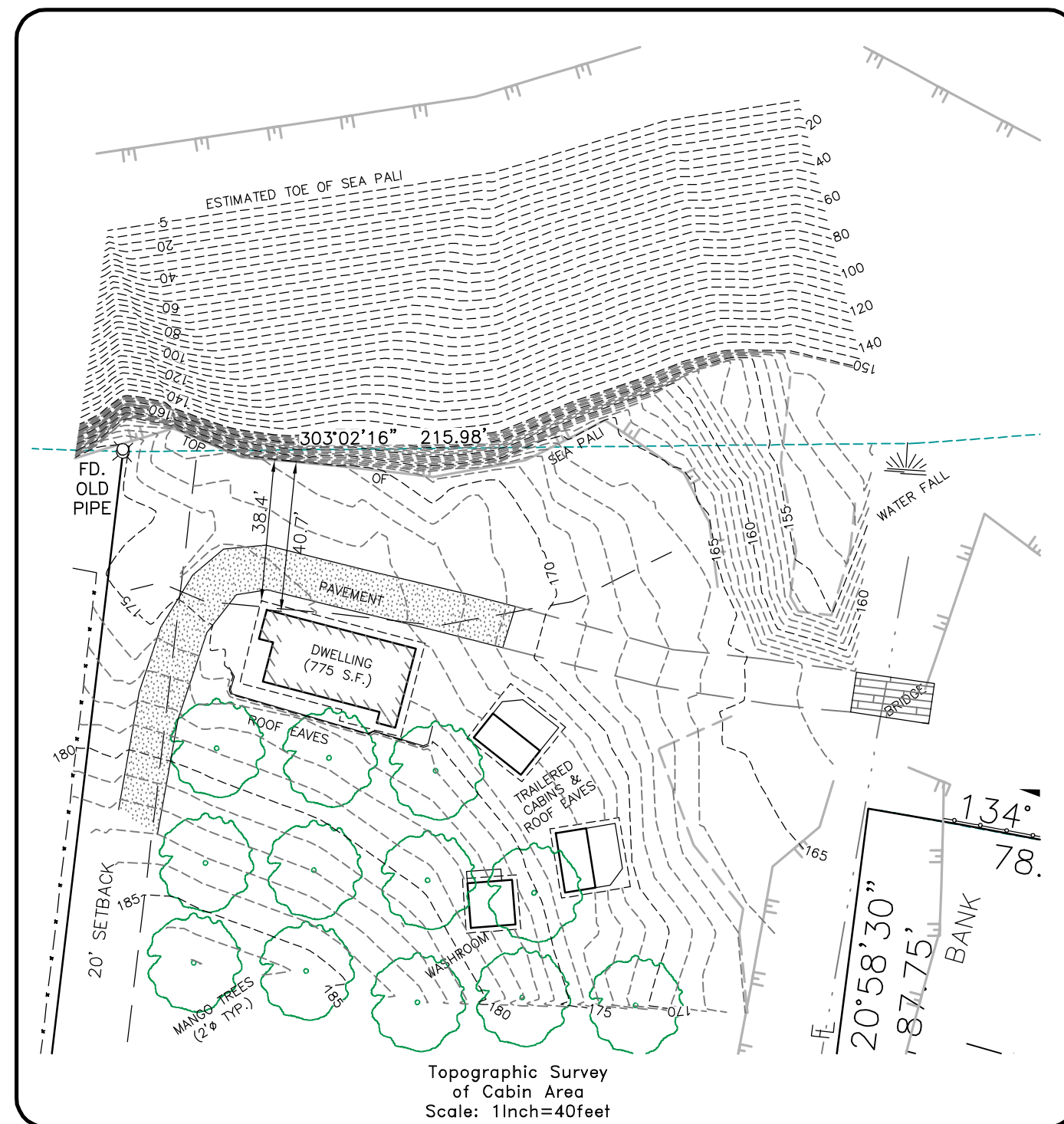
Subject: Additional Information Regarding Application for a Special Management Area (SMA) Use Permit
Applicant: Atlas Surrey LLC
Waikaumalo-Maulua Homesteads, North Hilo, Hawai'i TMK: (3) 3-4-003:021

Transmitted here within for your review and is a revised survey map of the subject property. Per your request, the surveyor has included topographical information on the map in the area of the top of the pali. The top of the pali location remains unchanged from the prior map and we again request that the top of the pali be determined to be the shoreline. Additionally, it has come to our attention that the dwelling eaves were not included on the original map. Per this revised map, it appears that the eaves extend as much as 1.6 feet into the 40-foot shoreline setback area. The applicant understands that this constitutes a setback encroachment and will remove the encroaching portion of the eaves.

I trust that everything is in order for your acceptance and processing of this application. If not, or if there are questions relating to this matter, please feel free to direct them to me. Thank you very much.

Sincerely,

John Pipan
Land Planning Hawaii LLC



- NOTES:**
1. Various field surveys completed Jan.6, 2022 to April, 2025.
 2. Courses are record dimensions per:
Plan of Consolidation and Resubdivision
approved May 1985 by HCPD as SUB#5245
 3. Owners:
ATLAS Surrey LLC
7119W.Susef Blvd. #1210
Los Angeles, CA. 90046-4411
 4. Site Address:
34-1230 Hawaii Belt Road (Hwy. 19)
Ninole, HI. 96773
 5. Land Use Zone: A-20a
 6. Elevations are referenced to an assumed value, derived from autonomous GPS observations. 1 ft contour interval shown.
 7. Toe of sea pali estimated from satellite imagery. Access unsafe.
- Easements servient by Lot 5:
- Esmt A appurtenant to tmk parcels 035, 022 and 036 for access purposes.
- Esmt B appurtenant to tmk parcel 036 for access purposes.
- Esmt. C appurtenant to tmk parcel 035 for access purposes.

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

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

P.O. BOX 621
HONOLULU, HAWAII 96809

May 26, 2025

MEMORANDUM

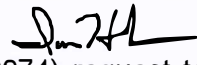
FROM: ~~TO:~~

DLNR Agencies:

- ☐ Div. of Aquatic Resources (kendall.i.tucker@hawaii.gov)
- ☐ Div. of Boating & Ocean Recreation (richard.t.howard@hawaii.gov)
- ☒ **Engineering Division** (DLNR.ENGR@hawaii.gov)
- ☒ Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
- ☐ Div. of State Parks (curt.a.cottrell@hawaii.gov)
- ☒ Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
- ☒ Office of Conservation & Coastal Lands (sharleen.k.kuba@hawaii.gov)
- ☒ Land Division – Hawaii District (candace.m.martin@hawaii.gov)
- ☒ Aha Moku Advisory Committee (leimana.k.damate@hawaii.gov)

TO: ~~FROM:~~

SUBJECT:

Ian C. Hirokawa, Acting Land Administrator 
Special Permit Application (PL-SMA-2025-000074) request to provide after-the-fact approval for one Single Family Residence and related improvement in Ninole, North Hilo, Hawaii, Island of Hawaii
LOCATION: Ninole, North Hilo, Hawaii; TMK: (3) 3-4-003:021 (por.)
APPLICANT: John Pipan of Land Planning Hawaii LLC, Consultant on Behalf of Atlas Surrey, LLC and Crystal Hefner, applicant and landowner

Transmitted for your review and comment is information on the above-referenced subject matter. Please submit comments by **June 20, 2025**. If no response is received by the above date, we will assume your agency has no comments. Should you have any questions about this request, please contact Raymond Severn at raymond.severn@hawaii.gov. Thank you.

BRIEF COMMENTS:

- ☐ We have no objections.
- ☐ We have no comments.
- ☐ We have no additional comments.
- ☒ Comments are included/attached.

Signed:

Print Name:

Division:

Date:


Dina U. Lau, Acting Chief Engineer
Engineering Division
Jun 18, 2025

Attachments
cc: Central Files

Planning Dept.
Exhibit 2

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LD/Ian C. Hirokawa

Ref: Special Permit Application (PL-SMA-2025-000074) request to provide after-the-fact approval for one Single Family Residence and related improvement in Ninole

Location: Ninole, North Hilo, Hawaii

TMK(s): (3) 3-4-003:021 (por.)

Applicant: John Pipan of Land Planning Hawaii LLC, Consultant on Behalf of Atlas Surrey, LLC and Crystal Hefner, applicant and landowner

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high-risk areas). Be advised that 44CFR, Chapter 1, Subchapter B, Part 60 reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible for researching the Flood Hazard Zone designation for the project. Flood zones subject to NFIP requirements are identified on FEMA's Flood Insurance Rate Maps (FIRM). The official FIRMs can be accessed through FEMA's Map Service Center (msc.fema.gov). Our Flood Hazard Assessment Tool (FHAT) (fhathawaii.gov) could also be used to research flood hazard information.

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7139.
- Kauai: County of Kauai, Department of Public Works (808) 241-4849.

Signed: _____



DINA U. LAU, ACTING CHIEF ENGINEER

Date: Jun 18, 2025



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

DTS202505271432HE

June 25, 2025

Coastal Zone
Management
Program

Environmental Review
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented
Development

Statewide Geographic
Information System

Statewide
Sustainability Branch

Mr. Jeffrey W. Darrow, Director
Department of Planning
County of Hawai'i
East Hawaii Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

Attn: Alex Roy

Dear Mr. Darrow:

Subject: Special Management Area Use Permit Application (PL-SMA-2025-000074) for the After-the-Fact Construction of a One-Story Single-Family Residence and Related Improvements on a Shoreline Parcel, Ninole, North Hilo, Hawai'i Island; Tax Map Key: (3) 3-4-003: 021

Thank you for the opportunity to provide comments on the Special Management Area (SMA) Use Permit Application (PL-SMA-2025-000074), transmitted via memorandum dated May 22, 2025, for the after-the-fact construction of a single-family residence (SFR) farm dwelling located at 34-1230 Hawai'i Belt Road, North Hilo, Hawai'i.

According to the subject SMA Use Permit application, Atlas Surrey LLC is seeking a SMA Use Permit for the after-the-fact construction of a SFR with detached bedrooms, laundry/bath structure, garage and associated improvements. Upon obtaining SMA approval, the applicant intends to pursue "As-Built" building permits for all unpermitted improvements.

According to the submitted application, the subject parcel is a shoreline parcel. The makai boundary of the property terminates at an approximately 200-foot-high sea cliff (pali) which serves as the shoreline. The Federal Emergency Management Flood Insurance Program identifies the parcel as within Zone X, areas outside of the 500-year flood. The parcel consists of 6.37 acres of land zoned Agricultural 20 acres (A-20a). Approximately 1.5 acres of the property contains a productive lychee farm. The "As-Built" dwelling and associated improvements are contained to an approximately 0.5-acre portion of the property.

The estimated cost of the project is approximately \$510,000.

Planning Dept.
Exhibit 3

The Office of Planning and Sustainable Development (OPSD) has reviewed the subject SMA Use Permit Application forwarded to us by the County of Hawai‘i and has the following comments to offer:

1. Civil Fine for Violations

Pursuant to Hawai‘i Revised Statutes (HRS) § 205A-32, the applicant shall recognize that any person who violates provisions of Part II or Part III of Chapter 205A shall be liable for a civil fine, which could be up to \$100,000 per case, and \$10,000 a day for each day in which such violation persists.

2. Shoreline Setback Line

The subject SMA Use Permit Application, page 13, states that all structures are located more than 40 feet from the edge of the pali and thus are outside of the shoreline setback area, while requesting a determination from the County of Hawai‘i Planning Department that the existing paved driveway be considered a “minor structure” within the shoreline area. The application should revise the subject statement and assess the portion of the paved driveway within the shoreline area, which shall be determined by the County Planning Department.

3. Low Impact Development/Stormwater Runoff Mitigation

The applicant will obtain after-the-fact approval for the existing individual wastewater system (IWS) from the Department of Health (DOH). Early consultation with the DOH has indicated that an additional IWS may be necessary to meet the wastewater needs of the project. Given that the new system is planned to be constructed between the two detached bedrooms, the subject SMA Use Permit Application shall discuss the proposed construction of this additional IWS with the site-specific best management practices to prevent any runoff, sediment, soil and debris potentially resulting from associated construction activities from adversely impacting the coastal ecosystems and the State waters as specified in Hawai‘i Administrative Rules Chapter 11-54.

We recommend that the applicant, Atlas Surrey LLC, refer to OPSD’s 2023 Low Impact Development (LID) Practitioner’s Guide. The LID Practitioner’s Guide provides guidance on the planning and implementation of LID BMPs for new development and redevelopment in Hawai‘i. LID design features consist of nature-based solutions aiming to preserve or enhance the natural hydrology of a place that existed prior to development. The LID guidance can be accessed via our website at:
https://files.hawaii.gov/dbedt/op/czm/ormp/ormp_implementation/2023LIDPractitionersGuide.pdf

Mr. Jeffrey W. Darrow
June 25, 2025
Page 3

4. Artificial Lighting in SMA

In enacting Act 224, Session Laws of Hawai‘i 2005, the legislature found that light pollution in Hawai‘i’s coastal areas and artificial lighting illuminating the shoreline and ocean waters can be disruptive to avian and marine life. All exterior lighting and lamp posts associated with the SFR, and detached structures shall be cut-off luminaries to provide the necessary shielding to mitigate potential light pollution in the coastal areas and lessen possible seabird strikes. No artificial light, except as provided in HRS §§ 205A-30.5(b) and 205A-71(b), shall be directed to travel across the property boundaries toward the shoreline and ocean.

If you respond to this comment letter, please include DTS202505271432HE in the subject line. For any questions regarding this letter, please contact Josh Hekeia of our office at (808) 587-2846 or by email at Joshua.K.Hekeia@hawaii.gov.

Sincerely,



Mary Alice Evans
Director