

From: Tim Lui-Kwan [<mailto:tluikwan@carlsmith.com>]

Sent: Wednesday, February 10, 2016 5:52 PM

To: Surprenant, April

Cc: Chris Norrie

Subject: County General Plan Update - Designation of Lands below the 1,000' el. in South Kona

Aloha April,

As I mentioned during our discussion on Monday regarding the department's current update to the GP, I would like the Planning Department to consider changes to the current IAL designation for lands below the 1,000' elevation in South Kona. I've attached some material that we put together which we believe provides a basis for designating as "Extensive Agriculture" those lands lying *makai* of the 1,000' elevation between the Hokuli'a project and Kealakekua Bay in South Kona. The same rationale and facts that justified the change in designation from IAL to Extensive Agriculture for lands in North Kona (see attachments) on LUPAG Map 4 during the County's 2005 update of the General Plan are present in South Kona as well. There is no difference in the soil type, topography, rainfall and land use between the North Kona lands (Keauhou and Honalo) below the 1,000' elevation than those lands in South Kona. All of the farmers in Kona know that the 1,000' elevation is considered the bottom of the coffee belt – the point at which rainfall is not sufficient to support crops without irrigation. The South Kona lands, like those lands just a bit further North in Honalo that were redesignated on the LUPAG maps as "Extensive Agriculture", have been traditionally used for pasture and ranching. I know that you said that you will not be back in the office until the week after next but if I can't make the meeting, Chris Norrie, one of the affected South Kona landowners who I am copying on this email, will be contacting you to schedule a meeting in the last week in February to discuss a suggested change in LUPAG designation for those similarly situated properties in South Kona. There is really no good reason for treating landowners of property *makai* of the 1,000' elevation differently based on which side of the district boundary they are located. I believe that the change will have a positive impact on the actual agricultural uses for these properties and well received by the community. Thank you for considering the suggested changes, Tim

TIMOTHY J. LUI-KWAN

Partner | Carlsmith Ball LLP

Carlsmith Ball LLP
A LIMITED LIABILITY LAW PARTNERSHIP

1001 Bishop Street, Suite 2100

Honolulu, HI 96813

Tel: [808.523.2511](tel:808.523.2511) Fax: [808.523.0842](tel:808.523.0842)

Honolulu · Hilo · Kona · Maui · Guam · Los Angeles

www.carlsmith.com [Download V-Card](#)

IMPORTANT/CONFIDENTIAL:

This message from the law firm of Carlsmith Ball LLP, A Limited Liability Law Partnership, contains information which may be confidential, privileged, and/or exempt from disclosure under applicable law. If you are not the addressee (or authorized to receive for the addressee), you are hereby notified that the copying, use or distribution of any information or materials transmitted in or with this message is strictly prohibited. If you received this message in error, please immediately notify me (the sender) by replying to this email, then promptly destroy the original message. Thank you.

Suggested change of designation in lands below 1,000 ft. elevation in South Kona from Important Ag Lands to Extensive Agriculture, as marked on existing LUPAG Map attached.

1. Such lands (not recent lava flows) have predominantly been used as pasture, and are imprudently designated as Important Ag Lands.
2. In the last comprehensive review of the General Plan similar lands to the North below 1,000 ft. elevation were redesignated to Extensive Agriculture by LUPAG change E6¹. Similar lands should be treated equitably by the General Plan, and not show favoritism to particular landowners.

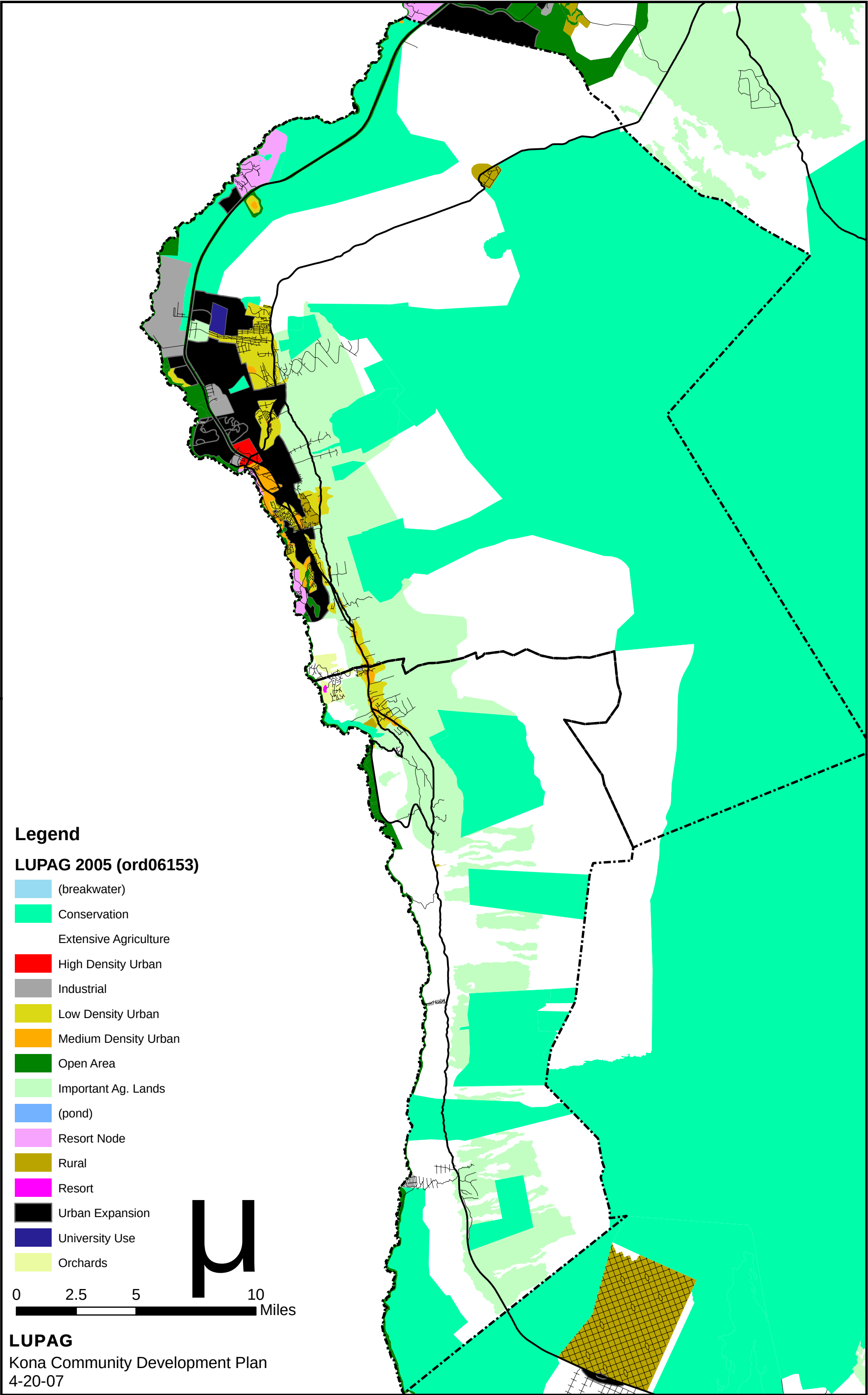
E-6 Extensive Agricultural and Orchards to Important Agricultural Lands

Location: Area between the 1000' elevation and Mamalahoa Highway, from Keahou to Hokukano

***Rationale:** In this area of Kona, the lower limit of the "Important Agricultural Lands" should be the lower limit of the "Coffee Belt." In a prior council resolution, this was identified as the 700' elevation. However, after receiving testimony from kamaaina landowners at the workshop, the Planning Director believes that the 1000' elevation is a more accurate level for the dividing line.*

3. It is poor public policy to encourage the use of County Water for irrigation purposes at such lower elevations. At higher elevations coffee has been grown without irrigation and water requirements increase substantially at lower elevations. A West Hawaii Today article in support of this concept today article attached.

¹ Belt Collins provided an exhaustive study, including rainfall data, to justify such change, the executive summary of which is attached. The remaining detail of Belt Collins study is on file with Planning Department.





November 21, 2003
03A-618

Mr. Leningrad Elarionoff
Chairperson Planning Committee
County Council
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Elarionoff:

Proposed Revision to LUPAG Map 4
North Kona, Hawaii

Because over a year has passed since this testimony regarding the proposed changes to the Hawaii County General Plan was presented, it is being resubmitted on behalf of the following North Kona landowners:

<u>Landowner</u>	<u>TMK</u>	<u>Acreage</u>
1) Kona Trust	7-9-05: 9	49.67
	7-9-95: 76	<u>108.55</u>
		158.22
2) William Paris Sr. Trust	7-9-05: 4	0.777
	7-9-05: 14	59.40
	7-9-05: 78	161.50
	7-9-07: 13	<u>12.500</u>
		234.177
3) Agnes P. Smith Trust	7-9-05: 5	16.80
	7-9-05: 79	94.50
	7-9-05: 15	<u>0.439</u>
		111.739
4) Agnes K.P. Smith Trust	7-9-06: 5	12.0
	7-9-96: 37	<u>29.0</u>
		41.0

Honolulu
Guam
Hong Kong
Philippines
Seattle
Singapore
Thailand

<u>Landowner</u>	<u>TMK</u>	<u>Acreage</u>
5) William J. Paris, Jr.	7-9-05: 6	11.70
	7-9-05: 77	20.70
	7-9-05: 7	0.643
	7-9-05: 60	22.403 *
	7-9-05: 75	0.987
	7-9-06: 3	46.5
	7-9-06: 36	66.5
	7-9-06: 4	18.0
	7-9-06: 35	18.0
	7-9-06: 13	3.45
	8-9-06: 14	<u>2.75</u>
		211.633
6) Margaret Schattauer	7-9-05: 2	30.80
	7-9-05: 3	<u>16.357</u>
		47.157
	TOTAL	<u><u>803.926</u></u>

**Recently Sold.*

The lands owned by these landowners, all of whom have owned their land here for many years, are located generally between Keauhou Resort and Hokulia and between the shoreline and area below the Kuakini and Mamalahoa Highways in North Kona. These lands, which are referred to herein as the Lower Honalo lands, are vacant or in very low-carrying capacity cattle ranching. The cattle are placed on the land primarily to keep scrub vegetation down to mitigate fire hazard.

In general, the Lower Honalo lands are steep, stony, and rocky Aa and Pahoehoe lava with little or no soil cover. These are the same soils as underlay Hokulia and Keauhou Resort. There is no irrigation on these lands. As a County condition for the development of Hokulia, a bypass roadway for Mamalahoa Highway is currently under construction across these Lower Honalo lands. No provision is being made for the bringing of irrigation or domestic water to these lands in the building of the bypass.

The draft General Plan update proposes to replace the current "Orchards" and "Extensive Agricultural" designations for these Lower Honalo lands with a new classification called "Important Agricultural Lands."

The text of the draft General Plan update sets forth criteria for lands to be classified as "Important Agricultural Lands." The draft update states that lands to be classified as "Important Agricultural Lands" have "better potential for sustained high agricultural yields." The criteria set forth in the draft update is shown in Exhibit B, which is attached.

That same criteria has been used by Belt Collins Hawaii and the respective landowners to evaluate the Lower Honalo lands. Our evaluation, which is attached as Exhibit C, divides the Lower Honalo lands into four areas beginning at the shoreline and moving mauka as follows:

Area 1 - Lower Honalo land makāi of the new bypass road down to the shoreline.

Area 2 - Lower Honalo land between the new bypass road and the old railroad right-of-way.

Area 3 - Lower Honalo land mauka of the old railroad right-of-way up to about the 1,000-foot elevation.

Area 4 - Lower Honalo land mauka of the 1,000-foot elevation.

You will note that our evaluation shows that the Lower Honalo lands within Areas 1, 2, and 3 do **not** meet the criteria for "Important Agricultural Lands." It is obvious from our evaluation, using the draft update criteria, that these lands belong in the "Extensive Agriculture" classification, which is defined as *"Lands not classified as Important Agricultural Land. Includes lands that are not capable of producing sustained, high agricultural yields without the intensive application of modern farming methods and technologies due to certain physical constraints such as soil composition, slope, machine tillability and climate. Other less intensive agricultural uses such as grazing and pasture may be included in the Extensive Agricultural land category."*

Our evaluation shows that only some of the land in Area 4, land mauka of the 1,000-foot elevation, belongs in the "Important Agricultural Lands" classification. These are the Coffee Belt lands with Honuaulu soils and adequate rainfall. In addition, irrigation water may be made available from existing mauka water systems to these lands, but such water would be inadequate for the very dry, stony lands below the 1,000-foot elevation.

On behalf of our clients, we respectfully request that draft LUPAG Map 4, North Kona, be modified to reflect our Exhibit A, which is attached. Exhibit A shows the proper location for "Important Agricultural Lands" and "Extensive Agriculture" designations on the Lower Honalo lands based on criteria of the draft General Plan update.

Mr. Leningrad Elarionoff
November 21, 2003 - 03A-618
Page 4

If you have any questions, we would be pleased to answer them, and we hope for your favorable consideration of this request.

Sincerely yours,

BELT COLLINS HAWAII LTD.



James R. Bell

JRB:gk

cc: Christopher Yuen/Norman Hayashi
John Michael White
Landowners

Enclosures



- LEGEND**
- 1000 foot contour
 - Old Railroad Easement
 - Mamalahoa Highway Bypass Road
 - Real Property Parcels

- Proposed LUPAG**
- Extensive Agriculture
 - Low Density Urban
 - Medium Density Urban
 - Open Area
 - Urban Expansion
 - Proposed Important Agricultural Lands
 - Not Included

**EXHIBIT A
PROPOSED
CHANGE TO
DRAFT LUPAG MAP
NORTH KONA #4**

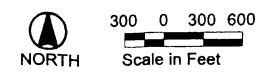


EXHIBIT B

Current Proposed Criteria in General Plan Draft

Agriculture Designations - Draft General Plan Update 2002

(Intensive Agriculture: Sugar, orchard, diversified agriculture, and floriculture.

High: Fertile soil.

Low: Less fertile soil.

Extensive Agriculture: Pasturage and range lands.

Orchard: Those agricultural lands which, though rocky in character and content, support productive macadamia nuts, papaya, citrus and other similar agricultural products).

Important Agricultural Land: Important agricultural lands are those with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors. Important agricultural lands were determined by including the following lands:

- Lands identified as "Intensive Agriculture" on the 1989 General Plan Land Use Pattern Allocation Guide maps.
- Lands identified in the Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system as "Prime" or "Unique."
- Lands classified by the Land Study Bureau's Soil Survey Report as Class B "Good" soils. (There are no Class A lands on the island of Hawaii.
- Lands classified as at least "fair" for two or more crops, on an irrigated basis, by the USDA Natural Resource Conservation Service's study of suitability for various crops.
- In North and South Kona, the "coffee belt," a continuous band defined by elevation, according to input from area farmers.
- State agricultural parks.

Some areas that meet the criteria for important agricultural lands on an irrigated basis only were included in the "Extensive Agricultural Land" category due to their remoteness from potential sources of irrigation.

Certain areas that could have been classified as Important Agricultural lands have been placed within urban land use categories. Generally, these are adjacent to existing urban areas. This represents a decision that the orderly development of those urban areas justifies the eventual conversion of those lands to urban use.

Because of the scale of the Land Use Pattern Allocation Guide maps used to designate Important Agricultural Land, the location of these lands should be verified by more detailed mapping when considering specific land use decisions.

EXHIBIT C

EVALUATION OF LOWER HONALO LANDS

Belt Collins Hawaii

(See Attached Map Exhibits C-1, C-2, C-3, and C-4)

Important Agricultural Land

Criteria used in draft General Plan Update: Agricultural land with better potential for sustained high agricultural yields because of:

- a. Soil type.
- b. Climate. See attached Map C-1.
- c. Topography or other factors.
- d. Land identified as "Intensive Agriculture" on 1989 LUPAG maps. See attached Map C-2.
- e. Land identified in ALISH as "Prime" or "Unique." See attached Map C-3.
- f. Land Classified as "B" in the UH Land Study Bureau report. See attached Map C-4.
- g. Land classified as "fair" for two or more crops (coffee, macadamia nut, banana, papaya, and cut flowers) **with irrigation** by USDA.
- h. Coffee Belt defined by elevation.

Area 1. Land Makai of the New Bypass Highway Down to the Shoreline:

- a. Soil types:
 - (i) 230 Waiaha - stony and unsuited for machine tilling.
 - (ii) 233 Waiaha - rocky with frequent outcrops of pahoehoe and unsuited for machine tilling.
 - (iii) 289 Pahoehoe - no soil and unsuited for machine tilling.
 - (iv) 292 Almost Bare Pahoehoe - no soil and very poorly suited for machine tilling.
 - (v) 319 Bare Aa - no soil and unsuited for machine tilling.
- b. Climate - hot and seasonally dry - less than 40" of rain.
- c. Topography or other - steep and rocky, now partially in cattle ranching.

- d. Intensive Ag. 1989 GP - no land designated Intensive Ag.
- e. ALISH - no land designated Prime or Unique.
- f. UH - no land classified as B.
- g. USDA - no irrigation available.
- h. Coffee Belt - no coffee growing.

Area 2. Land Between New Bypass Highway and Old RR Right-of-Way:

- a. Soil types:
 - (i) 72 Kainakui - shallow soil unsuited for machine tilling.
 - (ii) 230 Waiaha - stony and unsuited for machine tilling.
 - (iii) 289 Pahoehoe - no soil and unsuited for machine tilling.
 - (iv) 262 Aa - no soil and unsuited for machine tilling.
- b. Climate - hot and seasonally dry with rainfall above 40".
- c. Topography and other - steep and rocky, now partially in cattle ranching.
- d. Intensive Ag. 1989 GP - no land designated Intensive Ag.
- e. ALISH - no land designated Prime or Unique.
- f. UH - no land classified as B.
- g. USDA - no irrigation available.
- h. Coffee Belt - no coffee growing.

Area 3. Land Mauka of Old RR Right-of-Way up to the 1,000' Elevation:

- a. Soil types:
 - (i) 71 Kainaliu - deep soil, rocky and unsuited for machine tilling.
 - (ii) 72 Kainaliu - shallow soil, rocky and unsuited for machine tilling.
 - (iii) 262 Aa - no soil and unsuited for machine tilling.
 - (iv) 292 Almost Bare Aa - no soil and very poorly suited for machine tilling.
- b. Climate - hot and seasonally rainy with 40" to 60" of rain.

- c. Topography and other - steep with 11 to 20 percent slope, partially used for cattle grazing.
- d. Intensive Ag. 1989 GP - no land classified Intensive Ag.
- e. ALISH - no land classified as Prime or Unique.
- f. UH - no land classified as B.
- g. USDA - no irrigation available.
- h. Coffee Belt - no coffee growing.

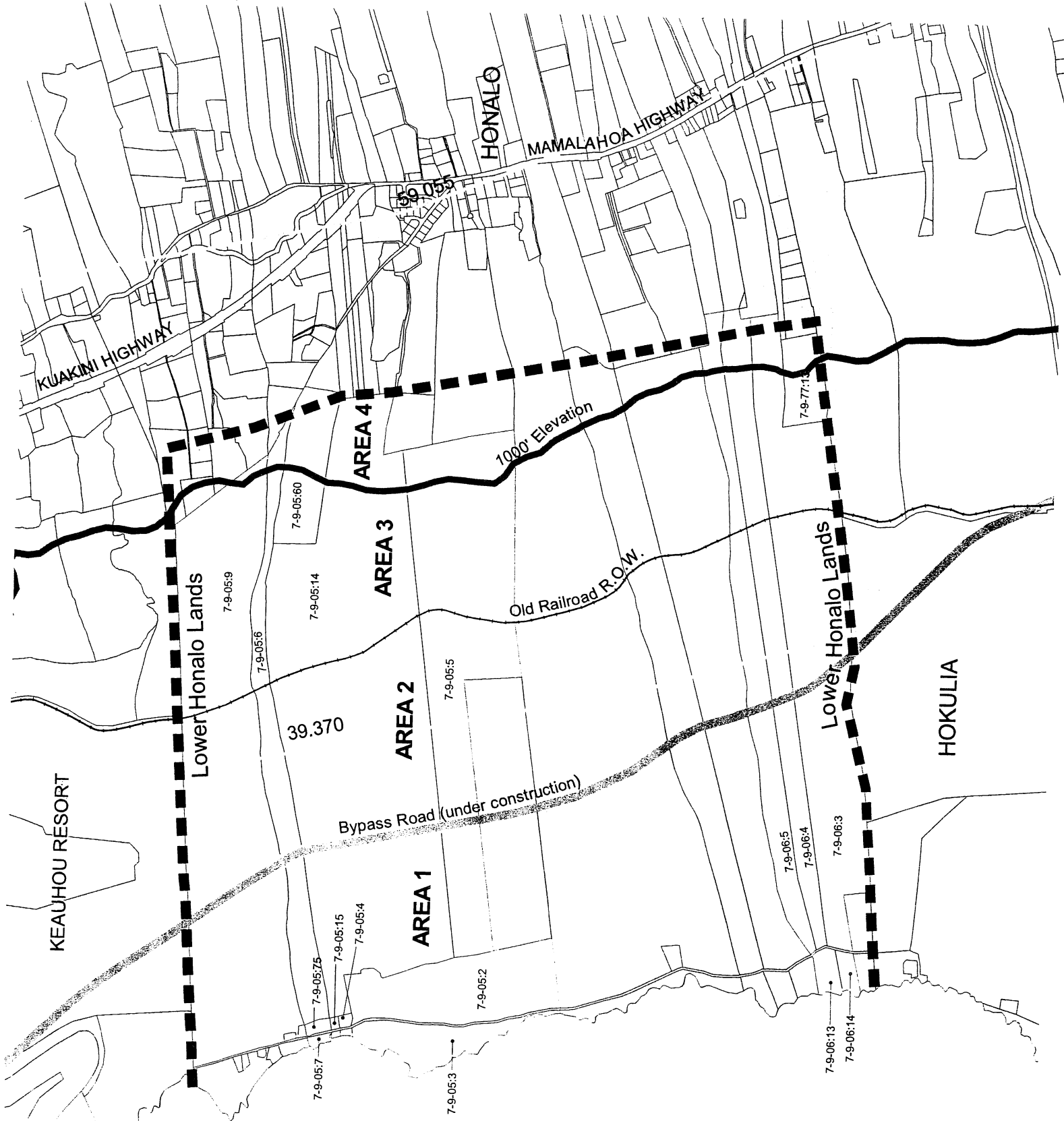
Area 4. Land Mauka of the 1,000' elevation up to Kuakini and Mamalahoa Highways:

- a. Soil types:
 - (i) 51 Honuaulu - moderately deep to deep soil, stony and poorly suited for machine tilling.
 - (ii) 52 Honuaulu - moderately deep to deep soil, rocky and unsuited to machine tilling.
 - (iii) 53 Honuaulu -
 - (iv) 292 Almost Bare Aa - no soil and very poorly suited for machine tilling.
- b. Climate - moderately humid and cloudy, 40" to 50" of rain
- c. Topography and other - steep undulating terrain.
- d. Intensive Ag. 1989 GP - no land classified Intensive Ag.
- e. ALISH - some land classified as Unique.
- f. UH - land within 51 Honuaulu soils is rated B. Land within 52 and 53 Honuaulu is rated C.
- g. USDA - there is no irrigation available.
- h. Coffee Belt - land with Honuaulu soils are within the Coffee Belt.

LEGEND

-  1000 foot contour
-  Old Railroad Easement
-  Mamalahoa Highway Bypass Road
-  Real Property Parcels
-  Rainfall (in inches)
-  Landowners Not Included in Study
-  TMK number

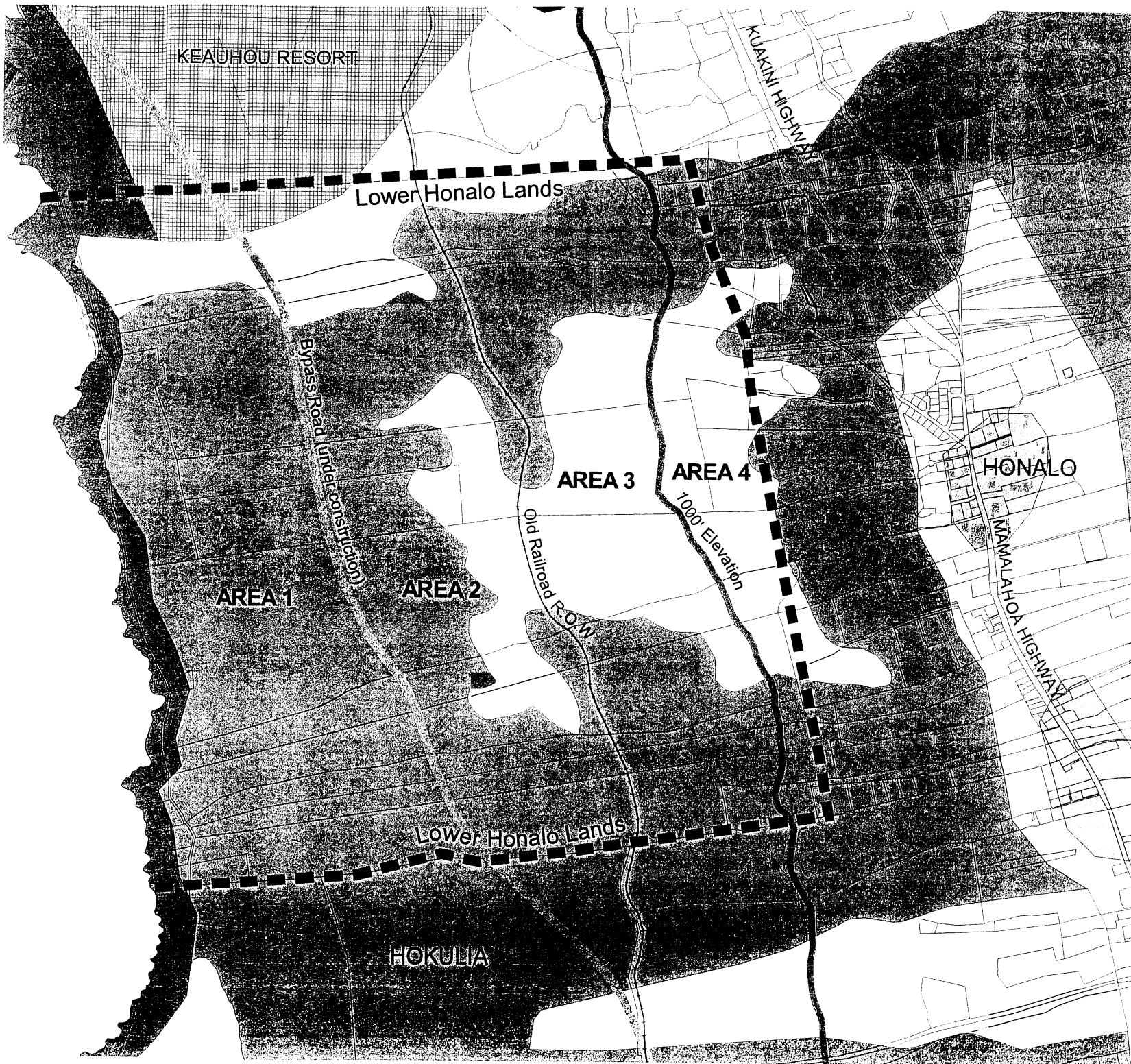
7-9-01:2



MAP C-1
RAINFALL MAP

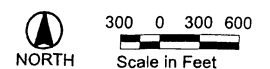


300 0 300 600
Scale in Feet



- LEGEND**
- 1000 foot contour
 - Old Railroad Easement
 - Mamalahoa Highway Bypass Road
 - Real Property Parcels
- 1989 LUPAG**
- Extensive Agriculture
 - Low Density Urban
 - Medium Density Urban
 - Open Area
 - Orchards
 - Resort
 - Urban Expansion

MAP C-2
1989 LUPAG MAP

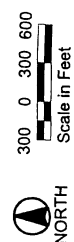




LEGEND

- 1000 foot contour
- Old Railroad Easement
- Mamalahoa Highway Bypass Road
- Real Property Parcels
- ALISH
- Non-classified
- Uniques Agricultural Lands
- Other Agricultural Lands

**MAP C-3
ALISH
CLASSIFICATIONS
MAP**



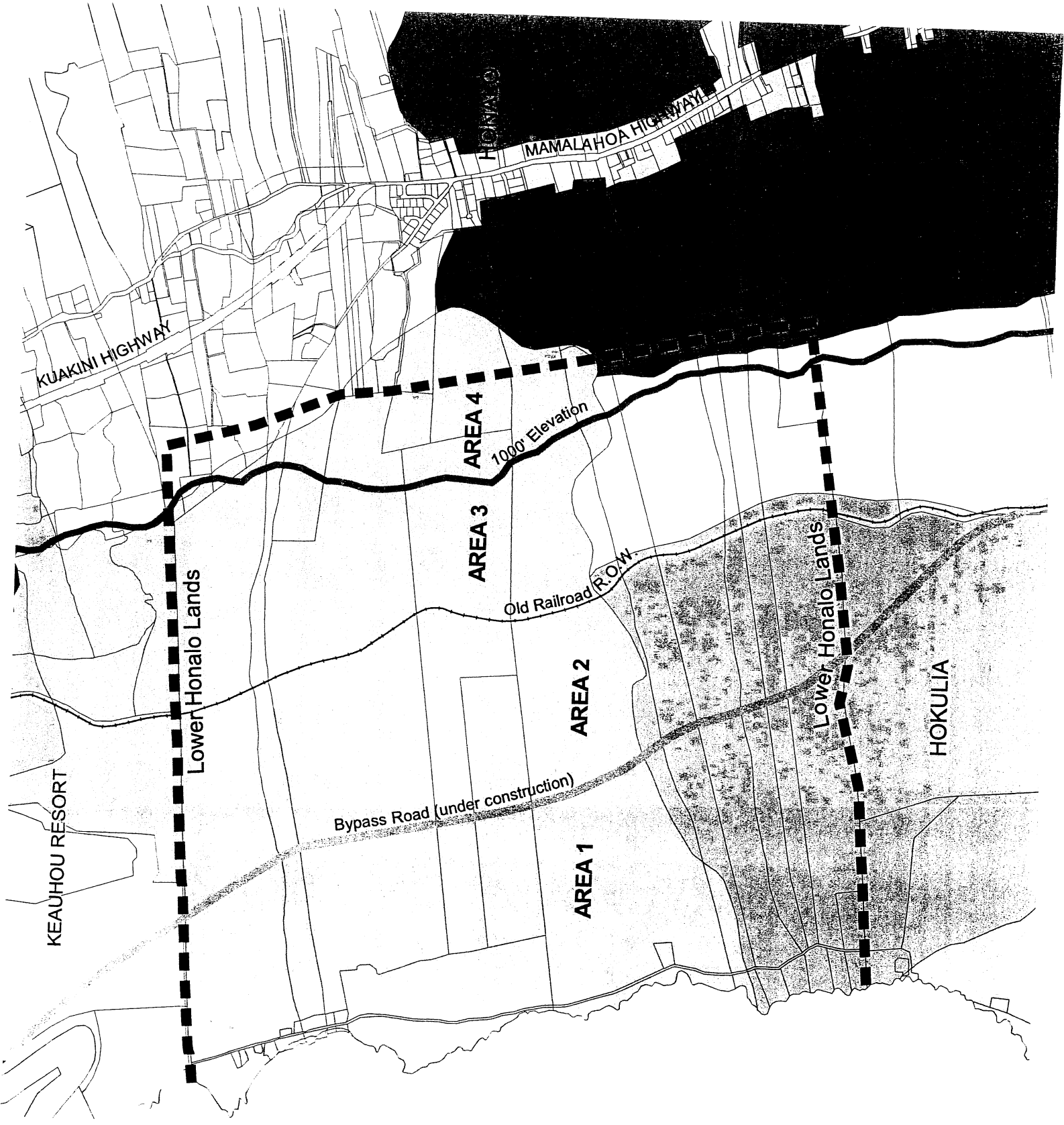
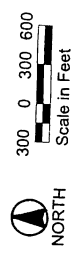
LEGEND

- 1000 foot contour
- Old Railroad Easement
- Mamalahoa Highway Bypass Road
- Real Property Parcels

UH Land Study Bureau Classifications

- B
- C
- D
- E
- N

MAP C-4
UH LAND
STUDY BUREAU
CLASSIFICATIONS





Conserving a way of life

USDA shows farmers how to improve land while protecting wildlife

by Carolyn Lucas
West Hawaii Today
clucas@westhawaiiitoday.com

Wednesday, August 16, 2006 9:05 AM HST

For years, the USDA Natural Resources Conservation Service has helped farmers and ranchers make conservation decisions that improve soil, water, air and wildlife on privately owned lands.

From now until Jan. 15, Big Island residents can sign up for two voluntary programs administered by NRCS that make significant environmental and economic contributions.

"We are trying to make people aware of the problems and encourage them to install certain conservation practices that will measurably improve the resources of concern," said Jeff Knowles, NRCS Kona District conservationist. "We want to help people become excellent stewards of the land. We basically show them how to make their land better for the next generation and better than how they got it."

Highly effective and widely accepted, the Wildlife Habitat Incentive Program helps landowners develop and improve wildlife habitat on their land. The program pays for up to 75 percent of the cost of practices, which benefit threatened and endangered species.

NRCS has WHIP contracts -- usually lasting from five to 10 years -- on about 12 farms and ranches with more than \$1 million in USDA funds, Knowles said.

The most common practice used is fencing. NRCS helps pay for installing a fence around native trees to keep feral animals away, Knowles said.

Since WHIP began in 1998, participants have enrolled more than 2.3 million acres into the program. Most efforts have concentrated on improving upland wildlife habitats. However, there is an increasing emphasis on improving riparian and aquatic areas, according to the USDA Web site.

The Environmental Quality Incentives Program promotes "agricultural production and environmental quality as compatible goals," stated the NRCS Pacific Islands Area EQIP Fact Sheet.

During the last three years, NRCS made \$3 million available for targeted conservation assistance in Kona through EQIP and expects an additional \$700,000 to be available for 2007, Knowles said.

Farmers and ranchers who earn a minimum of \$1,000 from their land are eligible. The programs pays between 50 and 75 percent of the cost of installing conservation practices that address inadequate water supply, sedimentation, deforestation/noxious weeds and animal waste, Knowles said.

If selected, the length of the contract will be from two to 10 years. Cost-share reimbursement payments will be made to the participant upon successful completion of the practices and submission of documentation of expenses, the fact sheet states.

NRCS has seen increased soil erosion from crop lands in Kona, particularly in coffee and macadamia nut fields that have no grass. Through EQIP, the federal agency will pay to establish grass strips between rows of trees that filter out the sediment and help keep the soil on the farm, Knowles said.

Other examples of assistance include providing financial aid for the removal of Christmas berry, strawberry guava and African tulip as well as the planting of native trees and fencing to keep feral animals out.



Bob Nelson walks part of his 3.8 acre coffee farm in Kainaliu, irrigated through a government subsidy. - Photo By Michael Darden | West Hawaii Today

Farmers tend to irrigate their crop land using county water. This common practice is affecting many of the wells in Kona, which are showing declines in the available water supply, Knowles said.

NRCS helps landowners convert to catchment by completing a design and paying for up to 75 percent of the cost.

"It's a win for the environment because we have less draw on the aquifer and it's a win for the landowner who has smaller water bills," Knowles said.

Bob Nelson of Lehuula Farms in Kainaliu signed up for EQIP assistance in order to upgrade his irrigation system to catchment.

"I should have applied for rain too," he joked Tuesday afternoon.

There has been a lower-than-normal rainfall on the Big Island this year. Due to the dry streak, Nelson has been running county water into his newly built water tank. Nevertheless, he is pleased with the catchment system, which allows him to get more water to his 3.8-acre coffee farm.

Nelson touted EQIP as being a badly needed program with "great merit" that helps small farmers who cannot afford to develop and implement these practices on their own.

Find out more

- To apply or get more information, visit the NRCS Kealahou Field Office at 81-948 Waena Oihana Loop, Suite 101 in Kealahou. Those interested may also call 322-2484.

Copyright © West Hawaii Today, 1997 - 2004
Stephens Media Group Privacy Statement

Close Window [x]